

AFRICA

ANGOLA

The Popular Movement for the Liberation of Angola (MPLA) has ruled the country since its independence from Portugal in 1975. The country's competing independence movements began a civil war immediately after independence, which lasted until the signing of the Bicesse Accords in 1991. Under the Bicesse Accords, one-party rule ended with the passage of a new Constitution that legalized opposition parties and called for U.N.-monitored elections, which were held in 1992. President Jose Eduardo Dos Santos of the MPLA won a plurality of the votes cast in an election that U.N. observers considered free and fair. The National Union for the Total Independence of Angola (UNITA), under the leadership of Jonas Savimbi, rejected the results of the vote and resumed the civil war. In 1994 in an effort to end the civil war, the Government and UNITA signed the Lusaka Protocol, which called for the demilitarization of UNITA, the creation of a national army, the seating of a government of national unity and reconciliation, and the extension of state administration to areas formerly under UNITA control. The Government generally complied with its obligations under the protocol, although the conduct of the police and, to a lesser extent, military units in former UNITA areas drew widespread criticism. UNITA failed to comply with several fundamental aspects of the protocol. It maintained a significant military capability, and it refused to surrender to state administration the territory it held.

At the end of 1998, fighting resumed between the Government and Jonas Savimbi's armed faction of UNITA. A faction of UNITA called UNITA-Renovada and another larger peaceful faction of UNITA both rejected war; during the year, the two groups continued to pursue their goals through peaceful political activity, including as members of the National Assembly. In late 1999, a massive offensive by the Armed Forces of Angola (FAA) destroyed the conventional military capacity of UNITA, and by January 2000, had driven the rebels from their heartland on the central plateau into the country's far east and into scattered pockets elsewhere. By August 2000, the FAA had consolidated its military control of most of the nation's territory; however, UNITA reorganized itself as a guerrilla force and carried out ambushes or attacks on lightly defended targets throughout the country. During the year, UNITA launched a series of attacks against civilian targets; however, these attacks decreased after September 11, reportedly by a direct order from Savimbi. Despite continued calls for peace and dialog between UNITA and the Government, fighting intensified in April, particularly in the central and western areas of the country. The Peace and Reconciliation Commission was established in January and received a \$20 million government appropriation; however, it largely was inactive during the year. In June 1999, the National Assembly voted to postpone new elections indefinitely due to the renewal of conflict; during the year, the Government stated its intention to hold elections by year's end, but later postponed them until 2003. The judiciary, where it functions, is subject to the influence of the President and the MPLA in practice.

The Ministry of Interior is responsible for internal security, a function that it exercises through the Angolan National Police (ANP), the Rapid Intervention Police (PIR), which was created in 1992 as an elite paramilitary force, and other organs of state security. The FAA are responsible for protecting the State against external threats and for counterinsurgency operations against UNITA and have intervened in regional conflicts every year since 1996. The FAA also is involved in similar operations, although on a smaller scale, against the Front for the Liberation of the Enclave of Cabinda-Armed Forces of Cabinda (FLEC-FAC). The FAA claimed that it had integrated more than 12,000 UNITA soldiers since the 1999 fall offensive. The civilian authorities maintain effective control of the security forces; however, there were some instances in which the security forces acted independently of the Govern-

ment, primarily because of poor discipline and participation in the conflict. Security forces committed serious human rights abuses.

The population is approximately 12 million. The security factors that inhibited the country's transition to full multiparty democracy had a similar effect on the country's transition from a directed, state-dominated economic system to one based on market principles. Eighteen percent of the budget remains dedicated to defense (or 10 percent of gross domestic product (GDP), a decline from 40 percent in 2000; the difference was applied to public works, health, and education. The economy continued to perform poorly and despite abundant natural resources, output per capita is extremely low. Annual per capita GDP was approximately \$450 (13,500 kwanza). The country produces more than 750,000 barrels of oil per day, a total that is expected to rise to more than 1 million by the end of 2002. Due to its control of oil revenues, the parastatal oil company Sonangol plays a dominant role in both the economy and government. The country produced an estimated \$600 million (18 billion kwanzas) worth of diamonds in the areas controlled by the Government. There also are lucrative untapped mineral, agricultural, and hydroelectric resources in the country. The Government has begun to liberalize its import regimes and reform its regulatory agencies to allow the more efficient importation of the goods and services upon which the economy depends. Despite some economic reforms, corruption and mismanagement are pervasive in the public sector and widespread in the private sector. The country's wealth continued to be concentrated in the hands of a small elite who often used government positions for massive personal enrichment, and corruption continued to be a common practice at all levels. The average monthly salary of urban wage earners (approximately 20 percent of the labor force) was far below what is required for basic subsistence, and rural wages are even lower because the majority of the rural economy is dependent on subsistence agriculture and is highly vulnerable to the political unrest in the country.

The Government's human rights record remained poor; although there were slight improvements in a few areas, serious problems remain. Citizens have no effective means to change their government. Members of the security forces committed extrajudicial killings, were responsible for disappearances, and tortured, beat, raped, and otherwise abused persons. Verification of these reports was extremely difficult, particularly those emanating from remote areas and those areas affected by active combat. The Government often failed to pay the salaries or to supply necessary provisions to the majority of its security forces, which contributed to the harassment and abuse of civilians as security forces tried to obtain supplies. The poor discipline and poor working conditions of the military made it the worst offender; police units generally had better discipline and a more effective chain of command. Other than those personnel assigned to elite units, the Government gives tacit permission for security personnel to supplement their income by the extortion of civilians. Prison conditions were harsh and life threatening. The Government routinely used arbitrary arrest and detention, and lengthy pretrial detention was a problem. Although the Government made some efforts to discipline members of the security forces for abuses, the Government often did not prosecute nor punish those in the security forces who were responsible for abuses. Impunity was a serious problem. The judiciary is subject to executive influence, only functions in certain parts of the country, and does not ensure due process. The legal code and rules of procedure remain outdated. The Government infringed on citizens' privacy rights and forcibly recruited military-age males. The Government instituted and publicized a new conscription campaign to decrease the recruitment of juveniles. The Government at times restricted freedom of speech and of the press and intimidated journalists into practicing self-censorship; however, there was some increased freedom of public expression in most areas of the country. The Government restricted freedom of assembly. The Government restricted association and movement; however, it allowed some peaceful public protest and opposition party meetings. The Government restricted freedom of movement for some journalists. The number of persons internally displaced by the conflict increased, partly as a result of the Government's counter-insurgency policies in the country's interior. The Government continued to limit independent investigations of human rights abuses, although it allowed international human rights organizations, including Human Rights Watch, to conduct research in the country. Violence and discrimination against women were common; adult and child prostitution was a problem; and children and persons with disabilities continued to suffer as a result of the ongoing conflict and poor economic conditions. The Government continues to dominate the labor movement and restricts workers' rights, although there were improvements in the independent labor sector. Forced labor, including forced child labor, is a problem in rebel-held areas. There were reports of trafficking in persons.

The armed faction of UNITA was responsible for numerous, serious abuses during the year; the other two factions of UNITA were not responsible for abuses. The armed UNITA forces, under the control of Jonas Savimbi, were responsible for killings, disappearances, torture, rape, and other abuses. UNITA military units reportedly pillaged rural areas, depopulated parts of the country, killed traditional leaders, and eliminated all opposition, real or potential. UNITA prevented freedom of speech, the press, assembly, association, and movement. UNITA refused all attempts by humanitarian organizations and non-governmental organizations (NGO's) to conduct investigations in areas under its control. UNITA continued forced military recruitment, including of underage males, and used forced labor for a large part of its local-level logistical support; however, observers believe that the number declined significantly as UNITA's numbers and territorial control diminished. The sexual abuse of women conscripted to work as porters was common in UNITA areas.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces reportedly committed extrajudicial killings. Verification of reports of abuses committed by both government and rebel troops was extremely difficult, particularly those emanating from remote areas and those areas affected by active combat. Police participated in shakedowns, muggings, and carjackings; however, unlike in the previous year, there were no reports of any deaths as a result of police action (see Section 1.c.). Impunity was a serious problem.

There were reports that FAA soldiers engaged in a scorched earth policy during the year in counter-insurgency operations, burning villages and killing civilians in Cuando Cubango and Lunda Sul provinces (see Sections 1.f., 1.g., and 2.d.). There were reports that soldiers summarily executed civilians suspected of supporting UNITA. The failure of the Government to provide adequate protection for civilians contributed to the number of killings by UNITA throughout the country.

On June 30, police killed two residents of the community of Boa Vista in Luanda who were protesting their eviction and relocation of 13,000 families (see Sections 1.c., 1.d. and 1.f.).

Prison conditions were life threatening due to inadequate food, medicine, and sanitation, and many prisoners died in official custody (see Section 1.c.).

In 2000 some individual members of the FAA also reportedly summarily executed citizens in the Democratic Republic of the Congo (DRC).

Numerous localities changed hands during the year, a process that often involved the extrajudicial killing of government administrators and persons accused of collaboration with UNITA. Internally displaced persons (IDP's) and refugees fled to government-held areas or neighboring countries. Undocumented Congolese workers in diamond fields were targeted by government or UNITA forces seeking to take control of alluvial diamond mining operations. An unknown number of civilians died in the course of engagements between the security services and insurgents, particularly in the Central Highlands and in the northwest. There were numerous but unconfirmed reports that both sides summarily executed prisoners of war (POW's).

There were reports that government soldiers killed civilians in Namibia. After Namibia decided in December 1999 to allow the FAA to launch anti-UNITA attacks from Namibian territory, there was extensive cross-border fighting, which resulted in civilian deaths and injuries.

On November 8, government forces reportedly crossed into Zambian territory and killed seven civilians (see Section 1.b.). The Government publicly denied any military involvement in the attack; no further information was available by year's end.

Both Government and UNITA forces continued to use antipersonnel landmines in the country and in Namibia, which resulted in dozens of deaths and numerous injuries of civilians and security force officers (see Section 1.g.).

At year's end, no further information was available in the case of an FAA member who was arrested by police for killing Thaddeus Vili at Bagani near the Kavango and Caprivi regions. No action was taken nor investigation made into the following killings by FAA members in 2000: The July execution of two Namibian civilians; and the January killing of Thaddeus Mubili in Mushangara in western Caprivi.

In January 2000, more than 100 persons reportedly were killed in Bie province. Although there were unconfirmed reports that UNITA killed 150 persons while passing through the area, other observers claimed that these persons were killed by the Government for being too sympathetic to UNITA. There were reports that at least one mass grave was discovered in the area, which the Government attributed to UNITA. There were no reports of any investigation made or action taken against the responsible persons by year's end.

No action reportedly was taken against the members of the FAA responsible for the following killings in 1999: The December unconfirmed killing of 47 civilians during operations in the Lunda Sul province; and the February killing of several civilians near the town of Mbanza Congo.

UNITA military units reportedly pillaged rural areas, depopulated parts of the country, killed traditional leaders, and eliminated all opposition, real or potential. UNITA troops committed numerous killings during attacks on villages. Interviews with many refugees indicated that UNITA committed abuses, including public executions, as a deliberate policy. UNITA increased attacks against population centers and other civilian targets during the year; however, after September 11 terrorist attacks in the U.S., UNITA attacks against civilian targets significantly decreased, reportedly as a result of a direct order from Savimbi. Prior to September 11, UNITA had conducted eight major attacks against civilian targets during the year. This was part of a strategy that likely was designed to create insecurity and draw international attention. UNITA abducted numerous persons during the year; many, including children, died or were killed while in captivity (see Section 1.b.). UNITA killed numerous civilians during attacks on civilian traffic on roads in the interior of the country; such attacks were designed to halt transportation, disrupt commerce, isolate populations, and maintain a climate of insecurity (see Section 1.g.). Many such attacks occurred on the Malanje-Luanda road during the year. During raids in the Kavango and Caprivi regions of Namibia, UNITA forces reportedly killed civilians (see Section 1.g.).

There were reports that UNITA continued to use forced conscription and killed persons who attempted to desert (see Sections 1.b. and 1.f.).

NGO workers were killed during UNITA attacks. It was unknown in most cases whether they were targeted because of their work; however, in at least one case, a citizen was killed because of his link with a foreign NGO.

UNITA never has accounted for the deaths of numerous senior party officials. A number of high-ranking UNITA officials who have defected revealed the extent of killings in UNITA-held areas. In December two former UNITA secretaries general, a former head of UNITA intelligence, and others reported that Savimbi personally ordered executions of opponents and, in some cases, personally carried out the executions. UNITA does not allow the U.N. to investigate claims of human rights abuses in the limited areas (less than 5 percent of the country's territory) that it controls.

There were no reports of any action taken against the UNITA rebels responsible for the following killings in 2000: The August killing of four civilians during an attack on the town of Catete; the July attack on an orphanage in Huambo province in which a teenager was killed; the July attack on a residential school and training center in Huambo Province in which 1 boy was killed; the June unconfirmed discovery of 17 mass graves in the Bie province, each containing more than 100 bodies; the May attack on a hospital in Camacupa; the March stoning and crucifixion of 6 children for allegedly giving information to the Government; the February attack on Santa Clara in Cunene province in which at least 26 civilians were killed; the February killing of 3 civilians in Shinyungwe village; and the January killing of 2 civilians outside of Rundu. There were no developments in the October 2000 case of journalist Antonio Paciencia whose body was discovered in Zambia. The results of an investigation determined that he had been killed, but did not attribute responsibility for the killing; however, the Government and some journalists blamed UNITA for the killing.

There were no further developments into the following 1999 cases: The September case in which National Assembly Deputy Joao Ngolongombe Jacob, who was a member of the non-Savimbi faction of UNITA, was killed by unknown assailants; the January case of a U.N. chartered aircraft that was shot at; and the January killing of Father Albino Saluaco and two catechists by armed men reportedly from UNITA in Huambo (see Section 2.c.).

UNITA and the separatist group FLEC-FAC killed foreign and dual nationals. FLEC-FAC forces tortured and killed civilians in the Cabinda region. In September FLEC-FLAC forces released three foreign and one local employee of a construction company whom they kidnaped in May 2000. There were no developments in the April 2000 case in which FLEC-FAC killed a foreign national during an ambush north of Dingo.

On November 22, armed groups killed five civilians and abducted two children on a road between Caxito and Ambriz outside of Luanda; UNITA denied responsibility for the attack.

There were no developments in the following cases from 2000: The October killing of dozens of persons during an attack by unknown gunmen on two buses and a car; the June case in which polio vaccination workers passing through the Huambo area

discovered an ambushed truck with 7 dead persons inside; and the June case in which 12 persons were killed when a group of children brought a discarded missile into a refugee camp near Malanje, and it exploded.

The ineffectiveness of the judicial system in the country has led to a growing reliance on vigilante justice (see Section 1.e.). There were reports that neighborhood groups pursued and attacked alleged criminals.

b. Disappearance.—Persons taken into police custody often disappeared without a trace, particularly in rural areas. Suspects accused of illegal weapons ownership or collaboration with UNITA often disappeared.

On November 8, FAA units reportedly crossed into Zambian territory and abducted 103 civilians; 83 persons later were returned to Zambia, and 13 abductees remained missing at year's end (see Section 1.a.). The Government publicly denied any military involvement in the attack but agreed to discuss the matter with the Government of Zambia.

Civilians abducted by UNITA generally either were recruited forcibly as soldiers or support personnel, or were considered government collaborators. The frequent discovery of bodies in the aftermath of attacks suggested that suspected collaborators were executed summarily (see Sections 1.a. and 1.g.). Those who escaped UNITA custody and were able to return to government-held areas with government assistance reported that they were subjected to torture, beatings, and sexual abuse (see Section 1.c.). There were press reports that on February 8, UNITA kidnaped a traditional chief in Huambo who was an outspoken critic of the activities of the armed faction of UNITA. There was no information on his whereabouts at year's end. On April 15, UNITA forces attacked Dombe-Grande in Benguela province and looted a warehouse holding relief supplies of humanitarian organizations; 7 persons were killed and 50 were missing after the attack and remained unaccounted for at year's end.

On May 5, UNITA forces attacked the town of Caxito in Bengo province and kidnaped 61 children from a school run by People to People Development Aid (ADPP), a Danish NGO (see Section 1.g.). The children, who were ages 8 to 12, were marched 300 miles into the interior of the country and forced to serve as porters and carry goods that UNITA had stolen from the town; the children were released on May 25 after international pressure. UNITA also briefly held 15 international ADPP volunteers before releasing them.

UNITA rebels also reportedly abducted persons from Zambia during the year. There were reports that UNITA rebels or Angolan government forces abducted Zambians, particularly young persons, for forced labor in Angola. On November 9, Angolan government troops reportedly abducted at least 50 villagers from the district of Shang'ombo after entering the country in pursuit of UNITA rebels. The Zambian Government requested that the Angolan Government return the villagers; however, this did not occur by year's end.

There were no developments in the cases from 2000 in which UNITA rebels kidnaped persons: The July kidnaping of 21 children in Huambo province; the July kidnaping of 100 children from Quela, a town in Malange which UNITA controlled for 3 days (see Section 1.g.); and the January abduction of 2 teenage girls from a village near the border by 6 armed men suspected to be UNITA rebels. The children remained unaccounted for at year's end.

There were also reports that members of the FLEC-FAC separatist group kidnaped civilians.

In March FLEC-Renovada, an offshoot of the original FLEC group that is not usually violent, kidnaped five Portuguese employees of a construction company; they were released after 3 months. In May 2000, members of FLEC-FAC kidnaped three foreign and one local employee of a Portuguese company in Cabinda; by July FLEC-FAC had released one of the kidnaped persons for medical reasons. In July it released the remaining abductees.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Penal Code explicitly prohibit all forms of mistreatment of suspects, detainees, or prisoners; however, security forces tortured, beat, raped, and otherwise abused persons. The International Committee of the Red Cross (ICRC), the U.N., and domestic and international human rights organizations continued to report that there was widespread government abuse of suspects.

Security service personnel frequently employed torture and other forms of cruel and degrading treatment, including rape. Police used torture and coerced confessions frequently during investigations and rarely, if ever, were punished for such abuses. Those suspected of ties to UNITA sometimes are detained under inhuman conditions and are subjected to brutal forms of interrogation. Nonpolitical criminal suspects also are subjected to detention and abuse, although to a lesser extent. There have been no cases in which an army or police official has been disciplined

for the use of excessive force against a UNITA suspect. Police often beat and released suspects in lieu of trials (see Section 1.d.). Police frequently participate in shakedowns, muggings, and carjackings (see Section 1.g.). Police also extorted money from travelers at checkpoints and routinely harassed refugees (see Section 2.d.). Impunity is a serious problem.

Reports that government forces raped women in the central highlands increased during the year; government forces reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes (see Section 1.f.). Rapes by government forces were reported most commonly in the Bie, Huambo, and Uige provinces (see Section 1.g.).

There were reports that members of the FAA and the police harassed NGO workers during the year, particularly in Malange, Bie, and Kwanza Norte (see Sections 1.g. and 4). Humanitarian workers were harassed and threatened by local FAA forces in various provinces throughout the country, with the most serious incidents occurring in Malange. During the year, the U.N. assigned civil-military liaison officers to FAA combat units to address harassment; as a result, incidents of abuse declined significantly.

Police officers and soldiers reportedly harassed IDP's and denied them humanitarian assistance by stealing supplies. There also were credible reports that security forces robbed persons of humanitarian supplies as they returned from relief distribution centers (see Sections 1.g. and 2.d.).

There continued to be numerous reports of abuses of Namibian citizens by the FAA in the border areas (see Section 1.a.). In January a Namibian newspaper reported that a group of men in FAA uniforms beat and tortured several Namibians in Caprivi; it was not known whether the men were FAA officers. There was at least one report of a rape by Angolan soldiers in Zambia. In April Zambian authorities arrested and detained eight Angolan soldiers suspected in raids in Zambia.

Some individual members of the FAA reportedly raped and looted while stationed in the DRC (see Section 1.a.).

On June 30, police injured an undetermined number of Boa Vista residents who were protesting their eviction and relocation (see Sections 1.a., 1.d., and 1.f.).

No action reportedly was taken against the police responsible for beating protesters during demonstrations in February 2000, nor the members of the FAA who allegedly executed two Namibian civilians and injured another in July 2000 (see Section 2.b.).

Landmines laid by both sides during the conflict in the country and in Namibia resulted in an increasing number of fatalities and injuries, including maiming (see Section 1.g.).

The U.N. and domestic human rights organizations report that abuse of suspects is universal in areas remaining under UNITA control. Interviews with persons who have fled UNITA-held areas revealed that UNITA uses cruel and inhuman practices, including public torture, to punish dissent and deter further acts of disloyalty. Torture is used at all levels by the UNITA forces. There have been repeated credible allegations that UNITA president Jonas Savimbi has ordered suspects tortured and executed in his presence. There were reports that UNITA engaged in reprisal attacks on civilians during the year. UNITA reportedly cut off the ears and hands of civilians in order to extract information and to discourage civilians from providing the Government information on UNITA or from fleeing to government-controlled areas. UNITA increased attacks against population centers and other civilian targets during the year as part of a strategy that likely was designed to create insecurity and international attention, which resulted in the injuries of numerous civilians (see Section 1.a.).

In May 17 civilians were injured when UNITA attacked a commercial convoy on the road between Huambo and Kuito (see Sections 1.g. and 2.d.).

The Government blamed UNITA for torturing and mutilating a truck owner during a June attack on a vehicle 18 miles southeast of the city of Benguela (see Section 1.g.).

There also were numerous reports that UNITA forces abused Namibian citizens in the border areas.

No action was taken against the approximately 100 members of UNITA who attacked a residential school and training center in Huambo Province; the UNITA members kidnaped 21 children and injured at least 4 others in July 2000 (see Sections 1.a. and 1.b.).

FLEC-FAC forces tortured and killed civilians in the Cabinda region (see Section 1.a.).

There also were reports that UNITA members beat UNITA-Renovada members in Uige and Kwanza Norte (see Section 3).

Prison conditions are harsh and life threatening. Cells are overcrowded and lack basic sanitary facilities. According to the National Prison Service Director, there are 4,000 persons in prison, 50 percent of whom are in prisons in Luanda. The prison system holds approximately five times the number of prisoners that it was built to hold. Many prisons, lacking financial support from the Government, were unable to supply prisoners with adequate food and health care. There were credible reports that many prisoners died of malnutrition and disease. For example, at the Viana Prison malnutrition and disease are pervasive problems. In November 2000, the Government and the National Assembly Committee on Human Rights acknowledged that conditions were inhumane and announced modest appropriations for improvements in the Sao Paulo Prison hospital in Luanda and Viana prison outside the capital; some physical improvements were made during the year. Committee members visited both institutions and donated mattresses and other supplies to the inmates.

Prison officials routinely beat detainees. Prisoners depend on families, friends, or international relief organizations for basic support, including food; prisons often do not provide any food to prisoners. Prison officials, who are chronically unpaid, support themselves by stealing from their prisoners and extorting money from family members. For example, prison guards frequently demanded that prisoners pay for weekend passes that they are entitled to receive. Juveniles, often incarcerated for petty theft, are housed with adults and suffer abuse by guards and inmates. Female prisoners are held separately from male prisoners. There were reports that prison guards sexually abused female prisoners. Detained journalists also were housed with other prisoners. Political prisoners and pretrial detainees are held with the general prison population; it was unknown how many such prisoners were held during the year (see Sections 1.d. and 1.e.).

The Government permitted foreign diplomatic personnel and local and international human rights monitors to visit prisons during the year; however, unlike in the previous year, they were not permitted to visit individual prisoners. The ICRC did not request meetings with individual prisoners during the year. A local NGO, the Association for Peace, Justice, and Democracy, which documents prison conditions in the country and monitors the application of due process laws, requested meetings with specific prisoners but was denied permission for such visits. Unlike in the previous year, the Government permitted members of this local NGO to visit prisoners; the Government allowed the visits after prisoners signed and the NGO published a petition requesting the visits (see Section 4).

It was unknown whether UNITA prisons exist or what their conditions were; however, extensive testimony from defectors described harsh conditions of confinement and summary executions.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are serious ongoing problems, and persons were denied due process. Under the law, a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that a judge or a provincial magistrate issue an arrest warrant. Arrest warrants also may be signed by members of the judicial police and confirmed within 5 days by a magistrate. The Constitution provides for the right to prompt judicial determination of the legality of the detention. Provisions for bail exist in the law. Under the law, the prosecution and defense have 90 days before a trial to prepare their case, although both sides generally have the right to request an extension of this deadline under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members; however, such rights frequently are ignored in practice. The Government continued to pay increased attention to the rights of prisoners during the year; however, there was no substantial change in practice by year's end because of a scarcity of personnel and resources and a lack of official determination to ensure these rights. Although the Ministry of Justice is nominally in charge of the prison system, the Ministry of the Interior and the security forces continued to arrest and detain persons systematically, arbitrarily, and secretly for all categories of crimes and for indefinite periods, often with no apparent intent to bring the detainees to trial.

Under the criminal law a person may not be held for more than 135 days without trial. The National Security Law provides for a maximum of 180 days of preventive detention. Preventive detention is allowed when an individual is caught in the act of committing a crime punishable by a prison sentence or is caught preparing to commit such a crime. In practice laws regarding preventive detention frequently are ignored. Partly in response to international criticism of abuses of preventive detention, the Government promulgated an amnesty law in 2000 that includes national security crimes, defamation, military crimes, and most common crimes (see Section 1.e.). The release of thousands of petty criminals as a result of the law eliminated thousands of cases from court dockets; however, problems with preventive detention persisted.

Court cases often become backlogged in judges' offices. In Luanda for example, 5 judges are responsible for an estimated 900 cases each year. There are only 187 magistrates to handle cases throughout the country; the Attorney General has recommended a total of at least 1,500 magistrates to handle the country's cases. At year's end, more than 90 percent of inmates in Luanda were awaiting trial, and it was believed that more than 50 percent of inmates nationally were awaiting trial. Delays of 2 or 3 years are common. Poor communication between the various authorities also leads to prolonged detention.

On June 30, police arrested and detained for 72 hours 18 persons during a violent confrontation between police and residents of Boa Vista who were protesting their eviction; the detainees were released, after a judge ruled that there was insufficient evidence to prosecute the case (see Sections 1.a., 1.c., and 1.f.).

On January 24, police arrested four members of a small opposition party who were protesting in front of the presidential palace. They were charged with civil disobedience; they were released on January 30 after a judge dismissed the charges (see Section 2.b.).

In July police detained human rights activist Rafael Marques for approximately 4 hours when he visited Zangu-Calombo, the relocation center for forcibly removed residents of Boa Vista. The residents were evicted by the Government for an urban renewal project (see Section 1.f.). The police did not inform Marques of the reason for his detention.

Unlike in the previous year, the Government did not arrest and detain journalists on charges of slander, defamation, and crimes against the security of the State (see Section 2.a.).

In February 2000, police disrupted several demonstrations; they arrested and detained protestors, and later released them (see Section 2.b.).

The Government holds an unknown number of suspected UNITA officials and supporters in areas where it regained control. In past years, the Government accused these persons of illegal weapons possession or collaboration with UNITA, although formal charges rarely were filed. However, the Government improved its compliance with the law, and there were no documented cases of further detentions of suspected UNITA officials and supporters during the year.

There continued to be reports that UNITA kidnaped and detained persons primarily from rural areas. The number of such persons is unknown.

There were reports that local police detained UNITA-Renovada members in Uige and Kwanza Norte (see Section 3).

The Lusaka Protocol provides for the release, under ICRC auspices, of persons detained for war-related reasons. Neither the Government nor UNITA regularly notified the ICRC or any other institution that it had POW's in custody; however, the FAA cooperated with the ICRC in the Benguela and Huambo provinces during the year. On February 5, the ICRC for the first time obtained private interviews with 19 UNITA detainees at the FAA operational headquarters in Catumbela outside of Lobito. Between 10,000 and 15,000 UNITA soldiers have surrendered or been captured; most of them either entered the FAA or were released by the Government and placed in IDP camps. There was no further information on these UNITA soldiers by year's end.

The Government did not use forced exile as a form of punishment. Some UNITA members claimed that they went into self-imposed exile because the Government threatened their lives.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary, where it functions, is not independent of the President and the MPLA, and political pressure from the presidency affected the outcome of cases. In practice the judicial system lacked the means, experience, training, and political backing to assert its independence from the President and the ruling MPLA party. The President has strong appointive powers, including the power to appoint Supreme Court justices without confirmation by the National Assembly. The judicial system largely was destroyed during the civil war and did not function in large areas of the country. In many cases, police beat and then released detainees rather than make any effort to prepare a formal court case.

The court system consists of the Supreme Court at the appellate level plus municipal and provincial courts of original jurisdiction under the nominal authority of the Supreme Court. The Supreme Court serves as the appellate division for questions of law and fact. A Constitutional Court provided for in the 1991 Constitution had not been established by year's end; the Constitution provides for judicial review of constitutional issues by the Supreme Court until the Constitutional Court is established after a new constitution is promulgated. There are long delays for trials at the Supreme Court level.

Trials for political and security crimes are supposed to be handled exclusively by the Supreme Court; however, there were no known cases of such trials.

The Constitution provides defendants with the presumption of innocence, the right to a defense, and the right to appeal. Legal reform in 1991 established the right to public trials, a system of bail, and recognized the accused's right to counsel; however, the Government does not respect these rights in practice. The lack of trained attorneys in remote parts of the country has forced defendants in such areas as Lunda Sul and Moxico to defend themselves during trials. Trials are open to the public; however, each court has the discretion to close proceedings arbitrarily. Defendants do not have the right to confront their accusers. Judges usually are lay persons, not licensed lawyers. The judge and two lay persons elected by the full court act as the jury. In January a domestic research institute conducted a survey with the Attorney General's office in which 65 percent of the survey population reported a lack of confidence in government institutions to protect their rights.

In November the Amnesty Law went into effect. Under the law, any person could make a voluntary request for amnesty for national security crimes, defamation, military crimes, and common crimes. The law provided for a 90-day period, which began upon enactment, during which an individual was allowed to request amnesty. Application of the law by the Government was arbitrary and uneven during the year; however, thousands of petty criminals were released during the year (see Section 1.d.).

In the past, UNITA established a nominal military and civilian court system in territories under its control and claimed that its Civil Code is equivalent to the Portuguese Civil Code used by the Government; however, there was no indication that UNITA maintained this system during the year. The areas under UNITA's control diminished to isolated pockets that composed approximately 5 percent of the country, and unconfirmed reports during the year indicated that strict martial law applies in those areas.

There were reports that the Government holds political prisoners; however, the number is unknown. The Government denied that it holds political prisoners and insisted that persons considered by some of civil society to be political prisoners are criminals.

There were numerous confirmed reports that UNITA holds political detainees and prisoners. It is not known if persons detained by UNITA were convicted by UNITA judicial procedure; decisions made by UNITA courts have no standing under the country's legal system, and persons were denied due process protections.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government infringed on citizens' privacy rights. The Government maintained a sophisticated security apparatus dedicated to the surveillance, monitoring, and wiretapping of certain groups, including opposition party leaders, journalists, members of the National Assembly and foreign diplomats. Legal requirements for search warrants routinely are disregarded (see Section 2.a.).

There were reports that army units engaged in a scorched earth policy during the year, burning villages and killing civilians during counter-insurgency operations (see Section 1.g.). Government forces reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes (see Sections 1.c., 1.g., and 5). In May four soldiers were arrested in Namibia for threatening to burn down the home of a young woman who refused to let them into her home. There was no further information available on the case by year's end.

On June 30, the Government began evicting 13,000 families from their homes in the Boa Vista neighborhood in Luanda as part of an urban renewal project; a number of persons were killed, injured, or arrested during the confrontation between police and residents of the neighborhood (see Sections 1.a., 1.c., and 1.d.). The Government did not provide 8 days notice or compensation for those who held title to their homes, as required by law. The Government began razing homes without providing adequate shelter and resources for those who were evicted. The residents were relocated to Zangu-Calombo, an isolated camp 40 miles from Luanda, which effectively denied them access to employment and other services, including public transportation, in the capital (see Section 2.d.). The Government prevented journalists from reporting on the camp (see Section 2.a.).

To enforce laws on mandatory military service, the armed forces and police conducted forced conscription drives in many of the areas under the control of the Government, including Luanda, in which some children may have been recruited. Under the law, military service is obligatory, but recruitment targeted poor communities and unemployed young men. Persons who could prove that they had jobs usually were released, and those with financial means could purchase an exemption from the armed forces. There were credible reports that persons working for NGO's were targeted for forced recruitment; however, they usually were released after their em-

ployers intervened with the Government (see Section 4). The Government denied that forced recruiting was taking place; however, there were credible reports that it occurred in the interior of the country and that it increased in areas where there was more intensive military activity and in the latter part of the year. There were reports of forced conscription in Luanda by the police and military; however, the Government denied the reports. There were reports during the year of the forced recruitment of soldiers in Uige; however, it appeared that this was an action by the military to return soldiers to duty who had fled their barracks. In at least one instance, an individual was taken to the barracks and then released when officials discovered he was not in the military. Church groups, civil society institutions, and foreign embassies continued to protest the manner of conscription. In November and December, the Ministry of Defense initiated a highly publicized conscription campaign to recruit 15,000 persons into the FAA. The purpose of the campaign is to better organize the registration of recruits and eliminate the recruitment of juveniles (see Section 5).

In July 2000, the local government in Kwanza Norte evicted journalist Isidoro Natalicio from his home on the grounds that his work for independent and international radio stations violated his lease (see Section 2.a.).

There were no developments in the June 2000 case in which armed individuals dressed as security forces visited the Voice of America (VOA) offices and demanded the addresses of the homes of several independent media correspondents.

UNITA forces reportedly looted and destroyed private property while replenishing their supplies of food and medicine.

UNITA continued to conscript forcibly civilians, including children, for military duty (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Military operations by both the Government and UNITA continued to result in numerous human rights violations. The Government and UNITA continue to use antipersonnel landmines to strengthen defensive positions and, in the case of UNITA, to prevent residents within its own areas from fleeing to government-held areas (see Section 2.d.). Large areas have been remined since the resumption of fighting in 1999, mostly by UNITA. Military attacks have resulted in indiscriminate and summary killings, torture, abductions, destruction of property, and theft (see Sections 1.a., 1.b., and 1.c.). The provinces most affected during the year were Kwanza Norte, Malange, Bie, and Moxico, although UNITA also increased raids on or near the coastal areas. There were several attacks on Congolese miners during the year. The Government's failure to pay, feed, and equip many of its army and police personnel resulted in frequent extortion and theft of civilian property by security personnel. Government personnel frequently confiscated food, including donated relief supplies, livestock, and personal property and did not compensate donors nor affected individuals.

There were reports that FAA officers throughout the country continued to threaten and harass humanitarian workers. There were reports that army units engaged in a scorched earth policy, burning villages and killing civilians. Human Rights Watch estimated humanitarian aid reached 10–15 percent of the country.

The unstable security situation in the interior of the country impeded relief workers from carrying out their duties. Reports of FAA and police harassment of NGO workers significantly decreased during the year after U.N. civil-military officers were assigned to FAA units; however, there continued to be reports of such harassment, particularly in Malange, Bie, and Kwanza Norte. Humanitarian workers were harassed and threatened by local FAA forces in various provinces throughout the country, with the most serious incidents occurring in Malange (see Section 4). Some organizations reported incidents of harassment to local police that subsequently were investigated and in some cases redressed; however, the general pattern of NGO harassment continued (see Section 4). NGO's reported greater ability in having their complaints of abuses addressed by the Government when the military forces who were responsible for the abuses were stationed locally; it was more difficult to hold military forces in transit accountable for such actions.

On July 26, national police shot at an NGO vehicle after the driver refused to transport them to Malange city; no injuries or deaths were reported in the incident. On July 30, 25 FAA soldiers threatened 2 NGO employees and obstructed their path after the employees refused to take them to Malange. Also on July 30, members of the Rapid Intervention Police (PIR) pointed a gun at an NGO driver and forced the driver to provide them with transportation. On August 2 in Malange, PIR officers threatened NGO workers with bayonets in an effort to get transport and stole the goods that the NGO workers were distributing after they refused to transport the PIR officers. In August there was a report that some FAA soldiers shot their weap-

ons indiscriminately during an argument with a civilian driver of another vehicle. No reported action was taken against the FAA soldiers involved in these incidents.

On June 5, a World Food Program (WFP) airplane was hit by ground fire but landed safely; it was unknown who shot the plane by year's end. On June 15, two WFP airplanes that were marked with U.N. insignia were forced to make emergency landings after they were shot at by a missile fired from Kuito; observers believed that the missile was fired by UNITA forces because of the isolated, rural location of the incident. WFP subsequently suspended food aid to Kuito temporarily.

The Government continued to use forced conscription (see Section 1.f.).

In May 2000, the U.N. estimated that as many as 7 million landmines have been laid in the country, and new landmines were laid during the year. There were numerous injuries and deaths resulting from landmine explosions. Various NGO's participated in landmine clearance operations during the year, and the Government implemented a Mine Action Plan. The National Institute for the Removal of Explosive Obstacles and Devices, a government agency, reported in 2000 that 100 persons were killed and 327 were injured by landmine explosions during the first half of 2000; most of the incidents occurred in areas that had been mined by UNITA. Updated statistics were not available by year's end. On March 1, at least 20 persons were killed and 27 were injured when the truck they were riding in drove over an anti-tank mine on the road between Mungo and Huambo. On August 10, approximately 250 persons, mostly civilians, were killed after a UNITA landmine near Zenza do Itumbe, Kwanza Norte province, exploded under a passenger train; there were reports that UNITA forces shot passengers who were fleeing the wreckage of the train. UNITA later acknowledged responsibility for the attack. In May the director of an NGO was killed when her vehicle hit a landmine in an area that recently had been mined by government troops near Huambo. Since December 1999, more than 100 persons have been killed by landmines laid by both FAA and UNITA forces in the Kavango and Western Caprivi regions of Namibia (see Sections 1.c. and 2.d.). At the end of September, the Government reported that more than 130 persons had been killed or injured by landmines in Namibia.

There were credible reports that military forces and local leaders increasingly displaced civilians forcibly during the year as part of the military's counterinsurgency strategy; the Government failed to provide these IDP's with adequate shelter and aid (see Sections 1.f. and 2.d.). For example, in July the FAA forcibly relocated the entire population of a village in Moxico to Luena with only 1-hour notice before the relocation.

The number of IDP's continued to increase during the year (see Section 2.d.).

Reports that government forces raped women in the central highlands increased during the year; rapes by government forces were reported most commonly in the Bie, Huambo, and Uige provinces (see Sections 1.c., 1.f., and 5).

UNITA forces routinely violated citizens' rights in pursuit of military objectives. UNITA use of guerilla tactics during attacks against civilian populations resulted in hundreds of casualties. There were continued reports of deaths resulting from UNITA attacks on villages throughout the country and executions of suspected government supporters by UNITA forces (see Section 1.a.). The Government attributed the discovery of mass graves to UNITA actions (see Section 1.a.). Security forces failed to respond promptly to attacks on civilians, which contributed to civilian deaths and loss of property. For example, on April 15, UNITA forces killed seven civilians after they attacked Dombe-Grande in Benguela province and looted a warehouse holding relief supplies of humanitarian organizations (see Section 1.b.). After UNITA forces attacked Caxito on May 5, security forces did not arrive to assist civilians until several hours after the rebels had fled the town. In May 11 civilians were killed and 17 were injured when UNITA attacked a commercial convoy on the road between Huambo and Kuito (see Sections 1.a., 1.c., and 2.d.). On May 5, UNITA forces killed approximately 100 persons when they attacked the town of Caxito and raided food stores; UNITA forces also forced 61 children to carry the stolen goods out of the town; the children were released after the incident was publicized internationally. On May 21, UNITA attacked the town of Golungo Alto, killing and injuring an unknown number of civilians. The Government blamed UNITA for killing seven persons and torturing and mutilating a Portuguese truck owner during a June attack on their vehicle southeast of the city of Benguela. In late June, UNITA attacked the town of Uige and killed an unknown number of civilians. In a series of UNITA attacks in April and May, near Dombe Grande, approximately 12 persons were killed, and there was an unconfirmed report that 30 children were abducted during the attacks.

UNITA forces kidnapped civilians, including children, during raids on villages (see Section 1.b.).

In August UNITA claimed responsibility for an August 10 attack on a passenger train transporting approximately 500 civilians 80 miles southeast of Luanda near Zenza do Itumbe. More than 250 persons were killed when the train hit a landmine that the rebels had laid on the tracks, which exploded, and UNITA soldiers shot and killed civilians as they ran from the train (see Section 2.d.). On August 31 near Cacolo, UNITA reportedly killed 53 passengers in an attack on a bus. On September 30, there was an unconfirmed report that at least 15 persons were killed during a UNITA attack on a village in Bie province.

There were unconfirmed reports that UNITA rebels targeted for killings and other abuses citizen NGO employees in the country, using their darker skin color as the primary means of distinguishing them.

UNITA carried out forced recruiting, including of children, throughout all of the country's disputed territory. Recruits were taken to isolated military camps and subjected to psychological stress and extreme hardships; those who attempted to desert were executed. Women, many as young as 13 years of age, were recruited forcibly to serve as porters and camp followers, and reports of sexual assault were widespread and credible.

UNITA and the separatist group FLEC-FAC killed foreign nationals. FLEC-FAC forces tortured and killed civilians in the Cabinda region (see Section 1.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 and specifically provides that the media cannot be subject to ideological, political, or artistic censorship; however, the Government does not always respect this right in practice. Since April 2000, the Government has increased incrementally media freedom; however, journalists were subjected to harassment and surveillance. Unlike in the previous year, the Government did not detain for up to several months journalists; however, it continued to place under investigation journalists who reported on sensitive issues, including military operations, government corruption, and UNITA, especially Jonas Savimbi. There was increasing private media attention to corruption, economic mismanagement, and opposition politics. Journalists acknowledge that they exercise self-censorship when reporting on the military situation, internal security, or other highly sensitive matters.

Defamation against the President or his representatives is a criminal offense, punishable with imprisonment or fines. There is no truth defense to defamation charges; the only allowable defense is to show that the accused did not produce the actual writing alleged to have caused harm. Unlike in the previous year, there were no reports that journalists were charged with defamation during the year. Charges of defamation against Gilberto Neto, a journalist for the independent *Folha 8*, were dropped in 1999; however, he was prohibited from traveling outside of the country during the year on the basis of the charge. Neto was arrested and interrogated on July 7, and his documentation and equipment was confiscated. During the year, Rafael Marques, a director for the international NGO Open Society and an occasional commentator in the independent media, was granted amnesty from defamation charges under the new law (see Section 1.e.). In January 2000, he was arrested and detained for a July 1999 article critical of President Dos Santos; he was released on bail after 45 days of preventive detention. His trial for defamation of the President in March 2000 was closed to the public (although members of the Bar Association could observe); the judge refused to allow Marques's lawyer to present evidence regarding the truth of what Marques wrote. Marques was convicted and given a suspended sentence of 6 months, the maximum under the law, as well as a large fine. In April 2000, police again interrogated Rafael Marques after he wrote an article that criticized the Government for the reinstatement of the military draft. In November 1999, Isidoro Natalicio was convicted of defamation. He appealed the decision and was acquitted in 2000.

A draft press law was introduced in the National Assembly in 2000. The draft was criticized widely for not allowing the expansion of political dialog and discussion and for increasing the criminal penalties for defamation. The Committee to Protect Journalists (CPJ) recommended the withdrawal of the draft law. In October the Government suspended the drafting process, withdrew its draft, and announced its intention to appoint a committee consisting of both government and nongovernment representatives to reconsider the drafting process; however, no further action was taken by year's end.

The majority of the media is state-run and carries very little criticism of the Government; however, the Government has tolerated progressively more criticism of its policies and actions in the independent media. There are five private weekly publications with circulations in the low thousands and readerships in the tens of thousands. A committee composed of the Minister of Social Communication, the spokes-

man of the presidency, and the directors of state-run media organizations controls policy and censorship authority. The MPLA's secretary general also influences the content and tone of state-run media reporting. The Government used its control of the media to engage in a propaganda campaign against UNITA, including unconfirmed allegations of UNITA massacres, as a means of influencing local and international public opinion. The state press often criticizes independent journalists and opposition leaders, but has limited access for these journalists to respond. For example, the official daily *Jornal de Angola* refused to publish the response of William Tonet, editor of the independent weekly *Folha 8*. In August the *Jornal de Angola* refused to publish the response of Reginaldo da Silva, a local BBC correspondent, to accusations of bias against the Government.

Provincial governments, particularly in Malange and Kwanza Norte, limited press freedom and harassed independent journalists during the year. Local authorities also sometimes prohibited independent journalists from traveling to the provinces during the year.

The news ban on war coverage that was instituted in 1999 remained effective; however, the strong discouragement of negative news coverage by the Government that occurred in 1999 continued to decrease during the year.

The Government discouraged potential advertisers from buying advertising space in independent newspapers, which threatened their financial viability.

The Government continued to intimidate and threaten journalists into practicing self-censorship. There were reports that the Government paid journalists to publish progovernment stories.

The Government continued to harass, arrest, and detain journalists on charges of slander, and crimes against the security of the State during the year; however, such incidents decreased during the year. Journalists who received amnesty under the new law were not informed officially of their status for defamation and other charges. If the defendant is not informed officially of his or her amnesty status, the charges or the conviction pending against him or her remains valid.

In November government authorities threatened William Tonet, an independent journalist and editor, and his informant to reveal their sources for a story that exposed scandal in the Ministry of the Interior; no further government action was taken by year's end.

In July in Malanje, police confiscated the material and reports of a journalist for the independent weekly *Folha 8* from his home without a warrant; his materials were returned a few days later but his reports remained in police custody at year's end.

In July authorities threatened nine journalists in N'dalatando, Kwanza Norte province, because of high-level contacts they maintained with UNITA-Renovada.

In December 1999, in Kwanza Norte province, police arrested and detained Andre Mussamo, correspondent for Angolan National Radio and contributor to *Folha 8*, for a "violation of a state secret." In May 2000, the charges were dropped when it was shown that Mussamo had not published any material from a secret document; however, the person who provided Mussamo with the document was convicted. The Union of Angolan Journalists criticized the Government's actions in the Mussamo case.

There also are five commercial radio stations including the Catholic Radio Ecclesia, and Radio Lac Luanda, which openly criticized aspects of government policies and highlighted poor socioeconomic conditions. On July 9, Radio Ecclesia suspended its regular programming for 2 days to protest against editorial interference by the Government. The station managers reported that the radio was under political pressure to modify coverage of opposition activities and broader issues that the government press had criticized as sympathetic to UNITA. The station's general manager subsequently denied any political pressure.

In February Isaias Soares, a correspondent for VOA and Radio Ecclesia, was attacked in his home by armed men after he reported on crime in the Malange region; the identity of the attackers remained unknown at year's end. In August 1999, the Government banned Soares from covering official events or reporting on military issues in Malange. In July and August 2000, the Government continued to harass Soares, and the provincial government seized his motorcycle, which was his only means of transport.

On November 5, a Kwanza Sul judge acquitted independent radio journalist Isidoro Natalicio of charges that he used his private home, which was rented from the Government, as a reporter's office. He had been evicted from the home in 2000 (see Section 1.f.).

In July 2000, individuals claiming they represented government authorities kidnaped Catholic Radio Ecclesia director Paulo and forced him to drive at gunpoint

to the outskirts of Luanda, where he managed to escape unhurt. The Government later disclaimed responsibility for the assault.

The Government generally did not restrict the activities of foreign media, including the British Broadcasting Corporation (BBC) and VOA; however, it continued to refuse to allow direct retransmission of their broadcasts. Foreign journalists must obtain authorization from the Ministry of the Interior in order to obtain access to government officials or to travel within the country. Media requests to travel to areas that were not controlled by the Government routinely were denied. The Government placed no abnormal visa restrictions on foreign journalists and allowed them freedom to report on all aspects of society. In April the Government forced three Portuguese television crews, who were reporting on FLEC-FAC forces in the bush, to leave Cabinda. In July police briefly prevented Associated Press (AP) and BBC journalists from reporting on Zangu-Calombo, the relocation camp for residents who had been evicted from Boa Vista (see Section 1.f.).

UNITA does not permit freedom of expression in the areas under its control.

Academic life has been circumscribed severely by the civil war; however, there generally is academic freedom, and academics do not practice self-censorship. Students are permitted to speak and read freely; however, student and all other protests remained tightly controlled by the Government (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government strictly controls this right in practice, although official tolerance for public protest increased. The law requires a minimum of 3 days' prior notice before public or private assemblies are held, and makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for progovernment assemblies are granted routinely without delay; however, applications for protest assemblies rarely are granted. However, during the year, the Government allowed at least five nonofficial public demonstrations against government policy in Luanda, an increase from previous years.

On January 24, 25 members of the small opposition Party for Democratic Support and Progress of Angola (PADPA) staged a hunger strike in front of the presidential palace to protest the lack of government accountability and transparency. Police arrested four of the protesters and charged them with violating a law that restricts demonstrations to outside 100 meters of the palace; they were released within 72 hours after a judge ruled that the demonstrators complied fully with the law (see Section 1.d.).

In September the provincial government of Luanda rejected the request of residents of Boa Vista for official permission to hold a protest march (see Section 1.f.). The Government later televised warnings against demonstrations in Boa Vista, advising that any person violating the order would be punished severely. There was no further action or incident by year's end.

No action reportedly was taken against members of the police who beat protesters and used excessive force to disperse several demonstrations in February 2000, including a PADPA demonstration in front of a church in Luanda (see Section 1.d.).

The Constitution provides for the right of association; however, the Government restricts this right in practice. Legislation allows the Government to deny registration to private associations on security grounds; however, in practice the Government approves most applications, including those for political parties. Democratic opposition parties were permitted to organize and hold public meetings without government interference in Benguela, Huila, Namibe, Malange, Cabinda, and Bengo provinces. However, there were government constraints on the operation of associations. The Government arbitrarily limits organized activities deemed adverse to its interests, by refusing to grant licenses and through other means, such as police or official harassment. During the year, the Ministry of Justice blocked the registration of the Association of Peace, Justice, and Democracy by not taking official action on its application on the basis that the organization's monitoring and documenting prison abuses and due process violations was outside the realm of responsibility of an NGO; however, the association continued to function at year's end.

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

The Government does not require religious groups to register. Colonial era statutes banned all non-Christian religious groups from the country; while those statutes still exist, they are no longer enforced. In March Minister Tjipilica announced that a colonial-era law granting civil authority to the churches is to be put back into effect.

A Luanda Catholic FM radio station, Radio Ecclesia, broadcasts weekly several hours of church services and overtly religious programming. In February Radio Ecclesia began airing daily, 1 hour, short-wave broadcasts across the entire country.

State-owned television also broadcasts live Sunday morning Catholic Church services.

Members of the clergy in government-held areas regularly use their pulpits to criticize government policies. There were unconfirmed reports that on May 1, the state radio censored remarks made by Dom Zacarias Kamuenho, the Archbishop of Lubango, publicly criticizing both the Government and UNITA on behalf of the Catholic Church after a UNITA raid on the town of Caxito on May 5; however, the Government permitted Dom Zacharia's statement to be broadcast in full on Catholic Radio Ecclesia. Church-based organizations called for peace and dialog, particularly the ecumenical Inter-Church Committee for Peace in Angola (COIEPA) and the Catholic Pro Pace movement. Clergy members also began to criticize the growing numbers of religious groups in the Lunda provinces and in Uige. There also was growing hostility against traditional religions that involve shamans.

While in general UNITA permits freedom of religion, interviews with persons who left UNITA-controlled areas reveal that the clergy does not enjoy the right to criticize UNITA policies.

In January 1999, unknown gunmen killed Father Albino Saluaco, a Catholic parish priest, and two catechists in a town in the province of Huambo that was under UNITA military occupation. No group has claimed responsibility for the incident.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, and freedom of exit from and entry into the country; however, the Government does not respect these rights in practice. A network of government security checkpoints throughout the country interfered with the right to travel. Such checkpoints serve also as the principal source of income for many of the country's security service personnel. Extortion at checkpoints is routine in the center of Luanda and pervasive on major commercial routes. Police routinely harassed refugees at checkpoints (see Section 1.c.). The Government routinely cuts off access to areas of the country that are deemed insecure or beyond the administrative authority of the State. Insecurity prevented persons from transporting goods during the year (see Section 1.g.). General insecurity, poor infrastructure, and landmines also inhibited the free movement of persons throughout the country.

There were some reports that the MPLA attempted to restrict the ability of opposition deputies to travel within the country.

There were reports that police and army members obstructed the movement of NGO's in the country (see Sections 1.c., 1.g., and 4).

Landmines are a major impediment to freedom of movement. UNITA used landmines primarily on roads and trails to disrupt transportation, and to control village populations. Government mining generally was confined to strategic positions around towns for defensive purposes, and government use of landmines reportedly declined during the year. There are an estimated 7 million landmines deployed throughout the country. Fear of injury and death from landmines effectively imprisoned and impoverished entire communities. There were numerous deaths and injuries resulting from landmine explosions during the year (see Section 1.g.).

The Government temporarily prohibited journalists who were convicted of defamation from traveling outside of the country (see Section 2.a.). Foreign journalists must obtain authorization from the Ministry of the Interior in order to obtain access to government officials or to travel within the country. Media requests to travel to areas that were not controlled by the Government were routinely denied.

The Government did not place restrictions on emigration and repatriation; however, there were some reports that immigration officials harassed and extorted money from foreign businessmen.

The number of IDP's continued to increase during the year; however, the exact number of IDP's is unknown because of continuing insecurity. Between January and August, there were approximately 300,000 new IDP's in the country. According to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA), more than 3 million IDP's have been reported since the resumption of the conflict in 1998; approximately 1.8 million IDP's have been identified. In 2000 the Ministry of Assistance and Social Re-Insertion (MINARS) estimated that there were 3,800,00 war-affected persons in the country. In 2000 the U.N. reported that there were 1,480,942 confirmed IDP's and a total of 2,299,314 reported IDP's in the country. Many IDP's are returned refugees from neighboring countries who were reintegrated into the country from 1994 to 1998. The majority of registered IDP's were located in Bie, Huambo, and Malange provinces in the interior of the country. IDP's who arrived from UNITA-controlled areas displayed signs of abuse and severe malnutrition. MINARS has primary responsibility for IDP's and implemented housing and resettlement programs; however, these efforts remained inadequate.

According to the Government, there are 120 IDP camps in the country, 35 of which were remote from urban centers, and there is a lack of adequate water supply in these areas. IDP's frequently were harassed in camps. For example, there was a credible report that in April, the coordinator for the Mussende Camp in Viana insisted that camp residents pay for water. In some camps, IDP's are required to contribute labor, and coordinators occasionally required IDP's to pay for the materials that go into bricks for constructing structures in the camps. There also were reports that the camp coordinator threatened to deny food aid to camp residents who refused to pay for their water. There were instances in which police officers and soldiers harassed IDP's, and IDP's were denied humanitarian assistance due to the misappropriation by the authorities who were stealing supplies. IDP's were conscripted forcibly in both government and UNITA controlled areas (see Section 1.f.). There also have been reports of male IDP's being forced by authorities to leave IDP camps and return to their places of origin. However, the IDP's overall situation improved during the year. In November 2000, the U.N. High Commissioner for Refugees (UNHCR) began new IDP assistance programs and provided protection and assistance in three northern provinces during the year. The UNHCR IDP assistance program was scheduled to end in 2002.

On January 5, the Government passed a decree that assigns the provinces responsibility for IDP resettlement. It specifies a minimum amount of cultivable land for each family, provides for freedom from landmines and provisions for health centers, schools, water, drainage, equipment, and farm supplies, and it includes requirements for coordination between the provinces and traditional authorities.

The governor of Malange province reportedly moved displaced populations that were suspected of sympathizing with UNITA into villages that were located in the path of oncoming rebel attacks. Provincial governments in the country at times relocated IDP's to areas with security problems. There were credible reports that military forces and local leaders increased the forcible displacement of civilians during the year as part of the military's counterinsurgency strategy; the Government failed to provide these populations with adequate shelter and aid (see Section 2.d.). Residents of Boa Vista who were evicted by the Government in June were relocated to a camp without adequate water and sewer systems; at least 5,000 continued to reside at the camp, which was intended to become their permanent residence, at year's end (see Section 1.f.). In July the FAA forcibly relocated the entire population of a village in Moxico to Luena with only 1 hour prior notice. Many IDP's were moved from transit camps and urban warehouses with poor conditions to rural, safe security areas, and provided with homes, small land parcels, medical care, and education by the Government, U.N. agencies, and NGO's.

According to UNHCR, more than 400,000 citizens have sought refugee status in neighboring countries since the conflict began. The largest numbers of Angolan refugees are in the DRC, where 180,000 refugees resided and in Zambia, where 210,000 refugees were located at year's end. Throughout the year, new Angolan refugees continued to flee to the DRC, Zambia, and Namibia. Access to the DRC and Zambia was unhindered; however, the closure of Namibia's border with the country prevented some refugees from gaining asylum in Namibia.

In August more than 600 Angolan refugees reportedly returned from the Republic of Congo to Cabinda under UNHCR auspices. In November 2000, the UNHCR reported that between 15,000 and 18,000 citizens gathered near the border with the DRC; they remained near the border at year's end. Thousands of citizens reportedly crossed into Namibia during the year, although there were unconfirmed reports that some refugees were denied entry into Namibia early in the year.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other human rights organizations in assisting refugees. According to the UNHCR, the Government provides first asylum to approximately 12,000 refugees from the DRC. An eligibility committee to evaluate asylum claims meets regularly to evaluate asylum requests.

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 all adult citizens with the right to choose the President of the Republic and deputies in the 220-seat National Assembly by secret ballot in direct multiparty elections; however, in practice citizens have no effective means to change their government. The Lusaka Protocol established the mechanism for returning the country to an electoral calendar. The Constitutional Committee of the National Assembly continued to work on a new constitution and a new electoral law;

however, the process was not completed by year's end. During the year, progress on constitutional reform was blocked by deadlock between the opposition and the ruling MPLA party in the National Assembly. The Government stated its intention to hold elections by year's end, but later postponed them until 2003.

The President is elected by absolute majority. If no candidate wins such a majority, a runoff must take place between the two candidates with the most votes. Of the 220 deputies in the National Assembly, 130 are elected on a national ballot, and 90 are elected to represent the provinces. The Electoral Law also calls for the election of three additional deputies to represent citizens living abroad; however, those positions were not filled in the 1992 elections.

Ruling power is concentrated in the President and other members of the Council of Ministers, through which the President exercises executive power. The Council can enact decree-laws, decrees, and resolutions, thereby controlling most functions normally associated with the legislative branch. Although the Constitution establishes the position of Prime Minister, the President dismissed the Prime Minister during the MPLA Party Congress at the end of 1998, assumed the position himself by decree, and continued to hold the position at year's end. The National Assembly has, since its inception, served as a rubber stamp for the Council of Ministers. However, with opposition deputies holding approximately 43 percent of National Assembly seats, substantive debates sometimes took place on issues such as the peace process, the Government's budgeting priorities and accountability, and constitutional reform. During the year, regular parliamentary sessions were held according to an annual schedule.

The 1992 elections were the first multiparty democratic elections in the country's history; they were conducted with U.N. supervision and financial support. MPLA president Jose Edardo Dos Santos won a plurality of votes cast in the presidential election (49 percent), and UNITA leader Jonas Savimbi finished second (40 percent). Although local and international observers declared the election to be generally free and fair and called on UNITA to accept the results, UNITA claimed that the elections were fraudulent, rejected the results, and returned the country to civil war. The runoff election between Dos Santos and Savimbi was never held. The Lusaka Protocol stated that it would take place following a U.N. determination that requisite conditions exist. The National Assembly voted in June 1999 to cancel the runoff election, pending a determination that conditions are appropriate for a new election.

In 1997 UNITA and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation. In 1998 UNITA officials assumed 4 ministerial and 7 vice-ministerial positions, and 70 UNITA deputies took their seats. UNITA governors, vice governors, and local administrators were nominated, but remaining positions were filled by members of a splinter UNITA group, UNITA-Renovada, which is recognized and assisted by the Government. The National Assembly promulgated a special status for Savimbi, declaring him to be the leader of the largest opposition party and providing him with 5 official residences and a bodyguard contingent of 400 personnel. The National Assembly revoked Savimbi's status in 1998 for abrogating his duties under the Lusaka Protocol. In 1999 the Government declared Savimbi a war criminal and issued a warrant for his arrest; the warrant remained outstanding at year's end.

During the year, the Ministry of Justice launched a program to issue new identity cards to citizens for voter registration purposes.

Opposition parties complained of harassment and intimidation by the Government. There were reports of localized harassment of individuals who were not members of the ruling party, particularly after increased UNITA military activity. For example, after a series of UNITA attacks, members of UNITA-Renovada in Uige went into hiding because of fear of reprisals from the local population. There also were reports that members of the MPLA beat and detained UNITA-Renovada members whom they accused of supporting Savimbi in Uige and Kwanza Norte. In August authorities detained seven MPLA members in Lubango, Huila, for invading and vandalizing UNITA-Renovada's municipal office.

The percentage of women in government or politics does not correspond to their percentage of the population; however, there are no legal barriers to the participation of women in the political process. Women occupy 10 of 83 cabinet positions, 35 of 220 seats in the National Assembly, and none of the 9 places on the Supreme Court.

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

The Government does not prohibit independent investigations of its human rights abuses; however, it fails to cooperate and often uses security conditions as a false justification to deny access to affected areas.

There were more than 120 registered NGO's operating in the country; approximately 45 were domestic NGO's. Local NGO's actively promoted human rights during the year. During the year, the Ministry of Justice blocked the registration of the Association of Peace, Justice, and Democracy by failing to respond to its application (see Section 2.b.).

There were reports of FAA and police harassment of NGO workers during the year. Some organizations reported incidents of harassment to local police that subsequently were investigated and in some cases redressed; however, the general pattern of NGO harassment continued (see Sections 1.c. and 1.f.). There were credible reports that persons working for NGO's were targeted for forced recruitment; however, they usually were released after their employers intervened with the Government. There were unconfirmed reports that UNITA rebels targeted citizen NGO employees in the country, using darker skin color as the primary means of distinguishing them from foreign employees.

The Government allowed the discussion of human rights violations and problems relating to the war, including conferences by the Open Society Institute and Women's Movement for Peace and Development, during the year.

Several international organizations have a permanent presence in the country, including the ICRC and the human rights division of the U.N. Unlike in the previous year, Human Rights Watch did not visit the country.

Human rights organizations were constrained by the general insecurity that existed outside the capital.

The Constitution provides for the creation of an Office of the Provider of Justice, or Ombudsman, designated by the National Assembly for a 4-year-term, to defend citizens' rights and liberties. However, this office was not established by year's end.

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

Under the Constitution, all citizens are equal before the law and enjoy the same rights and responsibilities regardless of color, race, ethnicity, sex, place of birth, religion, ideology, degree of education, or economic or social condition. The Government does not have the ability to enforce these provisions effectively.

Women.—Domestic violence against women was widespread. Credible evidence indicated that a significant proportion of homicides was perpetrated against women, usually by spouses. The Ministry of Women and Family deals in part with violence against women, and the Government continued its project to reduce violence against women and improve the status of women; efforts during the year included a public education campaign. Domestic violence is prosecuted under rape and assault and battery laws. Rape is defined as a forced sexual encounter and is punishable by up to 20 years in prison; the law treats sex with a minor as nonconsensual. However, an inadequate judicial system obstructs investigation and prosecution of such cases. Allegations of rape by government forces in the central highlands increased during the year (see Section 1.c.). During the year, four FAA soldiers were convicted of the rape of a pregnant woman. They were tried first in a military court and sentenced to 7 years imprisonment; a civil court subsequently sentenced them to the maximum 20 years punishable for the offense. There were reports of rape by UNITA forces.

Sexual harassment was a problem, which has been publicized in the official media. There is no specific legal provision regarding sexual harassment; however, such cases can be prosecuted under assault and battery and defamation charges.

The Constitution and Family Code provide for equal rights without regard to gender; however, societal discrimination against women remained a problem, particularly in rural areas. In addition a portion of the Civil Code dates to colonial times and includes discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities. There are no effective mechanisms to enforce child support laws, and women carry the majority of responsibilities for raising children. Due to poor economic conditions, an increasing number of women engaged in prostitution. The law provides for equal pay for equal work; however, in practice women rarely are compensated equally. Some women hold senior positions in the armed forces (primarily in the medical field) and civil service, but women mostly are relegated to low-level positions in state-run industries and in the small private sector. In much of the country, women constituted a growing percentage of persons with disabilities, as they were most likely to become victims of landmines while foraging for food and firewood in agricultural areas. Under the

law, adult women may open bank accounts, accept employment, and own property without interference from their spouses. Upon the death of a male head of household, the widow automatically is entitled to 50 percent of the estate with the remainder divided equally among legitimate children.

Women increasingly were active in lobbying for rights during the year. Rede Mulher/Angola, an association of organizations that advocates for women's rights, pressured the Government to increase awareness of women's concerns in the country. In October the association participated in the International Women's March Against Poverty and Violence Against Women. The organization addressed violence in the home and workplace, education, and IDP problems.

A series of national conferences on women's rights, partially funded by foreign donors, continued to call for the Government to amend the Civil Code to end women's legal inequality, create a social welfare program, and strengthen enforcement mechanisms for existing legislation.

Children.—Approximately 50 percent of the population is believed to be under the age of 15; however, the Government paid little attention to children's rights and welfare. The Ministry of Education barely functioned due to a lack of resources and corrupt administration. Private religious, community, or corporate groups have been unable to fill this vacuum.

Primary and secondary education is free and compulsory until the age of 14; however, students often have to pay significant additional expenses. Although primary education was compulsory, there were not enough schools, and many children had to work to support their families. Teachers were chronically unpaid and often demanded unofficial payment or bribes from students. Teachers engaged in strikes in provinces throughout the country during the year (see Section 6.a.). The net enrollment rate of school-age children is 40 percent; however, while 50 percent of children 5 to 14 years of age are in school, only 30 percent of children remain in school after grade 5. There was an 18 percent enrollment rate gap favoring boys over girls. Almost 1 million children are estimated to be out of school, with no prospect of integrating them into the education system. Most of the educational infrastructure was either partially or totally damaged and lacks basic equipment and teaching materials. Only 42 percent of the population was literate, and the illiteracy rate for women is almost twice that of men.

Children often were victims in the civil war. The mortality rate for children under 5 years of age increased; UNICEF reported a child mortality rate of 295 per 1,000 in 2000. Malnutrition among children was a problem. UNICEF documented that during the period between 1995 and 2000, 42 percent of children under 5 years of age moderately were underweight and 14 percent severely were underweight. Government and UNITA forces killed, kidnaped, and injured children during attacks throughout the year (see Sections 1.a., 1.b., 1.c., and 1.g.). Children continued to be killed and injured by landmine explosions (see Section 1.g.). According to the Angolan National Institute for the Removal of Explosive Obstacles and Devices (INAROE) and the U.N. Development Fund, out of a total of 427 landmine accidents in 2000, 101 involved children under the age of 18.

The Government took some steps to protect children's rights during the year. The Government publicly criticized the kidnaping of 60 children in Caxito by UNITA in May. The Government launched an 18-month campaign to register and identify an estimated 5 million children, many of whom were separated from their families during the war. The campaign was designed to improve children's access to government services and to offer greater protection against underage recruitment into the armed forces; the campaign continued during the year. On August 7, the Ministry of Justice launched an 18-month campaign to register and provide identity papers to minors up to the age of 17 and announced that churches would be allowed to perform civil registration. As a result of the war and increasing numbers of IDPs, millions of persons lack birth certification and identification documents, making proof of age impossible for schools, employers, and conscription. The Government continued to publicize the problems of street and homeless children during the year. The Government considers its registration program to be a first step in addressing the number of homeless children.

The UNICEF in 1998 estimated that there were approximately 5,000 street children in Luanda; some were orphans or abandoned while others ran away from their families or government facilities that were unable to support them. Living conditions in government youth hostels are so poor that the majority of homeless children preferred to sleep on city streets. Street children shine shoes, wash cars, and carry water, but many resort to petty crime, begging, and prostitution in order to survive (see Section 6.d.). The government-sponsored National Institute for Children was established in the late 1980's to enforce child protection, but it lacks the capacity to work adequately with international NGO's. The institute reported that in a sample

from Catchiungo, the number of street children assisted by the institute doubled from 7,890 in 2000 to 14,000 during the year, and that more than 90 percent of these children suffer from malnutrition.

An international NGO that works with street children estimated that there are 500 to 1,000 underage prostitutes in Luanda. There are no laws that specifically prohibit child prostitution; however, child prostitution is prohibited by a general criminal statute. The age of sexual consent is 12 years, and any sexual relations with a child under 12 years of age is considered rape. Sexual relations with a child between the ages of 12 and 17 can be considered sexual abuse. There are no laws specifically against child pornography; however, pornography is prohibited statutorily. The Ministry of Family and Women's Affairs enforces and oversees special family courts, and the National Institute for Assistance to Children has daily responsibility for children's affairs.

In July the Government began to implement a civil registration campaign to facilitate the adherence to the minimum age requirement of 18 years for military recruitment. In November and December, the Government began a conscription campaign that focused on legal compliance with age restrictions; however, significant numbers of children reportedly continued to be recruited as a result of the absence of civil registration and the inability to prove dates of birth (see Section 1.f.). There continued to be reports of forced recruitment of children in the provinces. There were credible reports that UNITA often forcibly recruits children as young as 10 years of age into its armed forces (see Section 1.f.).

There are no active domestic private children's rights advocacy groups; however, several international organizations advocate for children's rights in the country.

Persons with Disabilities.—The number of persons with physical disabilities includes an estimated 80,000 disabled landmine survivors. While there was no institutional discrimination against persons with disabilities, the Government did little to improve their physical, financial, or social conditions. There is no legislation mandating accessibility for persons with disabilities in public or private facilities, and, in view of the degradation of the country's infrastructure and high unemployment rate, it was difficult for persons with disabilities to find employment or participate in the education system.

Indigenous People.—The population includes 1 to 2 percent of Khoisan and other linguistically distinct hunter-gatherer tribes scattered through the provinces of Namibe, Cunene, and Cuando Cubango. There is no evidence that they suffer from official discrimination or harassment, but they do not participate actively in the political or economic life of the country, and they have no ability to influence government decisions concerning their interests.

There was a lack of adequate laws to protect the rights of traditional pastoral communities of the Ovimbundu, Nanheca, and Ovambu, in the Cunene and Huila provinces as the Government attempted to clarify land titles in the region. Property laws inherited from the colonial era protected the power of large landholders and threatened the existence of traditional communities. In July the Ministry of Agriculture, in conjunction with the U.N. Food and Agriculture Organization, began fencing off plots of land for pastoral groups in these provinces. Associacion Leonardo Sikufinde-Shalom Angola (ALASSA), a Catholic organization that advocates for indigenous people's rights, criticized the Government for providing plots that were too small and for failing to include persons most affected in government planning; the case continued at year's end. Unlike in the previous year, there were no reports that some members of indigenous groups committed suicide upon loss of their wealth or property.

National/Racial/Ethnic Minorities.—Years of war and internal dislocation have produced substantial integration of ethnic and linguistic groups, particularly in the coastal areas, where as much as half of the population resides. The largest ethno-linguistic group, approximately 40 percent of the country's population, is Ovimbundu, whose traditional region includes much of the south-central part of the country. Although the Ovimbundu form the base for UNITA, there is little evidence of systematic discrimination against them by the Government or other groups. Other important ethno-linguistic groups include the Bakongo in the north; Kimbundu in the north-central area; and Chokwe in the far east. The coastal population centered in Luanda and, to a lesser extent, Benguela-Lobito, predominantly speaks Portuguese as a first language. The Portuguese-speaking group includes a large minority of "Mesticos" of mixed European and African ancestry and a small, white, predominantly Portuguese-descended population. In addition approximately 30,000 Portuguese citizens live in the country, forming the bulk of the nonrefugee expatriate community.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join trade unions, engage in union activities, and strike; however, the Government does not respect these rights consistently in practice. The Government dominates the National Union of Angolan Workers (UNTA), which is the labor movement affiliated with the ruling MPLA party; however, there are two independent unions, the General Center of Independent and Free Labor Unions of Angola (CGSILA) and the small Independent Union of Maritime and Related Workers (SIMA). The CGSILA has a membership of approximately 50,000 members, and UNTA claims to have more than 400,000 members. There are tensions between the two organizations. There were reports that members of the CGSILA were fired from their jobs for recruiting UNTA members to join the CGSILA. The law requires that labor unions be recognized by the Government. Restrictions on civil liberties potentially prevent any labor activities not approved by the Government and constitute an obstacle to trade union activities which the Government considers against its interests; however, the major impediment to labor's ability to advocate on behalf of workers is the 60 percent formal sector unemployment rate.

The Constitution provides for the right to strike. Legislation passed in 1991 provides the legal framework for, and strictly regulates that right. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces and police personnel, prison workers, and fire fighters. The law does not prohibit employer retribution against strikers effectively. The law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes.

SIMA strikes continued during the year, and there were spot strikes elsewhere in the country.

In January UNTA led general strikes by public employees to demand an increase in the minimum wage (see Section 6.e.). In June the Government agreed to increase the monthly public sector minimum wage from approximately \$15 (400 kwanzas) to approximately \$50 (1,500 kwanzas).

In May workers in Uige province held a protest march against high living costs and late salary payments.

Teachers and nurses continued to engage in wildcat strikes during the year.

In December 2000, UNTA organized a 3-day strike demanding an increase in the minimum wage. The CGSILA refused to cooperate and openly criticized UNTA for coopting CGSILA's long-standing support for a minimum wage increase, but demanding half of the amount that the CGSILA had advocated.

Unions have the right to affiliate internationally. The CGSILA cooperates with the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and participates in the International Labor Organization (ILO). Individual trade unions maintain relations with counterpart unions in other countries.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and for collective bargaining; however, the Government does not respect these rights in practice. The Government does not facilitate a positive environment for constructive labor management negotiations. The Government dominates the economy through state-run enterprises. The Ministry of Public Administration, Employment, and Social Security sets wages and benefits on an annual basis. Legislation prohibits discrimination against union members and calls for worker complaints to be adjudicated in regular civil courts. Under the law, employers found guilty of antiunion discrimination are required to reinstate workers who have been fired for union activities. In practice neither the Labor Code nor the judicial system are capable of defending these rights, and the Government has been unwilling to enforce them.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor; however, it also permits the Government to force public sector workers back to work for breaches of worker discipline and participation in strikes. There were reports that the army forcibly conscripted persons (see Section 1.f.).

The law prohibits forced and bonded child labor, and there are no reports that such labor occurs in government-held areas; however, the Government does not have the capacity to enforce this legislation in nongovernment-held areas (see Section 6.d.).

UNITA forces regularly abducted children for military service and other forms of forced labor (see Sections 1.b., 1.f., and 5). UNITA depended on forced labor for much of its logistical support. Refugees and IDPs reported that rural women frequently were forced to work as porters for UNITA military units and kept in life-threatening conditions of servitude. There continued to be some reports of sexual assault of abductees during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 14 years. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort, and children under 16 years of age are prohibited from factory work; however, these provisions generally are not enforced. The Inspector General of the Ministry of Public Administration, Employment, and Social Security is responsible for enforcing labor laws. Although child labor law enforcement is under the jurisdiction of the courts, in practice, the court system does not provide adequate protection for children. Child labor violations were punishable with fines and restitution. There is no formal procedure for inspections and investigations into child labor abuses outside of the family law system, although private persons can file claims for violations of child labor laws. The Ministry maintains employment centers where prospective employees register, and the center screens out applicants under the age of 14; however, many younger children work on family farms, as domestic servants, and in the informal sector as street vendors. Family-based child labor in subsistence agriculture is common. Children under 12 years of age work for no reimbursement for their families and in apprenticeships. Poverty and social upheavals have brought large numbers of orphaned and abandoned children, as well as runaways, into unregulated urban employment in the informal sector.

The Government ratified ILO Convention 182 on the worst forms of child labor during the year.

The law prohibits forced and bonded child labor; however, the Government is unable to enforce these provisions, and children were regularly abducted by UNITA forces for forced labor (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage set by the Ministry of Public Administration, Employment, and Social Security was approximately \$30 (600 kwanzas) per month for the first half of the year; however, the Government does not enforce this standard. The majority of urban workers earn less than \$10 (200 kwanzas) per month. Most workers hold second jobs, engage in subsistence agriculture, rely on aid from relatives, or engage in corruption to supplement their incomes. Neither the minimum wage nor the average monthly salary, which are estimated at \$20 (400 kwanzas) to \$200 (4,000 kwanzas) per month, are sufficient to provide a decent standard of living for a worker and family. As a result, most wage earners depend on the informal sector, subsistence agriculture, corruption, or support from abroad to augment their incomes. CGSILA continued to demand a minimum wage increase and better working conditions during the year. The Government took no measures to rectify the national system of setting the minimum wage during the year; however, during the year, the Government established a working group to examine the minimum wage issue, and in June the Government agreed to raise the public sector minimum wage to approximately \$50 per month (see Section 6.a.).

Employees receiving less than the legal minimum wage have the right to seek legal recourse; however, it is uncommon for workers to do so.

On January 7, oil workers seized a foreign-owned oil rig to demand payment of severance packages. The workers took 50 foreign workers hostage but released them on January 10; they then flew to Luanda, where they were arrested but subsequently released within 72 hours.

A 1994 government decree established a 37-hour workweek; however, the Ministry of Public Administration was unable to enforce this standard, just as it was unable to enforce existing occupational safety and health standards. Workers cannot remove themselves from dangerous work situations without jeopardizing their continued employment.

Foreign workers (legal or illegal) are not protected under the labor law. They receive legal protection if they work under contract, otherwise they receive protection only against criminal acts.

f. Trafficking in Persons.—The Constitution prohibits human bondage, although no legislation exists to enforce this position. There are reports that Angolans are trafficked to the United Kingdom for labor exploitation and that women are trafficked to South Africa. There also continued to be allegations that UNITA abducted persons, including children, for forced labor and military service, and abducted women for use as sex slaves. There were credible reports that UNITA forcibly recruited children into its military (see Section 5).

In July the Government implemented measures to register children to protect them against potential trafficking (see Section 5). The Ministry of Social Reinsertion (MINARS) worked with UNICEF and NGO's to provide treatment and housing for freed children. For example, in March 2000, 42 children who had been separated from their families were traced and reunited.

BENIN

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated on April 6, after elections that observers generally viewed as free but not entirely fair. President Kerekou, who ruled the country as a Socialist military dictator from 1972 to 1989, succeeded his democratically elected predecessor in 1996 and continued the civilian, democratic rule begun in the 1990–91 constitutional process that ended his previous reign. There are 19 political parties represented in the unicameral, 83-member National Assembly. The March 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Nicephore Soglo, which gained 27 seats in Parliament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. The Government generally respects the constitutional provision for an independent judiciary; however, the executive has important powers in regard to the judiciary, and the judiciary is inefficient and susceptible to corruption at all levels.

The civilian-controlled security forces consist of the armed forces, headed by the State Minister in Charge of Defense Matters, and the police force under the Ministry of Interior, Security, and Decentralization. The Ministry of Defense supervises the Gendarmerie, which exercises police functions in rural areas, while the Ministry of Interior supervises other police forces. The armed forces continued to play an apolitical role in government affairs despite concerns about lack of morale within its ranks and an ethnic imbalance within the forces. Members of the police committed some human rights abuses.

The country is extremely poor with average yearly per capita income below \$400 (approximately 293,000 CFA francs); its population is approximately 6.4 million. The economy is based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The port of Cotonou serves as a major conduit for goods entering neighboring Nigeria legally and illegally. The Kerekou administration has maintained the austerity program; continued to privatize state-owned enterprises; reduced fiscal expenditures; and deregulated trade. In spite of an inefficient bureaucracy and widespread unemployment, the country's economic recovery continued under liberal economic policies. Although the economy expanded, real growth continued to be lower than in the previous year. The Government estimated the growth rate at 5 percent for the year; however, approximately 2 percent of this growth can be credited to major infrastructure projects, such as road construction, that were funded by foreign aid. Inflation was 3.9 percent at year's end, prompted by price hikes for imported oil and derivative products. The Government announced additional delays in the privatization of the port of Cotonou and the cotton parastatal, SONAPRA.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were credible reports that police sometimes beat suspects, and at times the authorities arbitrarily arrested and detained persons. The most serious human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; harsh and unhealthy prison conditions; serious administrative delays in processing ordinary criminal cases with attendant denial of timely, fair trials; judicial corruption; violence and societal discrimination against women; and trafficking in and abuse of children. The practice of female genital mutilation (FGM) and, to a lesser extent, infanticide also remained problems. Child labor, including forced and bonded child labor, continued to be a problem. The Constitutional Court has demonstrated independence; however, it was accused of bias in favor of the President during the presidential elections.

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.

Unlike in the previous year, there were no reports of prison riots, and there were no reports of any action taken against the persons responsible for the deaths of three prisoners during the May 2000 riot at the Lokossa prison (Mono department).

There were reports during the year that several persons were killed during disputes between Fulani herdsmen and local landowners over grazing rights (see Section 2.d.).

As in the previous year, incidents of mob justice were reported by the media and other sources. Most often these were cases of mobs killing or severely injuring sus-

pected criminals, particularly thieves caught in the act. Although a number of these incidents occurred in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved. In 1999 a vigilante leader, the self-styled "Colonel Devi," incited mobs to lynch more than 100 suspected criminals in the southwestern part of the country. Most of the victims were burned alive, many after being abducted, beaten, and tortured by Devi's followers. The popularity of Devi continued during the year; there were occasional press reports that lauded him and his followers for using mob justice to restore order in the Mono-Couffo (southwest) regions. Although the number of such killings decreased during the year, reliable reports indicate that incidents of mob justice by Devi's followers persisted, despite a promise he made in 1999 to order his followers to cease lynching suspected wrongdoers and instead turn them over to the authorities. In November Devi's followers killed and partially dismembered two persons at his home in Mono. No action was taken against the followers by year's end.

Individual incidents of mob justice continued to occur nationwide, and police most often ignored vigilante attacks. In April in Bante sub-prefecture, newspapers reported that "an enraged mob" set on fire and burned to death a suspected sorcerer and an accused thug. In November there were 10 reported cases in which mobs in several sections of Cotonou attacked persons alleged to have committed ritualistic "thefts" of children and of body parts; at least 5 persons were killed.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that police sometimes beat criminal suspects. For example, on March 22, the day of the runoff election for the presidency, police beat and severed the finger of opposition National Assembly deputy Valentin Somasse. Somasse was accused of violating the law against campaigning on election day. In response opposition deputies proposed a law granting him amnesty, but the measure was ruled unconstitutional by the Constitutional Court. No action was taken against the responsible police by year's end.

Although the Government continued to make payments to victims of torture under the military regime that ruled from 1972 to 1989, not all such victims were paid by year's end. A commission within the Justice Ministry was assigned to look into nonpayment; however, no further action was taken by year's end.

Although an investigation was completed in 2000 in the case of the 1999 police beating of Deputy Sacca Fikara, the authorities still had not decided whether to prosecute the police by year's end.

Mob justice resulted in serious injuries to a number of persons (see Section 1.a.).

Prison conditions continued to be extremely harsh. Extensive overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. The prison diet was seriously inadequate; malnutrition and disease were common. Family members are expected to provide food for inmates to supplement prison rations. Women are housed separately from men; however, juveniles at times are housed with adults. Pretrial detainees are held with convicted prisoners; however, they are not held with the most violent convicts or those subject to the death penalty. Prisoners are allowed to meet with visitors such as family members, lawyers, and others.

According to the Justice Ministry, the country's 8 civil prisons have a collective capacity of approximately 5,000 persons; however, the prisons at times are filled to over 3 times their capacity. The prison in Natitingou (in Atacora province) was the only one of eight prisons nationwide below full capacity. While delayed due to funding problems, a new 1,000-person prison still was under construction in Akpro-Misserete (Oueme department) at year's end. As in the previous year, on the eve of the August 1 Independence Day holiday, the Government granted partial amnesty or modified the sentences of approximately 130 prisoners convicted of minor crimes, such as petty theft.

The Government permits prison visits by human rights monitors. In August the country's first female presidential candidate, Marie-Elise Gbedo, visited a women's prison near Cotonou. In June a medical and dental delegation from a foreign non-governmental organization (NGO) visited approximately 3,000 prisoners; they noted the prevalence of malaria, hypertension, and vision problems among the prison population.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, at times the authorities arbitrarily arrested and detained persons. The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as much as a week, using the common practice of holding a

person indefinitely “at the disposition of” the public prosecutor’s office before presenting their case to a magistrate. Approximately 75 percent of persons in prison are pretrial detainees.

The Constitution prohibits forced exile of citizens, and it is not practiced. Many citizens who went into voluntary exile prior to the establishment of democratic rule have returned.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, the executive branch has important powers in regard to the judiciary, and the judiciary remains inefficient in some respects and is susceptible to corruption at all levels.

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly trained staff, and overcrowded dockets result in a slow administration of justice. The low salaries of magistrates and clerks have a demoralizing effect on their commitment to efficient and timely justice and make them susceptible to corruption.

A civilian court system operates on the national and provincial levels. There is only one court of appeals. The Supreme Court is the court of last resort in all administrative and judicial matters. The Constitutional Court is charged with deciding on the constitutionality of laws and on disputes between the President and the National Assembly and with resolving disputes regarding presidential and National Assembly elections. Its rulings in past years against both the executive and legislative branches, which were respected by both branches, demonstrated its independence from both these branches of government; however, it was accused of bias in favor of the President during the presidential elections (see Section 3). When opposition candidates challenged the preliminary, first-round presidential vote tallies, the Court initially affirmed those results despite the electoral commission’s concession that computer failures and other irregularities made those tallies unreliable. Following extensive public criticism, the Court reviewed the evidence in more detail, modified the tallies, and gave some of the numerous opposition candidates marginally higher total votes. The Constitution also provides for a High Court of Justice to convene in the event of crimes committed by the President or government ministers against the State. Under the Constitution, the High Court is to consist of members of the Constitutional Court (except for its president), six deputies elected by the National Assembly and the Supreme Court, and the Chairman of the Supreme Court. On February 15, the first members of the High Court of Justice were sworn in and began serving their terms during the year. Inefficiency and corruption particularly affect the judiciary at the trial court and investigating magistrate levels. Military disciplinary councils deal with minor offenses by members of the military services, but they have no jurisdiction over civilians.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant enjoys the presumption of innocence and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice the court provides indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. Trials are open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. Police are required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice. In the previous year, the Government, namely the former Managing Director of the Office of Post and Telecommunication, denied charges of wiretapping involving former President Soglo. The National Assembly began an investigation; however, no results were released publicly 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, and the Government respects these rights in practice. The government entity with oversight responsibility for media operations is the High Authority for Audio-Visual Media and Communications (HAAC), which requires broadcasters to submit weekly lists of planned programs and requires publishers to deposit copies of all publications with it. However, the media did not comply with these requirements in practice.

The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 6.c.); however, there were no reports that journalists or others have been imprisoned.

There is a large and active privately owned press consisting of more than a dozen daily newspapers. These publications criticize the Government freely and often, but their effect on public opinion is limited because of their urban concentration. A non-governmental media ethics commission (ODEM) was established in 1999, and it continued to censure some journalists for unethical conduct during the year, as well as commending some journalists for adherence to the standards of their profession.

In 1999 a trial court sentenced five journalists to various jail terms not exceeding 1 year and fines for criminal libel in several cases that did not involve criticism of the Government. At year's end, none of these 1999 sentences had been imposed and appeals remained pending. Journalists continued to insist that violations of the libel law not be punished by jail terms, but the Government has not responded.

Privately owned radio and television stations have become increasingly popular sources of information. Programs critical of the Government were broadcast without interference during the year, and "call-in" and other talk shows often were used for public discussion of topics related to the presidential election campaign.

The Government continued to own and operate the media that were most influential in reaching the public because of its broadcast range and infrastructure. The majority of citizens are illiterate and live in rural areas; they largely receive their news via radio. The Benin Office of Radio and Television (ORTB) transmits on the FM and AM frequencies and by short wave in French and local languages. Radio France International (RFI) also transmits on a local FM frequency under an agreement with the Government. The British Broadcasting Corporation broadcasts in Cotonou in French and English. Fifteen rural radio stations governed by local committees broadcast several hours a day exclusively in local languages. These stations receive support from the ORTB.

A similar arrangement exists for television transmissions: The ORTB broadcasts more than 12 hours per day on a signal that is easily received in urban areas. Approximately 80 percent of the ORTB's television programming is in French. TV5, a commercial venture with investments by television broadcasting organizations in France, Canada, Belgium, and Switzerland, broadcasts locally 24 hours per day entirely in French under an agreement with the Government. A privately owned television station, LC-2, broadcasts in Cotonou. LC-2 is owned by several private businesspersons and features light entertainment and news; however, news coverage generally requires payment. Although neither television station broadcasts partisan programs in support of, or unduly critical of, the Government, the vast majority of news programming centers on government officials' activities, government-sponsored conferences, and international stories provided by French television or other foreign sources.

HAAC regulations govern satellite reception equipment and movie and video clubs. New regulations govern private video clubs, which typically meet at members' homes and require a payment of \$.07 (50 CFA francs) per viewer per film. These December 2000 regulations, issued by the Ministries of Culture and Interior, impose an initial registration fee of approximately \$137 (100,000 CFA francs) per club and annual fees of approximately \$14 (10,000 CFA francs) thereafter. Given the Government's limited law enforcement resources, enforcement of the regulations likely will be problematic.

Internet service is available in cities; there are no governmental restrictions on its use.

The Government does not restrict academic freedom. University professors are permitted to lecture freely, conduct research, and publish their work.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. The Government requires permits for use of public places for demonstrations and generally grants such permits. Unlike in the previous year, there were no reports that permit requests were denied during the year; however, some demonstrators were turned away at the presidential palace when they attempted to voice their grievances.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. The Government requires associations to register and routinely grants registrations. Unlike in the previous year, there were no reports during the year of unregistered schools or of government action against schools it regarded as incompletely or improperly registered.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Persons who wish to form a

religious group must register with the Ministry of the Interior. Registration requirements are identical for all religious groups. There were no reports that any group has been refused permission to register or has been subjected to untoward delays or obstacles in the registration process. Religious groups are free from taxation.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, the presence of police, gendarmes, and illegal roadblocks impedes domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints serve as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such petty corruption at roadblocks.

The Government does not restrict international travel for political reasons, and those who travel abroad may return without hindrance.

The Government's policy toward the seasonal movement of livestock allows migratory Fulani herdsmen from other countries to enter freely; the Government does not enforce designated entry points. Disputes have arisen between the herdsmen and local landowners over grazing rights. Press reports of at least two separate instances of the killing of Fulani suggest that these disputes are intensifying.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Historically, the Government has cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of first asylum. During the year, a number of citizens of Togo entered the country and were granted refugee status or given first asylum because of the political climate in Togo. Many returned to Togo; however, as of December, there were 1,182 Togolese refugees in the country and a total of 1,921 Togolese living in the country under UNHCR auspices. Despite severe economic pressures that limit its ability to provide education for children, the Government has allowed these Togolese to enroll their children in local schools and to participate in some economic activities. As of December, the Government had accepted 1,186 refugees and asylees from the Democratic Republic of the Congo (DRC) and 486 others destined for eventual resettlement in another country.

In contrast the UNHCR estimates that 250 Ogoni refugees from Nigeria, disadvantaged because they do not speak French, cannot work, nor can their children attend schools. UNHCR officials have directed them to remain within the confines of the Kpomasse refugee camp to avoid potential confrontations with local inhabitants and to maintain administrative control over their activities.

In addition there are lesser numbers of refugees from Nigeria, Algeria, Burundi, Cameroon, the Central African Republic, Chad, the Republic of Congo, the DRC, Ethiopia, Niger, Liberia, Rwanda, Sudan, and Sierra Leone. The UNHCR estimated that, as of December, there were 6,818 refugees of various nationalities in the country and that approximately 2,286 persons resident in the country were requesting asylum.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage. Citizens exercised this right in the presidential elections; however, observers generally viewed the February and March presidential elections as free but not entirely fair. The Constitution provides for a 5-year term of office for the President (who is limited to two terms) and 4-year terms for National Assembly members (who may serve an unlimited number of terms).

The country is a constitutional democracy headed by President Kerekou, who was inaugurated on April 6. Observers viewed the reelection of Kerekou as free but not entirely fair because of the apparent judicial manipulation of the presidential electoral counts (see Section 1.e.), the intimidation of opposition deputies (see Section 1.c.), and the unprecedented scope of the campaign expenditures made by the President's coalition. President Kerekou, who ruled the country as a Socialist military dictator from 1972 to 1989, succeeded his democratically elected predecessor in 1996 and continued the civilian, democratic rule begun in the 1990–91 constitutional process that ended his previous reign. There are 19 political parties represented in the unicameral, 83-member National Assembly. The 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Soglo, which gained 27 seats in Par-

liament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. Consequently, legislative power shifts between opposition and progovernment forces. For example, the President of the National Assembly is from an opposition party. The country's first municipal elections were scheduled to be held during the year; however, they were postponed to an unspecified date in 2002.

The percentage of women in government or politics does not correspond to their percentage of the population; however, women participate actively in political parties. Following a Cabinet reshuffle in May, there are 2 women in the 22-member Cabinet. There are 6 female deputies in the 83-member, unicameral National Assembly, including the leader of the largest opposition party. The President of the Constitutional Court and the Solicitor General (which is not a cabinet position) are women.

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

A number of domestic and international human rights groups, generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

In late 2000, a joint U.N./Organization of African Unity (OAU) commission investigated the allegations that hundreds of bodies of victims of Togolese security forces had washed ashore on the country's beaches in 1998. In February the commission released its report, finding the existence of a systemic pattern of human rights violations in Togo in 1998. While the Government of Togo disputed these findings, there was no official response from the Government, the U.N., or the OAU.

Following the April 17 arrival of a ship alleged to be trafficking persons, the Government undertook a formal investigation and produced a final report, which was cosigned by UNICEF and Terre des Hommes, an NGO (see Section 6.f.).

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

The Constitution prohibits discrimination based on race, sex, and religion, but societal discrimination against women continued. Persons with disabilities are disadvantaged.

Women.—Domestic violence against women, including wife beating, is common. According to incomplete court statistics for Cotonou in 1999, only 35 criminal proceedings based on reports of violence against women were ongoing at the end of 1999. The maximum penalty ranges from 6 to 36 months' imprisonment. NGO observers believe that women remain reluctant to report cases. Judges and police also are reluctant to intervene in domestic disputes; society and law enforcement considers such cases to be an internal family matter.

Female genital mutilation (FGM) is condemned widely by international health experts as damaging to both physical and psychological health. The Government has been less successful in combating FGM, which is not illegal. FGM is practiced on females ranging from infancy through 30 years of age and generally takes the form of excision. Surveys, including one conducted by the World Health Organization in 1999, reliably placed the estimate of the number of women who had undergone FGM at approximately 50 percent. A prominent NGO, the Benin chapter of the Inter-African Committee, has made progress in raising awareness of the dangers of the practice; the Government has cooperated with its efforts. According to recent research, there is a strong profit motive in the continued practice of FGM by those who perform the procedure, usually older women. The efforts of NGO's and others to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities continued during the year. The press reported that the number of girls and women undergoing FGM has decreased significantly each year since 1996. UNICEF-Benin believes that, if the trend continues, the practice could be eradicated by 2015.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experience extensive societal discrimination, especially in rural areas where they occupy a subordinate role and are responsible for much of the hard labor on subsistence farms. In urban areas, women dominate the trading sector in the open-air markets. By law women have equal inheritance and property rights, but local custom in some areas prevents them from inheriting real property.

During the year, the National Assembly began intense consideration of the proposed Family Code that first was introduced in 1995. Critics call it a women's code and charge that it would give women unfair advantages. Some women deputies have

threatened to call for public protests if the legislation does not receive full, fair, and expeditious consideration. Certain provisions of the bill aim to ensure equal inheritance and property rights for women. The National Assembly still was considering the Family Code at year's end.

Children.—The Ministry of Labor and Social Affairs is responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family, Social Protection, and Solidarity have oversight roles in the promotion of human rights issues with regard to children and their welfare.

Education is free but not compulsory. In some parts of the country, girls receive no formal education. The Government is trying to boost primary school enrollment, which is approximately 95 percent male and approximately 66 percent female nationwide; only 26 percent of boys and only 12 percent of girls were enrolled in secondary school. Girls do not enjoy the same educational opportunities as boys, and female literacy is approximately 18 percent (compared with 50 percent for males). However, elementary school pass rates in recent years highlighted significant progress by girls in literacy and scholastic achievement.

There is a tradition in which a groom abducts and rapes his prospective child bride (under 14 years of age). Criminal courts mete out stiff sentences to criminals convicted of crimes against children, but many such crimes never reach the courts due to lack of education and access to the courts or fear of police involvement in the problem.

FGM is performed commonly on girls (see Section 5, Women).

Trafficking in children is a problem (see Sections 4, 6.c., 6.d., and 6.f.).

The Government, in concert with NGO's, made serious efforts to combat child abuse and trafficking in children, including media campaigns, programs to assist street children, greater border surveillance, and a conference on trafficking (see Sections 4 and 6.f.). Following the April 17 arrival of the *Etireno*, a ship reportedly transporting trafficked children, the National Commission on Children's Rights prepared an action plan to counter child trafficking. The plan was presented to the Government and financing for it was pending at year's end. Despite such efforts, the abuse of children remained a serious problem.

Some traditional practices inflict hardship and violence on children, including most prominently the custom of "vidomegon," whereby poor, often rural, families place a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represents to the parental family. The children work, but the arrangement is voluntary between the two families. There is considerable amount of abuse in the practice, and there are instances of sexual exploitation. Ninety to 95 percent of the children in vidomegon are young girls. Children are sent from poorer families to Cotonou and then some of the children are sent to Gabon, the Cote d'Ivoire, and the Central African Republic to help in markets and around the home. The child receives living accommodation, while income generated from the child's activities is split between the child's parents remaining in the rural area and the urban family that raises the child. Following the *Etireno* incident, the Government renewed its analysis of the impact of vidomegon (see Sections 4, 6.c., 6.d., and 6.f.). In July National Assembly deputies came to the coast town of Grand Popo, near the Togo border, for a meeting with voters to discuss vidomegon; however, there were no specific actions taken by year's end.

Child labor, including forced child labor and trafficking in children for purposes of forced labor or prostitution in other countries, remained problems (see Sections 4, 6.c., 6.d., and 6.f.).

Other traditional practices include the killing of deformed babies, breech babies, and one of two newborn twins (all of whom are thought to be sorcerers in some rural areas). Press reports of infanticide were up sharply during the year, and some NGO's are combining their anti-infanticide efforts with programs to counter FGM.

Persons with Disabilities.—Although the Constitution provides that the State should care for persons with disabilities, the Government does not mandate accessibility for them. It operated a number of social centers for persons with disabilities to assist their social integration. Nonetheless, many are unable to find employment and must resort to begging to support themselves.

The Labor Code includes provisions to protect the rights of workers with disabilities, which was enforced with modest effectiveness during the year.

National/Racial/Ethnic Minorities.—There is a long history of regional rivalries. Although southerners are preeminent in the Government's senior ranks, many prominent military officers come from the north. During the year, new appointments reduced the imbalance. The south has enjoyed more advanced economic development and traditionally has held politically favored status.

During the presidential campaign, ethnic rivalries were evident. Candidate Sacca Lafia, first vice-president of the National Assembly, gave speeches urging his fellow northerners and members of his own Bariba group to prepare to seize power from other groups. President Kerekou, also a northerner, is a member of the Somba group (see Section 3).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers with the freedom to organize, join unions, meet, and strike, and the Government usually respects these rights in practice. The labor force of approximately 2 million is engaged primarily in subsistence agriculture and other primary sector activities, with less than 2 percent of the population engaged in the modern (wage) sector.

Although approximately 75 percent of the wage earners belong to labor unions, a much smaller percentage of workers in the private sector are union members. There are several union confederations, and unions generally are independent of government and political parties. The Economic and Social Council, a constitutionally mandated body established in 1994, includes four union representatives.

Strikes are permitted; however, the authorities can declare strikes illegal for stated causes, for example, threatening to disrupt social peace and order, and require strikers to maintain minimum services. In August the Government declared illegal a strike by customs officers protesting a surprise anticorruption inspection by the Finance Ministry. As in previous years, there were a number of teachers' strikes of various lengths during the year, which disrupted schools from the primary through university levels.

Unlike in the previous year, there were no peaceful strikes over increases in the price of gasoline. Labor unions continued to oppose the Government's merit-based promotion scheme. Unions also opposed a 1969 decree (which is still in effect) permitting the Government to dock the wages of striking public sector employees.

There were no known instances of efforts by the Government to retaliate against union activity; however, the International Confederation of Free Trade Unions (ICFTU) alleged that hostility to trade unions persisted and that union members were intimidated. A company may withhold part of a worker's pay following a strike. Laws prohibit employer retaliation against strikers, and the Government enforces them effectively.

Unions may form freely or join federations or confederations and affiliate with international bodies. The two major labor confederations are affiliated with the Brussels-based Confederation Internationale de Syndicats Libres. In early October, union members voted in "professional elections" for the federation or confederation that each member would like as his or her labor representative; however, the final results had not been tabulated or released by year's end, which prompted some unions to complain of possible or probable election fraud. The confederations themselves are divided on the merits of this concept, with some of the smaller or less mainstream unions arguing these elections were not in conformity with the Labor Code.

b. The Right to Organize and Bargain Collectively.—The Labor Code generally allows workers the freedom to organize and administer their own unions. The Labor Code provides for collective bargaining, and workers freely exercised these rights. Wages in the private sector are set in negotiations between unions and employers. The Labor Code also includes a section on the rights of workers with disabilities (see Section 5). The Government sets wages in the public sector by law and regulation.

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal. The Government levies substantial penalties against employers who refuse to rehire workers dismissed for lawful union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced or compulsory labor; however, the law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 2.a.). No such sentences were imposed during the year.

Trafficking in children is a problem (see Section 6.f.).

The Labor Code prohibits forced and bonded labor by children; however, forced child labor is a problem (see Sections 4, 5, 6.d., and 6.f.). Some financially desperate parents indenture their children to "agents" recruiting farm hands or domestic workers, often on the understanding that money paid to the children would be sent to the parents. According to press reports, in some cases, these agents take the children to neighboring countries for labor (see Sections 4, 5, and 6.f.). The Government

has taken steps to educate parents and to prevent such kidnappings of children. Also, many rural children are sent to cities to live with relatives or family friends, often on the understanding that in return for performing domestic chores, they would receive an education (see Section 5). Host families do not always honor their part of the bargain, and the abuse of child domestic servants occurs. The Government has taken some steps to curb abuses, including media campaigns, regional workshops, and public pronouncements on child labor problems.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remains a problem. The Ministry of Labor enforces the Labor Code in only a limited manner (and then only in the modern sector), due to the lack of inspectors. To help support their families, children of both sexes—including those as young as 7 years old—continued to work on rural family farms, in small businesses, on construction sites in urban areas, in public markets, and as domestic servants under the practice of *vidomegon* (see Sections 5 and 6.c.). A 2000 report estimated that 75 percent of apprentices working as seamstresses, hairdressers, carpenters, and mechanics were younger than 15 years of age. Most of these apprentices also are under the legal age of 14 for apprenticeship. Children also commonly work as street vendors.

In May the Government ratified ILO Convention 182, on eliminating the worst forms of child labor. The Government was making efforts to adhere to the provisions of ILO Convention 182.

The law prohibits forced and bonded labor by children; however, the Government has been unable to enforce these prohibitions except in the modern sector. Forced child labor is a problem (see Sections 5, 6.c., and 6.f.).

Trafficking in children is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Government administratively sets minimum wage scales for a number of occupations. In 2000 the Government raised the minimum wage to approximately \$34 (25,000 CFA francs) per month. However, the minimum wage does not provide a decent standard of living for a worker and family. Many workers must supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earn more than the minimum wage, although many domestics and other laborers in the informal sector earn less.

The Labor Code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently work 70 hours or more per week. The authorities generally enforce legal limits on workweeks in the modern sector. The code establishes health and safety standards, but the Ministry of Public Service, Labor, and Administrative Reform does not enforce them effectively. The code does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The Ministry has the authority to require employers to remedy dangerous work conditions but does not do so effectively.

f. Trafficking in Persons.—Although no law specifically prohibits trafficking in persons, the Government interprets its laws as prohibiting trafficking in persons in general and in underage girls in particular; however, trafficking in children remained a problem, and continued to be the subject of considerable media coverage (see Sections 4 and 5). Longstanding provisions of the criminal code prohibit kidnapping. The country is a source, transit, and destination for trafficked persons, primarily children.

Internal trafficking of children within the country takes place in connection with the forced servitude practice called “*vidomegon*,” whereby poor, often rural, families place a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represents to the parental family. The children work, but the arrangement is voluntary between the two families (see Section 5).

Children are trafficked to Ghana, Nigeria, and Gabon for indentured or domestic servitude, farm labor, and prostitution. In addition hundreds of children are taken across the border to Togo and Cote d’Ivoire to work in plantations. Children from Niger, Togo, and Burkina Faso have been trafficked to the country for indentured or domestic servitude. Most victims leave home with traffickers who promise educational opportunities or other incentives. Following a child labor conference in 2000, it was reported in an ILO–IPEC report “*Combatting Trafficking in Children for Labor Exploitation in West and Central Africa*” that 3,061 children were known to have been trafficked in the country between 1995 and 1999. The ILO and UNICEF reported that trafficking originated mainly in the depressed rural areas. UNICEF also reported that trafficked persons originated primarily from the country’s southernmost provinces, those with the easiest access to the paved coastal

highway that links Cote d'Ivoire, Togo, Benin, and Nigeria. UNICEF also indicated that girls were far more likely to be trafficked than boys.

According to UNICEF, four distinct forms of trafficking occur in the country. "Trafic-don" is the term given to a practice whereby children are given to a migrant family member or stranger, who then turns them over to another stranger for vocational training or education. "Trafic-gage" is a form of indentured servitude, in which a debt is incurred to transport the child, who cannot return home until the debt is repaid. "Trafic-ouvrier" is the most common variant, estimated at 75 percent of the total traffic of the three provinces UNICEF surveyed in 2000. This practice generally involves children aged 6 years to 12 years, and their work may be as artisans, construction laborers, or agricultural or domestic workers. Lastly, "trafic-vente" is simply the outright sale of children.

According to a survey of child labor conducted in 1999 by the Government, the World Bank, and INSAE (a nutritionally focused NGO), 49,000 rural children, constituting 8 percent of the rural child population between the ages of 6 and 16, work abroad, primarily as agricultural workers on plantations in the Cote d'Ivoire and as domestic workers in Gabon. Only children who had been trafficked explicitly for labor purposes were counted among the 49,000 children that were estimated to be victims of trafficking. However, the children who left "for other reasons" may conceal an additional number of trafficked children and bring the number close to 80,000. Of the trafficked children, 61 percent were boys and 39 percent were girls. Organized child traffickers particularly have victimized certain villages, and there were villages where up to 51 percent of children were trafficked (see Section 6.c.).

In March a Nigerian-registered ship, the MV Etireno, sailed from Cotonou; according to the international press, it carried as many as 250 children trafficked from West Africa to work as laborers and domestic servants in Gabon. In April the ship arrived at the port of Owendo in Libreville, Gabon, and was turned away by Gabonese authorities, who suspected that illegal immigrants were aboard. On April 17, the ship returned to Cotonou after approximately 2 weeks at sea. International organizations and their embassies assisted the 23 children found aboard (from Benin, Togo, and Mali) when they arrived in Cotonou. At year's end, none of the persons arrested in connection with the Etireno (such as the ship's captain) had been brought to trial.

Following the arrival of the Etireno, the Government undertook a formal investigation and produced a final report, which was cosigned by UNICEF and Terre des Hommes, an NGO (see Section 4). The final report stressed the regional nature of the trafficking problem and asked for international assistance to help the Government improve its antitrafficking measures, while also criticizing the critical tone of the international media's coverage of the event. In June the Government refused for 1 week to allow the Alnar Stockholm to dock in Cotonou, despite reliable reports that it was a vessel carrying ill or at-risk children and youth. The Government's decision was viewed widely as an overly defensive reaction to the publicity that surrounded the Etireno.

The Government is limited severely by a lack of resources, but does recognize that trafficking is a problem. To prevent trafficking, the Government is working with international organizations to increase literacy rates, diversify the economy, and improve health care. The Brigade for the Protection of Minors, under the jurisdiction of the Interior Ministry, combats crimes against children. The Brigade estimated that between 1998 and the beginning of the year, the various border control agencies, including gendarmes and police, intercepted 2,053 children at borders other than the port of Cotonou.

The Government is participating in a two-part ILO trafficking project with eight other countries (Burkina Faso, Cameroon, Cote d'Ivoire, Ghana, Nigeria, Senegal, and Togo). The Government also has bilateral agreements with Togo, Gabon, and Nigeria, which focus on border control and repatriation of trafficking victims.

The Government also has publicized various arrests of potential traffickers. For example, in May members of a trafficking network based in the northern city of Parakou were arrested as they were preparing to take a group of 8- to 10-year-old boys to Nigeria. Also in May, according to a press report, Togolese police reportedly arrested and turned over to Beninese authorities 10 alleged traffickers and 11 children suspected to be their victims. At year's end, there were no reports of subsequent legal action against the traffickers.

In January 2000, according to press reports, authorities arrested an adult male citizen attempting to smuggle six children, all younger than 10 years old, out of the country reportedly to work on farms in Nigeria. The press also reported the arrest of 13 adults in April 2000 as they were attempting to smuggle 26 children into Togo for work as domestics and farm hands. At year's end, the Government still had not released any information as to whether any of these traffickers would be prosecuted.

The Government has had various programs to address the causes of trafficking in children such as seeking to improve literacy rates, rural health, economic diversification, as well as bilateral and other arrangements to improve its border controls and other anti-trafficking measures. The Government also worked with NGO's to combat trafficking in children taking measures that included media campaigns and greater border surveillance (see Section 5); however, police complained that they lacked equipment to monitor trafficking adequately.

In August in Abomey-Calvi, a group of magistrates held a conference to discuss ways to better enforce the country's existing laws against trafficking and the displacement of persons. Also in August, the city of Cotonou hosted a subregional conference of West African police chiefs to discuss their broad array of trafficking cases, including women and children, and to explore ways to better integrate their enforcement and interdiction efforts. Although there was no evidence of concrete results, the subregion's police chiefs adopted resolutions pledging better information sharing on border control issues; the magistrates created a compilation of existing laws and regulations related to trafficking and discussed means of improving enforcement efforts.

BOTSWANA

Botswana is a longstanding, multiparty democracy. Constitutional power is shared between the President and a popularly elected National Assembly. The House of Chiefs, representing all of the country's major tribes and some smaller ones, has no legislative power but may offer its views to both the President and National Assembly on legislation. Festus Mogae became President in 1998 and continued to lead the Botswana Democratic Party (BDP), which has held a majority of seats in the National Assembly continuously since independence. In 1999 elections generally regarded as largely free and fair, despite initial restrictions on opposition access to radio and press reports of ruling party campaign finance improprieties, the BDP increased its majority in the National Assembly and elected President Mogae to his first full term. The Government generally respects the constitutional provisions for an independent judiciary in practice.

The civilian Government exercises effective control over the security forces. The military, the Botswana Defense Force (BDF), is responsible for external security only, although it does assist with antipoaching activities along the country's borders. The Botswana National Police (BNP) are responsible for internal security. Members of the security forces, in particular the police, occasionally committed human rights abuses.

The economy is market oriented with strong encouragement for private enterprise, and has achieved rapid sustained real per capita economic growth since independence. Nearly 50 percent of the population of approximately 1.7 million is employed in the informal sector, largely subsistence farming and animal husbandry. Rural poverty remains a serious problem, as does a widely skewed income distribution. Per capita gross domestic product increased to \$3,486 (approximately 22,500 pula), according to 2000 World Bank figures. Diamond exports provided over two-thirds of the country's export income and much of the revenue of the Government, which owned half of a company engaged in the production of diamonds from existing mines.

The Government generally respected the human rights of its citizens; however, problems continued in several areas. There were reports that the police sometimes beat or otherwise mistreated criminal suspects in order to obtain evidence or coerce confessions. The authorities took action in some cases against officials responsible for such abuses. Prison conditions were poor, with overcrowding the major concern, although efforts to address the problem have made moderate progress. In many instances, the judicial system did not provide timely fair trials due to a serious increasing backlog of cases. The Government continued to dominate domestic broadcasting and limited freedom of the press. Violence against women remained a serious problem, and women continued to face legal and societal discrimination. Some citizens, including groups not numbered among the eight "principal tribes" of the Tswana nation, the majority ethnic group, still claimed not to enjoy full access to social services and, in practice, remained marginalized in the political process. Trade unions continued to face some legal restrictions, and the Government did not always ensure that labor laws were observed in practice.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution explicitly prohibits such practices, and the Government generally respected this prohibition in practice; however, instances of abuse occurred. There were reports that police sometimes beat persons and used intimidation techniques in order to obtain evidence or elicit confessions. However, in general beatings and other forms of extreme physical abuse were rare. In some cases, the authorities took disciplinary or judicial action against persons responsible for abuses. While coerced confessions are inadmissible in court, evidence gathered through coercion or abuse may be used in prosecution (see Section 1.e.).

There were reports that BDF soldiers at the Dukwe refugee camp beat and abused Dukwe residents (see Section 2.d.). One refugee applicant claimed that BDF soldiers beat him in December 2000 for allegedly stealing a bag of sugar. The refugee applicant received medical treatment for his injuries. The Acting Station Commander at Dukwe stated that his office is investigating the case, but no action was taken against the officers involved by year's end.

Some international nongovernmental organizations (NGO's) reported that government game wardens abused the Basarwa (Bushmen) in the Central Kalahari Game Reserve (CKGR); however, local NGO's dispute these reports (see Sections 2.d. and 5).

Customary courts continued to impose corporal punishment sentences in the form of lashings on the buttocks, generally against young offenders in villages for crimes such as vandalism, theft, and hooliganism.

Prison conditions remained poor. A 1999 report by the Gaborone Prison Visiting Committee (GPVC) cited "appalling" conditions in prisons, and these conditions largely remained unchanged during the year. With the country's high incidence of HIV/AIDS and tuberculosis, prison overcrowding was a serious health threat; HIV/AIDS testing and U.N. Development Program (UNDP) peer counseling was available to all prisoners. During the year, there were reports that some prisoners died in custody from HIV/AIDS-related illnesses. Men are held separately from women, and juveniles are held separately from adults; however, pretrial detainees are held in the same facilities as convicted prisoners.

The 23 prisons across the country have a capacity of more than 4,000 inmates but held 6,042 at year's end. To alleviate overcrowding, the Government constructed two new prisons. Both prisons were completed in October; however, one is not expected to open until April 2002. Construction of a third prison for male juvenile offenders was delayed due to lack of funds, but is scheduled to begin in 2002. In 2000 Parliament passed a bill that gave the Prison Commissioner authority to release terminally ill prisoners and prisoners in the last 12 months of their sentences (under previous law, the Commissioner only could grant an early release to prisoners in the last 6 months of their sentences). The bill also granted the Commissioner authority to allow citizen prisoners with sentences of 12 months or less to perform "extramural" labor. Foreign prisoners are required to serve out their entire sentences. By year's end, the Government had released more than 400 prisoners under the program.

The Commissioner of Prisons ordered full investigations into the management and conditions of prisons covered in the 1999 GPVC report. A 2000 report by the Botswana Prisons Service to the Commissioner reportedly denied responsibility for the conditions; however, the report still had not been released publicly by year's end. The GPVC report cited the suspicious deaths in prison of two inmates in 1999. The Commissioner stated that a post-mortem examination conducted by medical authorities in 1999 supported prison officials' statements that Boitumelo Nthoiwa died of pneumonia and Andrew Molefe died after taking an illegal substance smuggled in by another inmate. Local human rights organizations have not challenged the Government's explanation in either case.

The Prisons Act, which covers both prison officials and prisoners, makes it illegal for prison officials to mistreat prisoners. When there is an allegation or suspicion of mishandling of prisoners by prison officials, the Department of Prisons is required to forward the case to the police for investigation. In 2000 the Minister of Presidential Affairs and Public Administration stated that stiff penalties would be imposed on prison officials who treat inmates improperly. Three prison officials appeared before a magistrate in 2000 for alleged abuse of prisoners in previous years.

In March the magistrate acquitted two of the officials; the magistrate previously had discharged the third official.

The Prisons Act provides for a governmental visiting committee for each prison, the members of which are appointed by the Minister of Labor and Home Affairs. Members of these committees serve 1-year terms and must visit their prison four times within their first term and issue a report both to the Commissioner of Prisons and the Minister of Labor and Home Affairs. These reports normally are not released to the public. During the year and in 2000, the committees visited each prison every 3 months. The committees issued a report in December 2000, and are expected to issue another report in early 2002.

While the Prisons Act grants relatives, lawyers, magistrates, and church organizations the right to visit prisoners for "rehabilitative purposes," the Commissioner of Prisons has the authority to decide whether domestic and international human rights organizations may visit. In practice the Commissioner generally does not allow such visitations; however, some local human rights organizations have been granted access to visit specific prisoners. During the year, the Botswana Center for Human Rights (BCHR) was permitted to make selected prison visitations to Mariette Bosch, a South African woman sentenced to death for the murder of Mary Wolmarans, the wife of the man Bosch later married. The BCHR, as well as family members, were denied access to Bosch shortly before her execution, since the law does not allow contact with a prisoner within 48 hours of his or her execution. Neither her family nor the BCHR were informed of Bosch's execution until after it occurred. The secrecy surrounding Bosch's execution led to a government-owned Botswana Television documentary, but the Director of Information and Broadcasting prevented its broadcast (see Section 2.a.).

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

Suspects must be informed of their legal rights upon arrest, including the right to remain silent, to be allowed to contact a person of their choice, and generally to be charged before a magistrate within 48 hours. A magistrate may order a suspect held for 14 days through a writ of detention, which may be renewed every 14 days. Most citizens charged with noncapital offenses are released on their own recognizance; some are released with minimal bail. Detention without bail is highly unusual, except in murder cases, where it is mandated. Detainees have the right to hire attorneys of their choice, but in practice most are unable to afford legal counsel. However, poor police training and poor communications in rural villages make it difficult for detainees to obtain legal assistance, and authorities do not always follow judicial safeguards. The Government does not provide counsel for the indigent, except in capital cases. The BCHR provides free legal services, but its capacity is limited. Another NGO, the University of Botswana Legal Assistance Center, provides free legal services in civil, but not criminal, matters. Constitutional protections are not applied to illegal immigrants, although the constitutionality of denying them due process has not been tested in court.

Pretrial detention has been prolonged in a large number of cases. In Gaborone Central Prison, the average wait in prison before trial is 1 year. The Government attempted to alleviate the backlog of cases by temporarily hiring more judges and held a referendum in November in which the voters authorized amending the Constitution to raise the retirement age of judges from 65 to 70; however, several magistrates resigned during the year.

The Government sometimes held newly arrived refugees and asylum seekers in local jails until they could be interviewed by the Botswana Council for Refugees (BCR) or the U.N. High Commissioner for Refugees (UNHCR) (see Section 2.d.). Once persons were granted refugee status, the Government transferred them to the Dukwe Refugee Camp. By year's end, the Government's construction of an internment center for illegal immigrants almost was completed; the center is expected to house up to 504 immigrants awaiting repatriation. However, even with the completion of this new facility, refugees still may be housed first in local jails and then in Dukwe. The Government detained five new refugees from Namibia's Caprivi Strip, deemed fugitives by the UNHCR, in protective custody at Mahalapye Prison; they were transferred from Dukwe after they committed criminal offenses while at the camp, despite a request from the Namibian Government that the five be repatriated.

The law prohibits forced exile, and the Government does not use it in practice.

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

The judiciary consists of both a civil court (including magistrates' courts, a High Court, and a Court of Appeal) and a customary (traditional) court system.

The law provides for the right to a fair trial; however, the civil courts remained unable to provide for timely, fair trials in many cases due to severe staffing shortages and a backlog of pending cases. Most trials in the regular courts are public, although trials under the National Security Act (NSA) may be held in secret. Those charged with noncapital crimes are tried without legal representation if they cannot afford an attorney. As a result, many defendants may not be informed of their rights in pretrial or trial proceedings.

In 1999 a High Court judge declared a mistrial in the case of two Basarwa (Bushmen) men who had been convicted in 1995 of a murder that occurred the same year and were awaiting execution (see Section 5). A human rights group claimed that the two did not understand the language used at the trial and that translations were poor. It also questioned whether the accused understood their rights, the confessions they signed, or the charges against them, and noted that attempts by the men to change their court-appointed lawyers had been disregarded. Ruling that the two had been deprived of their constitutional rights, the judge ordered a new trial, which was ongoing at year's end.

Most citizens encounter the legal system through the customary courts, under the authority of a traditional leader. These courts handle minor offenses involving land, marital, and property disputes. In customary courts, the defendant does not have legal counsel, and there are no precise rules of evidence. Tribal judges, appointed by the tribal leader or elected by the community, determine sentences, which may be appealed through the civil court system. The quality of decisions reached in the traditional courts varies considerably. In communities where chiefs and their decisions are respected, plaintiffs tend to take their cases to the customary court; otherwise, persons seek justice in the civil courts.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, the Government limited freedom of the press and continued to dominate domestic broadcasting. The Government censored stories or news sources that it deemed undesirable.

The Government's Botswana Press Agency (BOPA) provides most of the information found in the media owned and operated by the Government—the free Daily News newspaper, Radio Botswana, which broadcasts nationally to most of the country, and Botswana Television (BTV). News coverage in the state-owned media focused on the activities of government officials and supported government policies and actions. The Daily News also publishes general coverage of current events and issues and includes a second front page in Setswana, the most commonly spoken tribal language.

The independent press is small but growing and has a long tradition of vigorous, candid, and unimpeded discourse. It actively covers the political arena and frequently is critical of the Government and the President. The circulation of privately owned print media continues to be limited mostly to the main cities and towns. At year's end, seven privately owned weekly newspapers were published in Gaborone and distributed to the country's main cities and towns. One privately owned weekly newspaper was published in Francistown, the country's second-largest city. A total of nine privately owned magazines were published monthly. These publications reported and editorialized without fear of closure.

Government officials sometimes complained of bias in the private press. However, government officials and other public figures have recourse to the courts if they believe that they have been libeled. Libel is a civil law matter; there are no criminal libel laws. In April the Vice President filed a libel suit against the Botswana Guardian and the Midweek Sun newspaper, which was pending at year's end.

In April after a series of negative press stories about government officials, the Government directed all government agencies and parastatals to refrain from advertising in the Botswana Guardian and its sister newspaper, the Midweek Sun. While officials initially claimed that the decision was solely a financial one, the officials admitted in court that the decision to ban advertising was meant to have a punitive nature during a lawsuit brought by the newspapers. On September 17, the High Court overruled the decision to ban advertising and ordered the Government to pay the newspapers' legal fees; however, the Court's decision on whether depriving the newspapers of advertising revenue was an unconstitutional suppression of speech and of the press was pending at year's end.

Radio remained the most important medium of public communication; the circulation of privately owned print media continued to be limited mostly to the main cities and towns. In past years, the Government monopolized domestic radio broadcasting; however, two private radio stations, Yarona FM and Gabz FM, also broadcast. Both broadcast in 5 of the country's 10 largest cities; state-owned radio continued to be the only domestic radio service broadcasting to the rest of the country. Both private radio stations have a news component to their programming, with no discernible policy of supporting a particular political party. The law provides for the issuance of broadcast licenses to private companies and provides copyright protection of broadcast material; it also mandates the establishment of a National Broadcast Board, which grants broadcast licenses. In 2000 the Board held its first meeting at the Botswana Telecommunication Authority (BTA) offices in Gaborone.

In 2000 the Government opened BTV amid skepticism from the public and some parliamentarians over delays and overspending. BTV began broadcasting with technical and programming assistance from the British Broadcasting Corporation, and an emphasis on the Setswana language service. Transmission extends south from Gaborone to Lobatse, north to Serowe and Francistown, and is scheduled to be available throughout the country within a few years.

The debut of BTV generated considerable discussion among members of the public, parliamentarians, and government officials about whether its status as a government-owned station would interfere with its ability to function independently, especially with respect to reporting the news. During its opening ceremony in 2000, the Acting Minister for Presidential Affairs and Public Administration stated that editorial policies of the station would not be subject to government influence; however, according to newspaper reports in April, the Director of Information and Broadcasting censored the showing of a BTV documentary on the execution of Mariette Bosch, which caused BTV News Director Chris Bishop to resign in protest (see Section 1.e.). BTV chief executive officer Oshinka Tsiang also resigned, citing unjustified government interference with BTV administration (he later rejoined BTV). In 2000 the Government criticized BTV management for reporting on the eviction of squatters by the Ministry of Lands and Housing. A Permanent Secretary in the Office of the President responded by convening a press conference on the private Yarona FM radio station and stating that it was important for BTV to broadcast news that promoted government policies and not reports that "encourage trouble and criticize the Government."

Despite calls for the privatization of BTV after it began operations in 2000, the Government announced in December 2000 that BTV, Radio Botswana, the Daily News, and BOPA would remain under government control. The opposition Botswana Congress Party has criticized government control over these media and has urged that they be privatized or turned into parastatals.

The privately owned Gaborone Broadcasting Company (GBC) broadcasts mostly foreign-made programming and is the only other television station operating in the country. GBC broadcasts reach viewers only in the capital area.

Independent radio and television broadcasts from neighboring South Africa are received easily. A private analog television service from South Africa was discontinued in 2000 when the company scrambled the signal and required viewers to pay to receive the service. Satellite television from a South African-based company is available readily, although its cost prevents many persons from subscribing to the service.

During the 1999 election campaign, opposition candidates initially had limited access to state-owned media, including state-owned radio, which was the only domestic radio service and the sole domestic source of news for most of the rural population. During the first part of the campaign season, the state-owned media gave opposition candidates less news coverage than ruling party candidates. When opposition politicians complained about this, the Government initially countered that the activities of ministers and other government figures were inherently more newsworthy and therefore deserving of more coverage. However, the Government subsequently changed its policy, and during the latter part of the election campaign season the state-owned media gave balanced news coverage to the main opposition parties and included stories about the smaller political parties as well. Opposition leaders expressed the view that government media practices seriously disadvantaged opposition parties relative to the ruling party during the election campaign.

On occasion the Government has taken steps, under loosely defined provisions of the National Security Act, to limit the publication of information that in its view impinged on national security; however, there were no such incidents during the year.

Internet access was spreading quickly. The Government did not restrict e-mail or Internet usage. Four Internet service providers (ISP's) are available to the domestic

market: Three of them are private companies, and one, Botsnet, is the commercial arm of the parastatal Botswana Telecommunications Corporation (BTC). While private ISP's were allowed to operate, they did so at a competitive disadvantage, due to the larger bandwidths dedicated to Botsnet. In December 2000, the BTA ordered the BTC to make leased lines available equally to private ISP's and Botsnet. In March after BTA threatened a lawsuit, the BTC agreed to provide the leased lines.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution provides for the suspension of religious freedom in the interests of national defense, public safety, public order, public morality, or public health. However, any suspension of religious freedom by the Government must be deemed “reasonably justifiable in a democratic society.”

All religious organizations must register with the Government. To register a group submits its constitution to the Ministry of Home Affairs. After a generally simple bureaucratic process, the organization is registered. There are no legal benefits for registered organizations. Unregistered groups are potentially liable to penalties including fines up to \$155 (1,000 Pula), up to 7 years in jail, or both. Except for the Unification Church, there is no indication that any religious organization ever has been denied registration.

In 1984 the Unification Church was denied registration by the Ministry of Home Affairs on the public order grounds stipulated in the Constitution. The Government also perceived the Unification Church to be anti-Semitic and denied it registration because of another constitutional provision that protects the rights and freedoms of individuals to practice their religion without intervention. In the intervening 17 years, the Unification Church has petitioned the offices of the President and Vice President without success; however, it has made no move to challenge the Ministry's decision in the courts. It is unclear whether the Unification Church maintained a presence in the country during the year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. There are no governmental barriers to domestic and international travel or emigration.

Some human rights organizations continued to assert that the Government has pressured several Basarwa (Bushmen) communities within the Central Kalahari Game Reserve (CKGR) into relocating to partially built settlements outside of the Reserve (see Section 5). Government officials maintained that the “voluntary” resettlement was necessary in order to provide the Basarwa with better public services and to avoid conflicts between wildlife and humans within the CKGR. When the Basarwa arrived at the new settlements, beginning in 1995, services and facilities were substandard or nonexistent. Although conditions later improved, they remain very basic. The Government permits relocated Basarwa to return to the CKGR but does not provide full services within the reserve. On August 10, the Government announced that beginning in 2002, all services to Basarwa remaining in the CKGR would be cut off (see Section 5). While some international NGO's reported that government game wardens abused the Basarwa in the CKGR, local NGO's refuted that claim, noting that the Wildlife Department had enacted new policies.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government has maintained a policy of considering asylum requests only from refugees from bordering countries; although in practice, the Government often considers refugee applications from Angolans. Although the Government sometimes held newly arrived refugees and asylum seekers in local jails until they could be interviewed by BCR or UNHCR officials, it transferred persons granted refugee status to the Dukwe Refugee Camp, pending resettlement or voluntary repatriation (see Section 1.d.). There were 3,800 refugees at Dukwe by year's end; they were primarily from Namibia, Angola, and Somalia. At year's end, five refugees were being held in “protective custody” in Mahalapye Prison (see Section 1.d.). The Government strictly applies a policy of first asylum. Refugee applicants who are unsuccessful in obtaining asylum are allowed to remain at Dukwe until the Government refers their cases to the UNHCR for resettlement; however, in some sensitive cases, the Government will use deportation. Such was the case with a Kenyan national who was de-

clared persona non grata and almost deported; however, a UNHCR intervention prevented the deportation.

There were reports that BDF soldiers at Dukwe beat and abused Dukwe residents (see Section 1.c.). One refugee applicant claimed that BDF soldiers beat him in December 2000 for allegedly stealing a bag of sugar. The refugee applicant received medical treatment for his injuries. The Acting Station Commander at Dukwe has stated that his office is investigating the case, but no charges were filed by year's end.

More than 2,500 refugees from the Caprivi Strip in neighboring Namibia have fled to the country since 1998. Many were armed and linked to the ethnically based opposition groups based in the Caprivi Strip. Male refugees linked to such groups requested asylum based on their claim that they were being forced into the Namibian army to fight in the Democratic Republic of the Congo. The Government provided first asylum to all such persons. In consultation with the UNHCR in 1999, the Government began negotiations with the Government of Namibia to facilitate the voluntary return of Namibian refugees. In 1999 1,375 persons returned voluntarily to Namibia. In 2000 only five persons returned voluntarily, as the UNHCR experienced problems obtaining permission from the Namibian Government to return other such persons. In May approximately 500 Namibians at Dukwe expressed willingness to be repatriated, and the UNHCR assisted with negotiations between the Governments of Botswana and Namibia for their return. At year's end, the three parties were close to completion of a tripartite document that would govern the refugees' voluntary return. In 1999 the Government detained members of a Caprivi separatist group who had fled into the country after a military offensive in Katima Mulilo in Namibia. The group's leader, Meshake Muyongo, was resettled in a third country. Of Muyongo's group of 15 Democratic Turnhalle Alliance (DTA) leaders and their families who feared for their safety in Namibia, 8 were awaiting adjudication of their resettlement applications by year's end.

During 2000 the Government's Refugee Advisory Committee, which includes a UNHCR representative, found that 19 Namibian asylum seekers failed to qualify for asylum. In June 2000, 1 of the 19 accused the Government of unfair detention and violations of human rights and successfully challenged his detention in court (see Section 1.d.). In September 2000, the Government—at the request of the Government of Namibia—filed for the extradition of 15 of these individuals, 13 of whom appeared in court (one was ill, and another fled). The 13 were alleged to have participated in the 1999 attacks in Katima Mulilo, Namibia. The BCHR opposed the extradition, arguing that the defendants could not receive a fair and impartial trial in Namibia, and that they faced possible torture upon confinement in Namibian prisons. On September 20, a magistrate did not find the BCHR's evidence persuasive and ruled that the 13 did not have a legitimate fear of persecution upon their return. An appeal of the ruling was pending at year's end. The 18 were being detained at various local jails at year's end (see Section 1.d.).

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal adult (18 years of age) suffrage. The President is elected by the National Assembly and is limited to two 5-year terms in office. Members of the BDP have held a majority of seats in the National Assembly, and as a result also the presidency, continuously since independence.

Elections for the National Assembly were held in 1999 and generally were regarded as largely free and fair by domestic and international observers, despite preferential access for BDP candidates during much of the campaign to state-owned media including state-owned radio, the sole domestic source of news for most of the rural population (see Section 2.a.), and despite press reports of large anonymous campaign contributions to the ruling party, purportedly by international diamond interests. The BDP increased its majority in the National Assembly from 31 to 37 of 44 seats, thereby ensuring the election of its presidential candidate, incumbent President Mogae. Of the 7 seats won by opposition parties in 1999, the Botswana National Front (BNF) won 6, and the Botswana Congress Party (BCP) won 1 seat.

The House of Chiefs, an advisory body with limited powers, is restricted constitutionally to the eight "principal tribes" of the majority Tswana ethnic group and four elected chiefs representing smaller tribes, including the Bakalanga, Lozi, Humbukush, and Bakgalagadi. Consequently other groups, for example, the Basarwa, Herero, Baloi, or Bayei, are not represented there. Given the limited au-

thority of the House of Chiefs, the impact of excluding other groups of citizens is largely symbolic, but some nonethnic Tswana view it as important in principle (see Section 5). In December the Government released a policy paper recommending constitutional amendments to make the House of Chiefs more inclusive and ethnic-neutral. The paper is expected to be considered by the Parliament in 2002. Members of the National Assembly are required to speak English.

There are 406 district governments with elected councilors, but they have no fiscal autonomy and must rely on the central Government for revenue.

The percentage of women in government or politics does not correspond to their percentage of the population; however, the 1999 elections doubled the number of women serving in the National Assembly, from 4 to 8 of 44 members. The number of women serving in the cabinet also increased from 3 to 5 of 15 members. Of the 13 High Court justices, 1 is a woman.

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

A number of domestic and international human rights groups, including the BCHR, generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are usually cooperative and responsive to their views; however, some groups complain that the Government's cooperation is designed mainly to mute criticism and does not result in improved human rights conditions in their view. Emang Basadi Women's Association and Women Against Rape are active on issues concerning women's rights, particularly rape and domestic violence. The Metlhaetsile Women's Information Center dissolved during the year (see Section 5).

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

The Constitution forbids governmental discrimination on the basis of ethnicity, race, nationality, creed, sex, or social status, and the Government respects these provisions in practice. However, neither the Constitution nor the law prohibits discrimination by private persons or entities.

Women.—Domestic violence against women remains a serious problem. Under customary law and in common rural practice, men have the right to "chastise" their wives. Police rarely are called to intervene in cases of domestic violence. Reports of sexual exploitation, abuse, and criminal sexual assault are increasing, and public awareness of the problem generally is growing. The national police force has begun training officers in handling domestic violence problems to make them more responsive in such cases. Although the Government has become far tougher in dealing with criminal sexual assault, societal attitudes toward other forms of domestic violence remain lenient. Half the murders of women were linked to histories of domestic violence. Human rights activists estimate that 6 women in 10 are victims of domestic violence at some time in their lives.

Rape is another serious problem, and the Government acknowledged in 1999 that, given the high incidence of HIV/AIDS, sexual assault has become an even more serious offense. By law the minimum sentence for rape is 10 years, with the minimum increasing to 15 years with corporal punishment if the offender is HIV-positive, and to 20 years with corporal punishment if the offender knew of his or her HIV status. In 1999 a High Court ruled unconstitutional a provision in the law that allowed the detention of rape suspects without bail. The law does not address the issue of marital rape. A 1999 study of rape by the police service urged police to develop improved methods of rape investigation, including the use of DNA tests in all rape cases. The police force purchased new equipment, and officers were trained to use it during the year. Women's groups acknowledged an improvement in the treatment of alleged victims by police officials during rape investigations; however, they noted that police still lack basic investigative knowledge of rape cases.

Sexual exploitation and harassment continue to be problems as well, with men in positions of authority, including teachers, supervisors, and older male relatives, pressuring women and girls to provide sexual favors. Greater public awareness and improved legal protection have led more victims of domestic violence and sexual assault to report incidents to the authorities. In 1999 the Women's Affairs Department submitted the Report on the Study of Socio-Economic Implications of Violence Against Women in Botswana to the Attorney General's office, which is working with other ministries to further study these problems. In May the Department held a national workshop on violence toward women and issued another report on using an integrated approach among all interested parties to gender-based violence.

Women legally enjoy the same civil rights as men; however, in practice societal discrimination persists. A number of traditional laws enforced by tribal structures

and customary courts restrict women's property rights and economic opportunities. A woman married under traditional law or in "common property" is held to be a legal minor, requiring her husband's consent to buy or sell property, apply for credit, and enter into legally binding contracts. Under the law, women married under an intermediate system, referred to as "in community of property," are permitted to own immovable property in their own names; however, their husbands still retain considerable control over jointly held assets of the marriage. Moreover, the law also stipulates that neither spouse can dispose of joint property without the written consent of the other party.

Women have, and increasingly are exercising, the right to marriage "out of common property," in which case they retain their full legal rights as adults. Polygyny still is legal under traditional law with the consent of the first wife, but it rarely is practiced. In 1998 consultants submitted to the Labor Ministry a report identifying provisions of existing law that potentially discriminate against women. The Government responded by amending the Affiliation Proceedings Act in 1999 to make it possible for a person other than the mother of a child born out of wedlock to institute proceedings for the maintenance of the child, and by amending the Public Service Act in 2000 to recognize sexual harassment as misconduct carrying penalties under the Act.

Well-trained urban women enjoy growing entry level access to the white-collar job market, but the number of opportunities decrease sharply as they rise in seniority. Discrimination against women is most acute in rural areas where women engaged primarily in subsistence agriculture have weak property rights.

Young women do not have access to military or national service training. Military service is voluntary for men only and available to very few young women who serve as clerical workers. The Government abolished its national service program in 2000, a program that previously allowed male and female high school graduates to serve in government departments, mostly in rural areas. In 2000 government officials announced that there are no plans to recruit women into the BDF, due to infrastructure concerns such as lack of adequate living quarters and training facilities that made integration impracticable; the statement prompted women's rights activists to claim a denial of equal opportunity. In 2000 Parliament passed a resolution calling for young women to be allowed to serve in the BDF "as soon as practicable."

The Government and interested NGO's meet regularly to implement the long-term plan of action described in the National Policy on Women. The plan identifies six critical areas of concern, prioritized as follows: (1) women and poverty, (2) women and powersharing and decisionmaking, (3) education and training of women, (4) women and health, (5) the girl child, and (6) violence against women. The Women's Affairs Department of the Ministry of Labor and Home Affairs, in conjunction with the U.N. Development Program, developed the Program Support Document (PSD) in 1997, which provides a framework for implementation of the national policy on women through 2002. Its five target areas include: (1) institutional strengthening at the national level, (2) advocacy and social mobilization, (3) institutional strengthening of NGO's, (4) research and information sharing, and (5) economic empowerment. The Women's Affairs Department is expected to release a report on progress in the target areas in 2002.

A number of women's organizations have emerged to promote the status of women. The Government has entered into a dialog with many of these groups. While some women's rights groups reportedly felt that the Government has been slow to respond concretely to their concerns, women's NGO's state that they are encouraged by the direction of change and by the increasingly collaborative relationship with government authorities. Major women's NGO's include the Emang Basadi Women's Association, which promotes the social, economic, and legal status of women and the Botswana Council of Women. The Metlhaetsile Women's Information Centre, which provided legal assistance to poor women, dissolved during the year; however, it was trying to reorganize under a different name at year's end.

Children.—The rights of children are addressed in the Constitution and the Children's Act. Under the law, the country has a court system and social service apparatus designed solely for juveniles. The Government launched a 10-year program of action for children in 1997, incorporating the seven major global goals identified at the 1990 U.N. World Summit for Children. In 1996 the Ministry of Labor and Home Affairs transferred responsibility for children to the Social Welfare Department in the Ministry of Local Government, Lands, and Housing. Laws pertaining to children continued to be under review to align them with the U.N. Convention on the Rights of the Child. The Adoption Act also continued to be reviewed to ensure that adopted children are provided for and not exploited as labor.

The Government provides 7 years of free primary education for children, although attendance is not compulsory. Government estimates of the proportion of children

who never attend school have ranged from 10 to 17 percent, and fewer than 20 percent of children complete secondary school; school attendance and completion rates are highest in urban areas, and lowest in remote rural areas, especially those inhabited chiefly by Basarwa (San or Bushmen). However, in some cases, girls are denied schooling because of religious or customary beliefs. The Government continued to allocate the largest portion of its operating expenditures to the Ministry of Education, and the second-largest portion to the Ministry of Local Government, Lands, and Housing, which administered primary education. It also continued to allocate a large part of its investment expenditures to construct primary and secondary schools, so children have ready access to education. The literacy rate is 69 percent: 70 percent for females and 67 percent for males.

It was estimated in 2000 that 38.5 percent of adults between the ages of 15 and 49 are infected with HIV/AIDS, and due largely to deaths from HIV/AIDS, 78,000 orphans were reported by UNICEF. Increasing numbers of children, mostly believed to be orphans, were observed begging or engaging in prostitution in urban areas. Relatives denied orphans infected with HIV/AIDS their inheritance rights.

There is no societal pattern of abuse against children, although incest and other forms of child abuse have received increased attention from the media and from local human rights groups.

The problem of sexual harassment of students by teachers is a national concern. Reports of rape and sexual assault of young women, and cases of incest and "defilement" of young girls appear with greater frequency in the news. The age of sexual consent is 16. Child prostitution and pornography are criminal offenses, and the law stipulates a 10-year minimum sentence for "defilement" of persons under 16 years of age.

Intergenerational sex (sexual relations between older men and girls) and the problems of teenage pregnancy caused by older men received extensive media attention during the year.

Persons with Disabilities.—Employment opportunities for persons with disabilities remained limited. The Government does not require accessibility for public buildings and public conveyances for persons with disabilities, and the NGO community only recently has begun to address the needs of persons with disabilities. The Government has a national policy that provides for integrating the needs of persons with disabilities into all aspects of government policymaking. The Government funded NGO's that provide rehabilitation services and supported small-scale work projects by workers with disabilities.

Indigenous People.—The Basarwa (also known as San), who now inhabit chiefly the Kalahari Desert, are the earliest known inhabitants of the country and were the only inhabitants until Bantu groups arrived during the 16th century. They are physically, linguistically, and culturally distinct from the rest of the population. They remain economically and politically marginalized; they have lost access to their traditional land in fertile regions of the country and are vulnerable to exploitation by their non-Basarwa neighbors. Their isolation, ignorance of civil rights, and lack of political representation have stymied their progress. The estimated 52,000 to 55,000 Basarwa persons represent approximately 3 percent of the country's total population. Although the Basarwa traditionally were hunter-gatherers, most Basarwa now are employed as agricultural workers on farms or at cattle posts belonging to other ethnic groups. The formation of the 20,000 square mile Central Kalahari Game Reserve (CKGR) by the colonial government in 1961 on traditional Basarwa lands set the stage for conflict between the Basarwa's pursuit of their traditional way of life and wildlife conservation. The Government in the past followed a policy of prohibiting human habitation in the CKGR with the goal of wildlife preservation, but it has made accommodation for the estimated 1,000 to 3,000 Basarwa who still pursue hunting and gathering there. The Government has provided very limited social services within the CKGR and has encouraged those living there to leave the reserve for permanent settlements; there were some reports that the Government sometimes forced Basarwa to leave the reserve (see Section 2.d.). On August 10, partially in response to pressure from international NGO's, the Government announced that it would cut off all remaining services to those still in the CKGR beginning in January 2002, citing prohibitive costs as the reason. The ultimatum highlights the fact that the Government has made little real progress since 1996 when international attention was focused on the problem of resettling Basarwa living in the CKGR. Both the Basarwa and the Government are seeking out concerned NGO's to assist with the resettlement process and to address the larger issue of improving the Basarwa's standard of living without sacrificing what remains of their traditional way of life.

National/Racial/Ethnic Minorities.—Well over half of the country's population belong to the Tswana ethnic group, of which the Constitution recognizes eight prin-

cial tribes, and which has a tradition of peacefully coexisting with nonethnic-Tswana groups. Some nonethnic-Tswana groups are more numerous than the Tswana in some rural areas of the country: The Kalanga and Lozi in areas of the north; the Bayei and Herero in the Okavango Delta region; and the Baswara in the arid west. There also are communities of persons of Asian and European descent.

Apart from the lack of schooling in their own languages and their present lack of representation in the House of Chiefs (see Section 3), the country's nonethnic-Tswana communities are not subject to discrimination by the State. Societal discrimination also is limited. Intermarriage between Tswana and nonethnic-Tswana persons is common. Urban neighborhoods are not ethnically segregated. There generally is little correlation between income and ethnicity among persons of African descent; however, many persons of Asian and European descent are prominent in the commercial sector.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association. In practice all workers are free to join or organize unions of their own choosing. Government employees are permitted to organize their own unions. The industrial or wage economy is small, and unions are concentrated largely in mineral extraction and to a lesser extent in the railway and banking sectors. There is only one major confederation, the Botswana Federation of Trade Unions (BFTU), but there are no obstacles to the formation of other labor federations. In November the BFTU and the Manual Workers' Union merged into one union. During the year, the Government authorized the Civil Service to organize its own union; however, the union was not established by year's end.

Unions are independent of the Government and are not closely allied with any political party or movement. Unions may employ full-time administrative staff, but the law requires elected union officials to work full time in the industry that the union represents. This rule severely limits union leaders' professionalism and effectiveness, and has been criticized by the International Confederation of Free Trade Unions (ICFTU).

The law also severely restricts the right to strike. Legal strikes are theoretically possible only after an exhaustive arbitration process. Sympathy strikes are prohibited. In August a strike by employees of the Botswana Diamond Valuing Corporation was deemed legal by the court; however, the court ruled the strike premature, ordered the workers back to work, and directed the parties into arbitration before the strike could continue. There were no other legal strikes during the year.

Unions may join international organizations, and the BFTU is affiliated with the ICFTU. The Minister of Labor must approve any affiliation with an outside labor movement, but unions may appeal to the courts if an application for affiliation is refused.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for collective bargaining for unions that have enrolled 25 percent of a labor force. In reality only the mineworker and diamond sorter unions may have the organizational strength to engage in collective bargaining.

Workers may not be fired for union-related activities. Dismissals on other grounds may be appealed to labor officers or civil courts, but labor offices rarely do more than order 2 months' severance pay.

The country has only one export processing zone, located in the town of Selebi-Phikwe, and it is subject to the same labor laws as the rest of the country.

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

The Government does not prohibit forced and bonded labor by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Only an immediate family member may employ a child age 13 or younger, and no juvenile under age 15 may be employed in any industry. Only persons over age 16 may be hired to perform night work, and no person under age 16 is allowed to perform hazardous labor, including mining. District and municipal councils have child welfare divisions, which are responsible for enforcing child labor laws. The law provides that adopted children are not exploited as labor and protects orphans from exploitation as labor or coercion into prostitution. Because research on child labor is limited, it is difficult to state whether child labor laws are enforced effectively. However, there is general agreement among the Labor Commissioner, officials of the Ministry of Local Government, Lands, and Housing, and UNICEF that the child labor problem is limited to young children in remote areas who work as cattle tenders, maids, or babysitters.

The Government launched a 10-year program of action for children in 1997; however, implementation has proceeded slowly.

The Government does not prohibit forced and bonded labor by children; however, such practices are not known to occur.

e. Acceptable Conditions of Work.—The minimum daily wage for most full-time labor in the private sector was \$3.15 (17 pula), which remained less than 50 percent of what the Government calculates is necessary to provide a decent standard of living for a family of five. Wage policy is determined by the Cabinet, which decides on recommendations made by the National Economic, Manpower and Incomes Committee (NEMIC), which consists of government, BFTU, and private sector representatives. The Ministry of Labor is responsible for enforcing the minimum wage, and each of the country's districts has at least one labor inspector. Civil service disputes are referred to an ombudsman for resolution. Private labor disputes are mediated by labor commissioners; however, an insufficient number of commissioners has resulted in 1 to 2 year backlogs in resolving such disputes. In 2000 the Ministry of Labor received 9,172 labor disputes and referred a small but undisclosed number of them for review by the Industrial Court, which had a 9 to 18 month backlog at year's end.

Formal sector jobs almost always pay well above minimum wage levels. Informal sector employment, particularly in the agricultural and domestic service sectors, where housing and food are included, frequently pays below the minimum wage. There is no mandatory minimum wage for domestic workers, and the Ministry of Labor no longer recommends a minimum wage for them.

The law permits a maximum 48-hour workweek, exclusive of overtime, that is payable at time and a half for each additional hour. Most modern private sector jobs have a 40-hour workweek; however, the public sector has changed to a 48-hour workweek.

The law provides that workers who complain about hazardous conditions may not be fired. However, the Government's ability to enforce its workplace safety legislation remains limited by inadequate staffing and unclear jurisdictions among different ministries. Nevertheless, employers generally provide for worker safety, with an occasional exception in the construction industry.

Illegal immigrants from poorer neighboring countries, primarily Zambians and Zimbabweans, are exploited easily in labor matters, since they would be subject to deportation if they filed grievances against their employers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, although penal code provisions cover such related offenses as abduction and kidnaping, slave trafficking, compulsory labor, and procuring women and girls for the purpose of prostitution. There were no reports that persons were trafficked to, from, or within the country.

BURKINA FASO

President Blaise Compaore continued to dominate the Government of the Fourth Republic, assisted by members of his party, the Congress for Democracy and Progress (CDP), despite increasing challenges from a number of fronts within society. In spite of the existence of dozens of political parties, there is little viable opposition to the President and his Government. The Government included a strong presidency, a Prime Minister, a cabinet, a two-chamber National Assembly, and the judiciary. In November 1998, President Compaore was reelected to a second 7-year term with 88 percent of the vote; 56 percent of the electorate voted; however, some serious candidates boycotted the election. The two candidates who opposed the President provided only token opposition and reportedly were persuaded by the Government to run for the presidency to help create the appearance of a contested election. The CDP controls 99 of 111 seats in Parliament. International observers considered the 1997 legislative elections to be substantially free and fair, although a collective of 14 local nongovernmental organizations (NGO's) cited generalized and systematic corruption and voter list irregularities. The judiciary is subject to executive influence.

The security apparatus consists of the armed forces, which are controlled by the Ministry of Defense; the national police and the gendarmerie, controlled by the Ministry of Security; and the municipal police, controlled by the Ministry of Territorial Administration. The Presidential Guard is an autonomous security force, although it is technically subject to the jurisdiction of the armed forces and part of the army. Civilian authorities, under the direct control of the President, effectively control the military. Some members of the security forces committed human rights abuses.

More than 80 percent of the population of approximately 11.9 million engage in subsistence agriculture. Frequent drought and limited communication and transportation infrastructures, in addition to a 77 percent illiteracy rate, are longstanding problems. In 2000 the Government adopted an antipoverty strategy to open the economy to market forces, while shifting resources to the education and health sectors. The increase in the incidence of HIV/AIDS has eroded gains in life expectancy; however, literacy and schooling continued to register modest advances. Real gross national product per capita is \$230 (161,000 CFA francs).

The Government's human rights record remained poor in a number of areas. The continued dominance of President Compaore and his ruling party limited citizens' right to change their government, although the 1998 presidential election represented a further step toward democratic government. The security forces were responsible for numerous extrajudicial killings and continued to abuse detainees. During the year, there were credible reports that security forces summarily executed suspected criminals. Prison conditions remained harsh. Arbitrary arrest and detention are problems, and authorities do not provide detainees with due process. Although the Government continued attempts to improve its human rights performance, a general climate of impunity for members of the security forces and members of the President's family, along with slow progress in identifying or punishing those responsible for abuses committed, continued to tarnish its record. President Compaore declared March 30 a "National Day of Pardon" and during a ceremony to commemorate the day, he apologized for past government crimes, promised to compensate victims and families of victims for "economic and blood crimes," and vowed that the Government never again would commit such offenses. The opposition criticized the Government for not identifying persons responsible for human rights violations and other crimes. Courts are subject to executive influence, and authorities do not ensure fair trials. At times authorities restricted media activity, and the media practiced self-censorship. The death of internationally respected journalist Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 remained a focus of public concern during the year. The Government restricted freedom of assembly; however, the Government rescinded its ban on most public gatherings. During the year, the Government, at the initiative of the Secretary of State for Human Rights, established a National Commission on Human Rights to serve as a permanent framework for dialog on human rights concerns. Violence and discrimination against women, including female genital mutilation (FGM), persisted. Violence against children, child labor, and child trafficking continued to be problems. The Government took steps to combat FGM and trafficking in persons. Social discrimination against persons with disabilities was widespread. Killing or severe beating of criminal suspects by vigilante mobs remained common. Progovernment vigilantes used violence and threats of violence to intimidate opponents.

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 were responsible for numerous extrajudicial killings during the year. The Burkinabe Movement for Human Rights (MBDHP), the country's largest human rights organization and a vocal critic of the Government, alleged that security forces committed numerous extrajudicial killings between October and year's end. Although the numbers and names of victims could not be verified independently, there were credible reports of summary executions of suspected criminals by security forces during the year in response to public concerns about rising crime. The Security Minister denied allegations of extrajudicial killings but admitted that security forces had killed an unspecified number of persons in gun battles with "armed bands."

In February security forces killed Jean Roger Sanou in Bobo-Dioulasso following violent demonstrations opposing the inauguration of the controversially elected mayor of the city (see Section 2.b.). In May gendarmes in the small city of Pouytenga, Kouritenga Province, shot and killed Issa Diallo and injured two others while searching for a suspected thief. Charges were not filed against the perpetrators by year's end.

On September 18 in Ouagadougou, Presidential Guard Sergeant Momouni Koueba shot and killed truck driver Daouda Ouedraogo during a private dispute. The case reportedly was under investigation, but charges were not filed by year's end. In September truck drivers held a 2-day strike to protest the shooting and to demand a transparent investigation (see Section 6.a.).

In March retainers of the King of Po beat to death petty theft suspect Jules Nankouly after gendarmes turned over Nankouly to the King. The King is an activ-

ist in the ruling CDP party and also the mayor of Po, a city in Nahouri province. No action was taken against his retainers by year's end.

There was no progress in the investigations of the shooting and killing by gendarmes of 12-year-old Flavien Nebie in December 2000 or the August 1999 killing by police of Mamadou Kone.

In February the Government filed murder and arson charges against former Presidential Guard Marcel Kafando, a key suspect in the 1998 murder of respected journalist Norbert Zongo and his companions. Kafando and two other former Presidential Guards had been convicted and sentenced to prison in August 2000 for the killing of David Ouedraogo, the chauffeur of President Compaore's brother Francois. Sergeant Edmond Kouama, one of those convicted in the Ouedraogo case and a key suspect in the 1998 Zongo killings, died under mysterious circumstances in January. Warrant Officer Abdoulaye Siemde, who admitted falsifying a police report in the Ouedraogo case, also died in May 2000 in the mental ward of Ouagadougou's main hospital under suspicious circumstances. There were no further developments reported in the investigation of the Zongo case since charges were filed against Kafando.

According to an October 11 press report, the journalist group Reporters Without Borders asked state prosecutors in France to bring legal proceedings against President Compaore because of his alleged knowledge about acts of torture committed by his Presidential Guard and the 1998 killing of Norbert Zongo; however, French prosecutors declined to bring any charges against Compaore during his official visit to France.

The Independent Investigatory Commission examining the deaths of journalist Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 released its report in May 1999. The report determined that the four died for "purely political motives" and postulated that the probable reason for Zongo's murder was to stop the articles that he was writing on the 1998 killing of David Ouedraogo. The Commission stated that the six members of the Presidential Guard implicated in the Ouedraogo case also were "serious suspects" in the Zongo murder. The Commission also noted that official documents from the Presidential Guard and the army that might have shed light on the whereabouts of the six Presidential Guard members on the day of the murders could not be found and probably were destroyed intentionally. During the year, the Zongo case remained a highly divisive issue. In December approximately 10,000 persons demonstrated peacefully in Ouagadougou to mark the third anniversary of the Zongo killings and called on the Government to investigate the case and more vigorously prosecute the killers of Zongo and his companions. Despite the convictions of three of the five accused Presidential Guard members for the apparently related killing of David Ouedraogo and despite strong public sentiment favoring a trial of Zongo's alleged killers, by year's end, no one was charged in the Zongo case.

In its report on the Zongo case, the Independent Investigatory Commission also recommended that the separation of functions between the police and the military be enforced; that the Presidential Guard limit its duties to the protection of the Chief of State; that unresolved cases of disappearances and killings in the recent past be settled; and that the National Assembly pass a law to eliminate any time limit for resolving the Zongo case. At year's end, the separation of functions between the police and military was being enforced; however, the Presidential Guard had not limited officially its duties to protecting the President nor had it been reorganized, no unresolved cases of disappearances and killings in the recent past had been settled, and the National Assembly had not passed a law to eliminate any time limit for resolving the Zongo case.

In May 1999, in response to the Independent Investigatory Commission's report, the President announced the creation of a Council of Wisemen to review the political crimes that have taken place since the country's independence, and to make recommendations for restoring social peace in the wake of the Zongo killings. In August 1999, the Council of Wisemen issued its final report, which recommended reform of the judicial system, creation of a temporary, consensual commission to review certain articles of the Constitution, formation of a government of national unity, creation of a truth and justice commission to direct the nation's reconciliation process, and dissolution of the National Assembly. President Compaore declared March 30 a "National Day of Pardon" and during a ceremony to commemorate the day, he apologized for past government crimes, promised to compensate victims and families of victims for "economic and blood crimes," and vowed that the Government never again would commit such offenses. The opposition criticized the Government for not identifying persons responsible for human rights violations and other crimes. Family members of a number of prominent victims refused to participate in the Day

of Pardon. Although a body was set up to consider the victims' claims, the Government took no action to implement the promised compensation by year's end.

In July the Organization of African Unity's (OAU) Human Rights Commission issued a report that criticized the Government for failing to investigate human rights violations that occurred between 1983 and 1997. The report called on the Government to prosecute the perpetrators of these offenses and to compensate the victims (see Section 4).

The Government is unlikely to reinvestigate or retry the gendarme accused of shooting and killing two high school demonstrators in 1995.

On February 14, the Burkinabe Movement for Human Rights (MBDHP) released a report stating that a mass grave containing the remains of approximately five persons had been found in Wayen, Ganzourgou Province. The dates of death, causes of death, and identities of the bodies were not determined by year's end. However, the MBDHP alleged that the deceased were victims of political violence.

No further action was taken in the June 2000 murder of Mamadou Kere by self-styled militiamen who claimed allegiance to the Naba Tigre, the traditional chief of the city of Tenkodogo. Although the Naba Tigre was arrested and temporarily detained for "not helping a person in danger," he was released and the case was not prosecuted. The Naba Tigre died in September.

Killings by vigilante mobs and self-styled militias remained a problem nationwide. The vast majority of such killings targeted suspected thieves and other alleged criminals, who typically were burned or beaten to death. On several occasions during the year, vigilantes destroyed the property of persons accused of sorcery or witchcraft and expelled them from their communities.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, members of the security forces continued to abuse persons, and suspects often are subject to beatings, rough handling, and threats, frequently to extract confessions. There are credible reports that officials at the Ouagadougou House of Arrest and Correction (MACO) prison continued to employ degrading treatment subjecting prisoners to overcrowded, unsanitary conditions and providing inadequate food. The Government is not known to have taken any disciplinary action against those responsible for abuses, and the climate of impunity created by the Government's failure to prosecute abusers remains the largest obstacle to ending abuses.

In February police arrested, stripped naked, and shaved the heads of numerous elderly male residents of Bobo-Dioulasso, including the former mayor and a Muslim community leader, for allegedly instigating riots and for the murder of a policeman in February (see Section 1.d.). No action was taken against the police by year's end.

Between April 18 and 20, approximately 100 gendarmes, soldiers, and police occupied the city of Mani, Gnagna Province. The security forces beat and illegally detained dozens of local residents including women, the elderly, and children. They also stripped naked a number of citizens, including approximately 20 high school girls. No action reportedly was taken against the responsible persons by year's end (see Section 1.d.).

Security forces commonly beat suspected criminals during the year. For example, in April army recruits in Mouhoun Province, in the western part of the country, beat a suspected thief. No action taken against the recruits by year's end.

There was no known action taken against the members of the security forces responsible for beating or otherwise abusing the persons in the following cases in 2000: The December case in which police used tear gas to disperse a student demonstration; the November beating of approximately 15 students; the August case in which police used tear gas to disperse a refugee demonstration; the April cases in which police shaved the heads of several demonstrators; and the April case in which police used tear gas to disperse a march.

Progovernment vigilantes in several locations used violence and threats of violence against persons and properties to harass and intimidate opponents. For example, in December 2000 in Fada N'Gourma, there were reports that vigilante groups detained, tied up, and threatened human rights activists and cut with a machete an activist who tried to negotiate their release. Also in December 2000, progovernment vigilantes forced a high school teacher and student to flee Fada N'Gourma. No action was taken against those responsible in either case.

Prison conditions are harsh, overcrowded, and can be life threatening. The federal prison in Bobo-Dioulasso, built in 1947, houses approximately 1,000 prisoners, although it was designed to hold less than half that number. The prison diet is poor, and inmates often must rely on supplemental food from relatives. There are separate facilities for men, women, children, and high-profile persons; however, these fa-

cilities typically are crowded, common rooms rather than individual cells. Pretrial detainees usually are not held separately from convicted prisoners.

According to human rights monitors, prison visits are granted at the discretion of prison authorities. Permission generally is granted routinely, and advance permission is not required. Prison monitors visited prisons during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for the right to expeditious arraignment and access to legal counsel; however arbitrary arrest and detention were problems, and authorities did not ensure due process. The law limits detention for investigative purposes without charge to a maximum of 72 hours, renewable for a single 48-hour period; however, in practice police rarely observe these provisions. The average time of detention without charge is 1 week, and the law allows judges to impose an unlimited number of 6-month preventive detention periods. It is not unusual for defendants without access to legal counsel to be imprisoned for weeks or months before appearing before a magistrate. In some cases, prisoners were held without charge or trial for a longer period than the maximum sentence that they would have received if convicted of the alleged offense. There is a pretrial release system; however, it is unknown how often it is used.

In February police arrested, stripped naked, and shaved the heads of numerous elderly male residents of Bobo-Dioulasso, including the former mayor and a Muslim community leader, for allegedly instigating riots and for the murder of a policeman (see Section 1.c.). No charges were filed against the residents but some were detained for more than 1 week.

Between April 18 and 20, gendarmes, soldiers, and police occupied the city of Mani after they intervened in favor of a wealthy trader in a dispute over the ownership of land. The security forces did not have a judicial order to intervene. They illegally detained numerous persons and beat or otherwise abused others (see Section 1.c.). Those detained were released.

While dispersing violent protesters on April 10, 2000, security forces arrested several marchers. On April 12 and 13, 2000, the police arrested 6 prominent leaders and approximately 12 members of the Collective of Mass Democratic Organizations and Political Parties following a demonstration. Those detained were released; there were no reports of prosecution of either the detainees or the responsible security forces at year's end.

The law prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is subject to executive influence. The President has extensive appointment and other judicial powers. The Constitution stipulates that the Head of State also is the President of the Superior Council of the Magistrature, which can nominate and remove some high-ranked magistrates and can examine the performance of individual magistrates.

The Zongo killing (see Section 1.a.) and its aftermath focused attention on the systemic weaknesses in the justice system, including removability of judges, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

The Constitution provides that the Supreme Court is the highest court in the country. Beneath the Supreme Court are 2 Courts of Appeal and 10 provincial courts (“de grande instance”). There also is a High Court of Justice, with jurisdiction to try the president and senior government officials for treason and other serious crimes. The ostensibly independent military court system, which tries only military cases, is subject to executive influence. In June the Supreme Court ruled that civil courts lacked jurisdiction in a wrongful death case brought by the widow of murdered former Chief Executive Captain Thomas Sankara. The Court ruled that jurisdiction is vested in the military court system. No further action was taken by year's end.

In addition to the formal judiciary, customary or traditional courts presided over by village chiefs, handle many neighborhood and village problems, such as divorce and inheritance disputes. The population generally respects these decisions, but citizens also may take a case to a formal court.

The Constitution provides for the right to public trial, access to counsel, a presumption of innocence, and has provisions for bail and appeal. While these rights generally are respected, the ability of citizens to obtain a fair trial remained restricted by their ignorance of the law—77 percent of the population is illiterate—and by a continuing shortage of magistrates.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. However, in national security cases a law permits surveillance, searches, and monitoring of telephones and private correspondence without

a warrant. By law and under normal circumstances, homes may be searched only with the authority of a warrant issued by the Attorney General.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press; however, the Government at times restricted these rights and intimidated journalists into practicing self-censorship. The President and his Government remain sensitive to criticism. Journalists charged with libel may defend themselves in court by presenting evidence in support of their allegations. The independent press, particularly the written press, continued to exercise greater freedom of expression. However, the suspicious death of internationally respected journalist and newspaper editor Norbert Zongo in 1998 raised serious questions on the limits to the exercise of this freedom (see Section 1.a.). Zongo was well known for his investigative reports on government scandals.

All media are under the administrative and technical supervision of the Ministry of Communication and Culture. The audiovisual media are regulated further by the Superior Council of Information (CSI).

The official media, including the daily newspaper Sidwaya, and the national radio and television displayed progovernment bias. The independent press includes five daily and approximately a dozen weekly newspapers; some newspapers appear only occasionally. There are numerous independent radio stations and a religious television station. The Government licensed several private radio stations during the year. These media outlets included stations that are critical of the Government. Voice of America (VOA) (which began FM transmissions during the year), Radio France International, Africa Number 1, and the British Broadcasting Corporation (BBC) broadcast without government interference.

Despite self-censorship, independent newspapers and radio stations often criticized the Government during the year, reporting allegations of corruption and mismanagement by authorities and accusing the Government of human rights violations. For example, the killings, beatings, and arrests that occurred in the cities of Bobo-Dioulasso, Mani, and Pouytenga during the year were reported in detail in the independent press (see Sections 1.a., 1.c., and 1.d.). The independent media also reported the opposition's and human rights associations' criticism of the Government's failure to investigate and prosecute human rights violations (see Sections 1.a., 1.c., and 1.d.).

On January 8, authorities arrested and detained for 1 day Germain Bitiou Nama and Newton Ahmed Barry, both writers for the weekly newspaper *Independant*, following their investigation of the fatal shooting by gendarmes of 12-year-old student Flavien Nebie in December 2000 (see Section 1.a.). No charges were filed against the journalists.

On July 11, police detained and questioned for several hours Lierme Some, editor for the *Independant* newspaper, after he published an article entitled, "June 30, 2001, the Day Blaise Compaore Nearly Lost Power." The Government took no subsequent action against Some.

In 1998 the CSI released new regulations for private and independent radio and television, which entered into effect in 1999. The regulations allowed reinstatement of call-in shows, which were suspended in 1997. However, radio stations are held responsible if their call-in programs threaten the public order or the rights of any third party. In April 2000, the Government permanently suspended call-in programs, which allowed criticism of the Government, on two private FM stations. These suspensions remained in effect during the year; the radio stations replaced the call-in programs with talk shows featuring invited guests. Unlike in the previous year, the Government did not temporarily close any radio stations.

National and international observers reported that the CSI effectively fulfilled its responsibilities under the Electoral Code to assure equal media treatment of the candidates during the period prior to the 1998 presidential election. The Collective of Independent Election Observers stated after the election that the press generally was open to the different candidates. Press reporting on candidates' campaigns became more balanced after a complaint presented to the CSI early in the campaign by Green Party candidate Ram Ouedraogo.

The Government does not restrict access to the Internet.

The Government usually respected academic freedom. However, in previous years, university students in Ouagadougou and high school students across the country held strikes, usually to protest government education policy or demand better school conditions. In previous years, the Government generally tolerated peaceful student strikes; however, on a number of occasions, security forces used violence or the threat of violence to disrupt meetings of striking students, and student leaders and protesters have been arrested, detained, and abused.

In 2000 professors and students at the University of Ouagadougou claimed that government-proposed changes at the University infringed on academic freedom. Students held a series of demonstrations, and the Government closed the University in October 2000. In December 2000, the University banned peaceful, outdoor student meetings on the campus, except on Sundays, holidays, and days the university was not in session. Student leaders complained that the ban violated the constitutional provision protecting peaceful assembly. The Government withdrew most of its proposed changes and reopened the University on January 15; however, despite a law prohibiting security forces from entering the campus except in an emergency, gendarmes and the national police dispersed peaceful, on-campus student demonstrations during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, at times the Government restricted this right in practice. On March 28, the Government rescinded a December 2000 decree banning all public demonstrations or gatherings except for weddings, funerals, or religious ceremonies. Following the overturning of the ban, demonstrations generally were tolerated, including a June 30 antigovernment demonstration in Ouagadougou, and an August 16 demonstration in support of a general strike (see Section 6.a.).

After the March 28 rescission, political parties and labor unions were allowed to hold meetings and rallies without requesting government permission. However, the law also requires that authorities be notified in advance of planned demonstrations and allows the authorities to invoke the need to preserve public order to forbid demonstrations. Penalties for violation of the advanced notification requirement include 2 to 5 years' imprisonment. Permits must be obtained from municipal authorities for political marches. Applicants must indicate the date, time, duration, and itinerary of the march or rally, and authorities may alter or deny requests on grounds of public safety. Denials or modifications may be appealed before the courts.

In February police forcibly dispersed a demonstration by those who opposed the inauguration of the mayor of Bobo-Dioulasso, the country's second largest city. The demonstrators characterized his election by city counselors by the margin of a single vote as corrupt. Police injured several demonstrators and killed one. Unidentified persons subsequently killed a policeman; security forces believed the mayor's opponents instigated the murder. They responded to the killing by arbitrarily arresting, temporarily detaining, stripping, and shaving the heads of elderly men who they believed had instigated the killing of the policeman and the violent demonstrations during the inauguration (see Section 1.c.).

During the September Inter-Parliamentary Union Conference in Ouagadougou, authorities refused to allow a Sunni Muslim group to stage a public demonstration against Israeli treatment of Palestinians.

No action was taken against members of the security forces who used excessive force to disperse demonstrations on the following dates in 2000: December 13; December 6; August 30; April 12 and 13; April 10; and April 8 (see Section 1.c.).

Journalists and human rights activists were not permitted to hold public meetings during the International Press Freedom Festival held in Ouagadougou between December 12 and 16, 2000. The Government also refused to permit a number of foreign journalists and human rights activists to enter the country to attend the festival. There were no such incidents during the year.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Political parties and labor unions usually were permitted to organize without seeking government permission.

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

The Government requires that religious groups register with the Ministry of Territorial Administration. Registration establishes a group's legal presence in the country but entails no specific controls or benefits. Religious groups only are taxed if they carry on lucrative activities, such as farming. Registration only confers legal status. There are no penalties for failure to register. All groups are given equal access to licenses, and the Government approves registrations in a routine fashion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. Gendarmes routinely stop travelers for identity and customs checks and the levying of road taxes at police and military checkpoints; in 2000 some foreign journalists were not permitted to enter the country. There is no restriction on foreign travel.

Following the Government's ban on demonstrations in December 2000 (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou. Activists in Bobo-Dioulasso, Kaya, and Fada N'Gourma also complained of similar harassment during the year.

Following the National Day of Pardon on March 30, former Presidential Guard Adjutant Hyacinthe Kafando, who had fled the country in 1996 under suspicion of involvement in a coup attempt against President Compaore, returned to the country. The Government did not restrict his movement.

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Refugees are accepted freely. The Government provides first asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Approximately 450 persons with refugee status and an estimated 300 persons who have requested refugee status reside in the country. Most are nationals of Rwanda, Burundi, the Democratic Republic of the Congo, and the Republic of the Congo; others are from Chad, Liberia, and Sierra Leone. Almost all the refugees and applicants live in Ouagadougou.

In 2000 30 of the 600 refugees from several Francophone Africa countries who were resettled in the country in 1998 by the UNHCR held a sustained protest regarding their harsh living conditions. They accused the Foreign Ministry's National Committee for Refugees of misappropriating large sums of money intended for the refugees. In August 2000, police used tear gas to disperse demonstrating refugees. During the year, the UNHCR attempted to resolve complaints by refugees about education, food, and health issues.

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

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

The Constitution provides citizens with the right to change their government peacefully through multiparty elections; however, in practice citizens are unable to exercise this right fully due to the continued dominance of the President and his ruling party. In the 1998 presidential election, President Compaore won 88 percent of the vote; 56 percent of the eligible voters went to the polls. The irregularities cited by observers in the actual voting process were limited in number and scope and did not appear to affect the ultimate outcome of the election. However, the national observers identified a number of systemic weaknesses in the electoral code that precluded a totally regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. Nevertheless, neither of the two candidates opposing President Compaore contested the results.

The Compaore Government included a strong presidency, a Prime Minister, a cabinet presided over by the President, a two-chamber National Assembly, and the judiciary. The legislature is independent, but it remained susceptible to external influence from the executive branch.

In October 1999, President Compaore instructed the Prime Minister to reshuffle and broaden the Government. The new cabinet included four members from small opposition parties; however, the major opposition bloc, the Group of 14 February (G-14), refused to participate. In October 1999, the Council of Ministers passed decrees creating a Commission for Political Party Consultations and a Commission of National Reconciliation. The Commission issued a final report in December 1999. The President announced in his traditional 1999 New Year's Eve address that he would accept all of the report's recommendations, including designating a formal leader of the opposition in Parliament and reintroducing presidential term limits beginning in 2005; however, the National Assembly has determined that this provision does not apply retroactively to President Compaore. The Government has scheduled parliamentary elections for April 2002.

Since November 2000, representatives of opposition parties have held 12 of 36 cabinet posts pursuant to a protocol signed by the President and opposition parties that ceded one-third of cabinet posts to the opposition. Two members of civil society also have cabinet posts. However, members of the opposition party with the largest representation, five seats, in Parliament, the Party for Democracy and Progress (PDP), as well as the other parties belonging to the G-14 bloc refused to participate in the Government. Ernest Yonli is the Prime Minister.

The 1997 legislative elections gave the ruling CDP 101 out of 111 parliamentary seats. (The CDP controlled 99 of the 111 seats at year's end because of defections from the party.) The victory reflected both general support for policies of the governing party and a lack of viable opposition alternatives. While international observers described the elections as substantially free and fair, a collective of 14 local NGO's cited generalized and systematic corruption and voter list irregularities. The Supreme Court annulled the results in four constituencies because of these irregularities.

In May 2000, the Government promulgated a new electoral code that gave more independence to the government-funded Independent National Electoral Commission (CENI). Under the revised code, the CENI has full responsibility for managing its budget and is the only organization responsible for monitoring elections and referendums. However, during the September 2000 municipal elections, the CENI was criticized for deferring to the Government on important questions such as postponing the elections and candidate eligibility. On September 10, a new CENI, composed of 15 members, was sworn in. Five representatives of opposition parties, including the G-14 coalition, agreed to serve on the CENI in addition to five representatives of the presidential movement (including CDP) and five representatives of civil society.

The CDP won more than 70 percent of the seats in nationwide municipal elections held in September 2000, but lost its majority in Koudougou, the third largest city. The CDP won the majority of seats, and thus the mayor's office, in 42 of the country's 49 communes. Despite some allegations of fraud, the vote was held without disruption and the CENI generally had adequate staff and personnel to perform its duties. Nationwide turnout was approximately 60 percent of registered voters, but less than half of eligible voters were registered. Seventeen parties participated in the elections; however, eight opposition parties actively boycotted them.

In November 1999, a presidential decree established a Commission on Political Reforms. Pursuant to the Commission's recommendation in December 1999, Article 37 of the Constitution was amended in April to provide that the presidential term of office be 5 years, renewable once, starting in 2005. The provision is not retroactive, and the National Assembly has determined that this provision will not be applied retroactively to President Compaore. Previously the Constitution allowed the President to run for an unlimited number of terms.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no restrictions in law or practice on the participation of women or minority group members in politics. Only 4 of the 36 ministers and 7 of the 111 National Assembly deputies are women. The President of the Social and Economic Council is a woman. In part because of the important role that women played in reelecting President Compaore in 1998, the Congress for Democracy and Progress voted at its first ordinary Congress held in 1999 to increase the number of women on its National Executive Council from two to six.

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

A number of human rights groups, including the Burkinabe Movement for Human Rights (MBDHP), the Association of Christians for the Group for Study and Research on Democracy and Economic and Social Development in Burkina Faso (GERDES), and Abolition of Torture (ACAT), generally operated without government restriction; however, government-paid informers reportedly have infiltrated groups that are critical of the Government.

Following the Government's December 2000 ban on demonstrations, progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou (see Sections 1.c. and 2.d.).

The Government permitted international human rights groups to visit and operate in the country. The MBDHP is affiliated with the Inter-African Human Rights Union (UIDH), and representatives of the OAU visited the country during the year.

The Government failed to honor repeated requests for information from the OAU about alleged human rights abuses that occurred between 1983 and 1997. In July the OAU's Human Rights Commission issued a report that criticized the Government for failing to investigate human rights violations that occurred between 1983 and 1997, criticized the Government for not responding adequately to the OAU's requests for information, and called on the Government to prosecute the perpetrators of these offenses and to compensate the victims.

In March 1999, the Council of Ministers terminated the agreement that had existed between the Government and the UIDH since 1995. The Council stated in 1999 that UIDH head Halidou Ouedraogo, who also served as president of the MBDHP and as president of the Collective, had mixed politics with human rights and thus acted in ways incompatible with the agreement. The Council also considered illegal the UIDH's participation on a parallel inquiry commission that was set up in January 1999 by the Collective to investigate the Zongo killings (see Section 1.a.). Under the 1995 agreement, the UIDH benefited from tax exemptions, a government subsidy that paid \$500 (300,000 CFA francs) a month to rent temporary offices for the organization; Ouedraogo, a Burkinabe national, had enjoyed diplomatic immunity as head of an international organization. During the year, the Government did not honor the President's May 2000 promise to reinstate the agreement

providing a tax exemption and subsidy to the UIDH. Ouedraogo has not had his diplomatic status reinstated; he was arrested and held briefly in 2000 for allegedly planning violent antigovernment demonstrations.

During an official visit by President Compaore to France, the NGO Reporters Without Borders asked French prosecutors to bring charges against Compaore because of his alleged knowledge of the Zongo murder and other human rights violations. The French courts declined to pursue the case (see Section 1.a.).

In July the Office of Ombudsman Jean-Baptiste Kafando, called the Mediateur du Faso, which is responsible for mediating disputes between the Government and citizens, submitted an activity report for the year 2000. According to the report, the office handled 124 cases, primarily regarding administrative matters, such as civil servants' pension benefits or land disputes.

During the year, the Government, at the initiative of the Secretary of State for Human Rights, established a National Commission on Human Rights to serve as a permanent framework for dialog on human rights concerns. Commission members include representatives of human rights NGO's, union representatives, government officials, and representatives from professional associations.

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

The Constitution prohibits discrimination on the basis of race, religion, or ethnic origin. Minority ethnic groups, like the majority Mossi, are represented in the inner circles of the Government, and government decisions do not favor one group over another.

Women.—Domestic violence against women, especially wife beating, occurs frequently. Cases of wife beating usually are handled through customary law and practice. There are no statistics on rape, although it is recognized as a crime. Spousal rape is not discussed. There are organizations that counsel rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the Burkinabe Movement for Human Rights, the Association of Women, and Promofemmes, a regional network that works to combat violence against women. The Government is attempting to change attitudes toward women, using education through the media. The Penal Code explicitly prohibits sexual harassment, but it has no special laws protecting women against violence other than general laws dealing with violence.

The prohibits forced marriage, with specific penalties under the Penal Code for violators. Polygyny is permitted, but both parties must agree to it prior to a marriage, and the woman maintains the power to oppose further marriages by her husband if she can provide evidence that he abandoned her and her children. Either spouse can petition for divorce; custody of children is granted to either parent on the basis of the children's best interests.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, still is practiced widely, especially in many rural areas, and usually is performed at an early age. The percentage of girls and women who have undergone this procedure may be as high as 70 percent. The Government has made a strong commitment to eradicate FGM through educational efforts, and the National Committee for the Fight Against Excision campaigns against the practice. The Penal Code was revised in 1996 to make FGM a crime, with stricter punishments for those involved in its practice. Perpetrators are subject to 6-months' to 3-years' imprisonment and a significant fine. The Government continued its sensitization campaign regarding the deleterious effects of this practice. According to press reports in previous years, some persons who have practiced FGM and the victims' parents were arrested, and some FGM practitioners were prosecuted and received prison sentences under the law, which forbids FGM. Another form of mutilation, scarification of the faces of both boys and girls of certain ethnic groups, gradually is disappearing.

There were occasional reports of trafficking in women (see Section 6.f.).

Although the law provides equal property rights to women and some inheritance benefits depending on other family relationships, in practice customary law prohibits women from the right to own property, particularly real estate. In rural areas, land belongs to the family of the man whom a woman marries even though women represent 45 percent of the work force, predominantly in the rural sector where women still do much of the subsistence farming work. Customary law does not recognize inheritance rights for women and regards the woman as property that can be inherited upon her husband's death.

There are no specific constitutional provisions or laws protecting women, who face extensive discrimination. In general women continue to occupy a subordinate position and experience discrimination in such areas as education, jobs, property, and

family rights. Overall, women represent 45 percent of the work force; however, in the modern sector women make up one-fourth of the government work force, although they usually are found in lower paying positions. Women still do much of the subsistence farming work. After the 1997 parliamentary elections, the Government created a Ministry of Women's Affairs and appointed a woman as minister; the Minister actively promoted women's rights during the year.

Children.—The Constitution nominally protects children's rights. The Government has demonstrated its commitment to improving the condition of children by continuing efforts, in cooperation with donors, to revitalize primary health care by focusing on care for nursing mothers and infants; vaccination campaigns for measles, meningitis, and other illnesses; and health education.

Although the Government dedicates approximately 25 percent of the national budget to education and the law provides for free compulsory education, the Government lacks the means to provide universal, free primary education. If a child qualifies on the basis of grades and social condition (that is, the family is "poor"), free education can continue through junior high and high school. In practice the family condition requirement often is ignored, giving many children a free education through high school. Many children, especially girls, do not attend school; girls represent only 38 percent of school enrollment for the nation. The Government developed a 1994 to 2000 national action plan for girls' education and has taken steps to promote primary education for girls. For example, unlike prior to 1994, girls constitute approximately one-third of the total student population in the primary school system during the year and are represented in the secondary and higher educational systems, although the percentage decreases significantly beyond the primary level. Schools in rural areas have disproportionately fewer female students than schools in urban areas, and illiteracy for girls in the rural areas can run as high as 95 percent. The Government has set up a scholarship program for female secondary students to encourage them to stay in school. The estimated adult literacy rate is 23 percent, a slight increase from the rate of 22 percent in 1996. The rate of male literacy is approximately 30 percent and female literacy is 9 percent.

FGM is performed commonly on young girls (see Section 5, Women).

There were occasional reports of trafficking in children (see Sections 6.c. and 6.f.).

Child labor is a problem (see Section 6.d.).

Persons with Disabilities.—While there are modest government subsidies for workshops for persons with disabilities, there is no government mandate or legislation concerning accessibility for persons with disabilities. There also is no legislation to protect persons with disabilities from discrimination. Programs to aid persons with disabilities are limited, and their advocates report that such persons often face social and economical discrimination. Persons with disabilities who are willing and able to work frequently find it difficult to find employment, including in government service, because of deeply entrenched social attitudes which hold that persons with disabilities should be under the care of their family and should not enter the workforce.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code has been amended several times during the past decade. In 2000 the Government repealed provisions requiring public servants to respect the revolutionary order under penalty of disciplinary sanctions, a provision which had been criticized by the ILO for many years. Under this legislation, workers, including civil servants, traditionally have enjoyed a legal right of association, which is recognized under the Constitution. There are 4 major labor confederations and 12 autonomous trade unions linked by a national confederal committee. They represent a wide ideological spectrum; the largest and most vocal member espouses socialist doctrine. Approximately 85 percent of the workforce are engaged in subsistence agriculture. Of the remainder, approximately 50 percent of private sector employees and 60 percent of public sector employees are union members. Essential workers, such as police, may not join unions. The ILO Committee of Experts has expressed concern about the right to strike of public servants, particularly the law that allows the authorities to requisition striking civil servants and state officials.

The Constitution provides for the right to strike, and workers use strike actions to achieve labor goals. Many strikes were called during the year both by labor organizations to advance worker objectives, such as opposing the privatization of state-owned enterprises, and by the Collective of Mass Organizations and Political Parties to press for justice in the aftermath of the Zongo killings. For example, on June 30, union members joined Collective demonstrators in an antigovernment protest. On August 16, unions held a peaceful general strike to protest planned privatizations. On September 24 and 25, truck drivers held a nationwide strike after a presidential

guard shot and killed a truck driver on September 18. In September BICIA-B bank employees went on strike, and although the strike was not resolved, it resulted in the dismissal of a senior bank official. There was no governmental interference in these demonstrations and strikes.

The General Union of Burkina Faso Students, a confederation of student unions, and its affiliate members have been unable to conduct meetings on the University of Ouagadougou campus following a 2000 University ban on peaceful, outdoor demonstrations on campus (see Section 2.b.).

Labor unions may affiliate freely with international trade unions. The National Confederation of Burkinabe Workers (CSB) and the National Organization of Free Trade Unions (ONSL) are both affiliated with the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—Unions have the right to bargain for wages and other benefits, both directly with employers and with industry associations. These negotiations are governed by minimums on wages and other benefits contained in the Interprofessional Collective Convention and the Commercial Sector Collective Convention, which are established with government participation. If no agreement is reached, employees may exercise their right to strike (see Section 6.a.). Either labor or management may refer an impasse in negotiations to labor tribunals. Appeals may be pursued through the Court of Appeal to the Supreme Court, whose decision is binding on both parties. Collective bargaining is extensive in the modern wage sector, but it encompasses only a small percentage of workers.

The Labor Code prohibits antiunion discrimination. The Labor Ministry handles complaints about such discrimination, which the plaintiff may appeal to a labor tribunal. If the tribunal sustains the appeal, the employer must reinstate the worker. Union officials believe that this system functions adequately.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and there were no reports that such practices occurred. There were occasional reports of trafficking in women for prostitution or domestic service (see Section 6.f.).

The Government prohibits forced and bonded labor by children; however, there are reports of household employment of children outside their own families without any status or formal remuneration as well as the procurement and exploitation of young immigrant girls. The Government has informed the ILO that it is taking actions to improve awareness of these problems. There were occasional reports of trafficking in children for prostitution or domestic service (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age for employment at 14 years; however, child labor is a problem. In the domestic and agricultural sectors, the law permits children under the age of 14 to perform limited activities for up to 4½ hours per day; however, many children under the age of 14 years work longer hours. According to a pamphlet published by the Ministry of Labor in 2000, more than 50 percent of children work, largely as domestics or in the agricultural or mining sectors. The percentage of employed children did not diminish during the last decade. Children commonly work with their parents in rural areas or in family-owned small businesses in villages and cities. Most children actually begin work at an earlier age on small, family subsistence farms, in the traditional apprenticeship system, and in the informal sector. There are no reports of children under the age of 14 employed in either state or large private companies.

The Ministry of Employment, Labor, and Social Security, which oversees labor standards, lacks the means to enforce this provision adequately, even in the small business sector. In cooperation with UNICEF, the International Labor Organization (ILO), and local NGO's in July 1997, the Government developed a national plan of action on child labor. The Government also has organized workshops and produced films and a television series on the problem of child labor.

In July the Government ratified ILO convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children; however, there were occasional reports of trafficking in children for prostitution or domestic service (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code mandates a minimum monthly wage, which is approximately \$40 (28,811 CFA francs) in the formal sector; it does not apply to subsistence agriculture. The Government last set a minimum wage in 1996; it does not provide a decent standard of living for an urban worker and family. Wage earners usually supplement their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Labor Code

also mandates a standard workweek of 40 hours with at least one 24-hour rest period for nondomestic workers and a 60-hour workweek for household workers, and establishes safety and health provisions.

A system of government inspections under the Ministry of Employment, Labor, and Social Security and the labor tribunals is responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards do not apply in the subsistence agricultural sector. However, the Government's Labor Inspector Corps does not have sufficient resources to fulfill its duties adequately. Every company is required to have a work safety committee. If a workplace has been declared unsafe by the Government's Labor Inspection Office for any reason, workers have the right to remove themselves from dangerous work without jeopardy to continued employment. In practice there are indications that this right is respected, but such declarations are relatively rare.

Foreign workers, both legal and illegal, are protected by the law governing working conditions.

f. Trafficking in Persons.—There is no law that specifically criminalizes the act of trafficking; however, a range of other relevant laws may be used to prosecute traffickers. The Constitution specifically prohibits slavery, inhumane treatment, torture, and mistreatment of children and adults. The Penal Code prohibits kidnaping, violence, and mistreatment of children.

The country is a source, transit, and destination country for internationally trafficked persons, including children. It is an occasional source country for women who travel to Europe to work as domestics, but, upon their arrival, are exploited sexually. The country is a transit point for trafficked children, notably from Mali. Children from Mali often are trafficked to Cote d'Ivoire. Malian children also are trafficked into the country. Destinations for trafficked Burkinabe children include Cote d'Ivoire, Ghana, and Nigeria.

In many instances, children voluntarily travel to Cote d'Ivoire to work as agricultural laborers to escape poverty at home; however, in other cases, children are lured to plantation work in Cote d'Ivoire by false promises of generous remuneration, only to be forced to work under very harsh conditions for little or no payment. Some children are forced to work long hours without pay, allegedly to repay costs of their transport to Cote d'Ivoire and the costs of food and housing on the plantation.

During the year, the authorities intercepted a number of children destined for plantations in Cote d'Ivoire, and the traffickers were arrested. Although ultimately acquitted for lack of evidence, in April a court tried an accused child trafficker for the first time. The Government provided initial shelter to the children and helped return them to their homes. Some children asserted that they were going voluntarily to Cote d'Ivoire in search of work.

The Ministry of Social Affairs and the Directorate of Labor Health and Security, Child Labor, and Trafficking Division of the Ministry of Labor implement and enforce child labor laws and regulations. Despite good intentions, the Government only has limited resources to combat trafficking in women and children. The Government has worked with international donors and the ILO to address child trafficking. In May the military held a workshop for soldiers on children's rights. The Government has organized seminars against child trafficking for customs officers.

In an official note delivered to foreign missions resident in Ouagadougou, the Government reaffirmed its commitment to conventions protecting children's rights and to international principles and standards of child protection. The note stated that the Government has instructed officials to investigate and prosecute violations related to the trafficking, transport, harboring, or trading in children. It also appealed to UNICEF, the ILO, and the international community to help the country eradicate child trafficking.

BURUNDI

Until November when a transitional government was inaugurated, Burundi was ruled by an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya, who was brought to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and who abrogated the Constitution. President Buyoya held power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. In 1998 the Buyoya regime reached a political agreement with the opposition-dominated National Assembly, which adopted a Transitional Constitutional Act and a transitional political platform. The agreement brought the predominantly ethnic Hutu opposition party FRODEBU into the Cabinet. Since 1993 the civil war has caused thousands of civilian deaths and mass internal dis-

placement. In June 1998, the Government and opposition parties began peace negotiations in Arusha, Tanzania. In August 2000, the Buyoya regime and other negotiating parties present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30, 2000. The agreement proposes extensive reforms of the security forces, the judiciary, and the country's political institutions. Several of the parties signed with reservations parts of the agreement, including the key issues of leadership of the transitional government, integration of the army, and the electoral system. The two major armed rebel groups declined to join the peace process. In July President Buyoya and the regional leaders signed an agreement to begin the 3-year transition period on November 1. Buyoya was sworn in as president, and Domitien Ndayizeye, the secretary general of FRODEBU, was sworn in as vice president on November 1. Under the agreement, they will serve for 18 months; the G-7, an alliance of predominantly Hutu parties, will then select a president, and the G-10, an alliance of predominantly Tutsi parties, will select a vice president. Efforts to negotiate a cease-fire were ongoing at year's end. In April and July, officers in the predominantly Tutsi armed forces led separate coup attempts; both attempted coups failed within hours. Political parties operate under significant restraints. The judiciary is controlled by the ethnic Tutsi minority and is not impartial.

The security forces are controlled by the Tutsi minority and consist of the army and the Gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. The Government created the Guardians of the Peace, armed paramilitary civil defense units, to serve in Bujumbura, the suburbs of Bujumbura, and Bujumbura Rural, Ruyigi, Rutana, and Bururi provinces. The civilian authorities do not maintain effective control of the security forces. Members of the security forces continued to commit numerous serious human rights abuses.

The country is poor and densely populated, with 92 percent of the population of 6.2 million dependent on subsistence agriculture. Many internally displaced persons (IDP's) have been unable to grow food and depend largely on international humanitarian assistance. The civil war has caused severe economic disruption, especially to the small modern sector of the economy, which is based mainly on the export of coffee, tea, and cotton. The per capita GNP in 2000 was \$103 (74,090 Burundian francs). The Government continued its plans to privatize publicly owned enterprises, but made little progress during the year.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens do not have the right to change their government. Security forces continued to commit numerous extrajudicial killings with impunity. The armed forces killed armed rebels and unarmed civilians, including women, children, and the elderly. Rebel attacks on the military often were followed by army reprisals against civilians suspected of cooperating with the insurgents. Despite President Buyoya's stated commitment to end abuses by the military, numerous abuses were committed, and perpetrators were not punished. Impunity for those who commit serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. The security forces did not cooperate with civilian prosecutors or magistrates, especially in investigations involving members of the security forces. There were credible reports of disappearances, and the security forces continued to torture, beat, and otherwise abuse persons. Soldiers raped women. Despite some improvements, prison conditions remained very poor in general and sometimes life threatening. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system has a lengthy case backlog; however, the Government continued to take steps to diminish the backlog. The dysfunctional justice system was unable to resolve pressing issues of detention and impunity because of its lack of independence, inefficiency, a lack of resources, systemic corruption, administrative disruption due to the war, and the partiality of Tutsi officials. Authorities infringed on citizens' privacy rights. The Government controlled the media and restricted freedom of speech and of the press. It also restricted freedom of assembly and did not permit political demonstrations by government opponents. The Government restricted freedom of association and freedom of movement. Since 1993 the civil war has caused thousands of civilian deaths and massive internal population displacement. The armed forces sometimes limited access to certain areas by human rights observers, citing dangerous security conditions. Violence and discrimination against women continued. The Government was unable to protect the rights of children, and child prostitution was a problem. Discrimination against persons with disabilities also was a problem. The indigenous Twa (Pygmies) remained marginalized economically, socially, and politically. Societal discrimination between the Hutus and Tutsis continued. Incidents of ethnically

motivated property destruction and killing occurred throughout the country. State discrimination against Hutus was widespread. Soldiers required persons, including children, mostly Hutus, to perform forced labor. Child labor, including forced labor, was a problem.

Hutu rebels also continued to commit numerous serious abuses against civilians, including killings, rapes, theft, forced labor, and the abduction of children to serve as soldiers in the ongoing conflict between rebel and government forces.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed numerous extrajudicial killings. Government forces killed numerous Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Civilians also were killed during fighting between government and rebel forces. There were reports of deaths in custody and in prison. There were several reported deaths and injuries caused by the explosion of landmines laid by both government and rebel forces. Government troops rarely were disciplined for killing civilians.

On June 2, government soldiers shot and killed nine civilians who were walking in the outskirts of Bujumbura; the soldiers reportedly mistook the civilians for rebels.

On July 10, in the Kiriri section of Bujumbura Rural province, government soldiers killed 11 civilians in retaliation for the July 9 killing by persons in a bar of a soldier who had threatened to rape a woman and who had attempted to extort money and beer. No action reportedly was taken against the responsible soldiers by year's end.

On October 25 in Bubanza province, government forces killed 13 civilians, including at least 6 women and 2 children, apparently in reprisal for the civilians' harboring of rebel soldiers.

Government forces also killed numerous civilians following fighting with rebels or in reprisal for rebel attacks. On March 14, in Kanyosha commune, Bujumbura Rural province, government soldiers killed two women following a battle with rebel forces; no action reportedly was taken against the responsible soldiers by year's end. In April in the Ruburizi section of Bujumbura Rural province, government soldiers killed approximately 30 civilians; however, it was unclear if the killings were in reprisal for military casualties or because of suspicions that the civilians had collaborated with rebels. In October in Muzinda, government forces killed 11 civilians, including two students, in reprisal for the October 4 killings of 14 soldiers by rebels (see Section 1.f.). Between November 2 and 4 in Maramya, Bujumbura Rural province, government forces killed 42 civilians in reprisal for the November 1 attack on a government army vehicle by members of the National Liberation Forces (FNL). Some of the civilians were shot as they worked in the fields, while government forces used bayonets to kill others who had taken refuge in their homes. No action reportedly was taken against the members of the security forces responsible for the killings by year's end.

Government forces also killed numerous civilians for suspected collaboration with rebels. Following a battle with rebel forces in Gishubi commune, Gitega province, that took place between February 22 and 28, government soldiers reportedly killed more than 50 civilians in reprisal for suspected cooperation with rebel forces; no action reportedly was taken against the responsible soldiers by year's end.

There were several reports of deaths in custody as a result of the Government's continued widespread use of torture (see Section 1.c.).

Deaths in prisons from disease and malnutrition continued; however, the number of such deaths decreased during the year in part because of the work of the International Committee of the Red Cross (ICRC) (see Section 1.c.).

Fighting between security forces and rebels resulted in many civilian deaths. On February 24 and 25, rebels attacked Kinama, a northern suburb of Bujumbura. During the following 2 weeks of fighting, both government and rebel forces allowed civilians to escape; nonetheless, many civilians were trapped and killed. During the fighting, Hutu rebels shelled adjacent Tutsi neighborhoods, killing and injuring several civilians. The rebels allowed civilians to return to their homes to remove belongings; however, there were credible reports that government soldiers summarily executed civilians who attempted to return, accusing them of being collaborators. A local nongovernmental organization (NGO) reported that more than 200 bodies were found after the fighting ended. The U.N. estimated that as many as 300 civilians may have been killed or injured. No action reportedly was taken against the responsible government soldiers or rebel forces by year's end.

Comprehensive and accurate information about landmines was hard to obtain; however, there were credible reports that the security forces increased use of landmines during the year. Following the battle with rebel forces in Kinama in February and March, government forces laid landmines near Bujumbura's international airport and in the Tenga area of Bujumbura Rural province. There also were reports that landmines were laid near Kanyosha; it is unclear whether government or rebel forces laid the landmines. Government forces also reportedly continued to mine the border with Tanzania to prevent rebels from crossing the border.

On January 29, in Mutimbuzi commune, Bujumbura Rural province, one civilian was killed and another seriously injured by an antipersonnel landmine planted by the army. On March 9, a landmine explosion killed a child in Kabizi commune, Makamba province. On June 23, in Mutimbuzi commune, a landmine explosion killed one civilian and seriously injured two others.

The investigation into the May 2000 torture and decapitation by security forces of a man who had thrown stones at them while they looted houses in the forced regroupment camp in Kavumu, Bujumbura Rural province, continued at year's end. The soldier arrested for killing a local Bujumbura government official and four members of the official's family in April 2000, allegedly in retaliation for the killing of four soldiers by rebels, remained in detention pending trial at year's end. In February 2000, a police officer allegedly tortured to death a domestic servant who insulted the officer's wife. The officer was arrested later that day, but released in March 2000. The U.N. protested his release; however, no further action reportedly was taken against the officer by year's end.

No action was taken against the members of the security forces responsible for the following killings in 2000: The August killings of 35 civilians by soldiers in Nyambuye zone, Bujumbura Rural province; the July killings of 53 persons by soldiers in Butaganzwa commune, Ruyigi province; and the June killings of 69 persons in Taba commune, Gitega province. There reportedly was no action taken against the responsible members of the security forces by year's end.

The Government did not conclude its investigation into reports that in December 1999 soldiers shot and killed an unarmed FRODEBU Hutu parliamentarian or its investigation into reports that government soldiers killed 50 persons in August 1999, in Kanyosha. By year's end, the Government had not released the findings of an investigation into a January 1999 case in which soldiers killed more than 55 civilians in Mubone, Kabezi commune, Bujumbura Rural province, nor was any action taken against those responsible.

There was no investigation nor action taken against the members of the security forces responsible for the following killings in 1999: The October killings of 6 civilians by a government soldier at the Ruyaga regroupment site; the July killings by government soldiers of 30 civilians in Kanyosha; and the May killings by government forces of 11 Hutu civilians. There were no developments in a January 1999 case in which 178 civilians were killed either by rebels or because they were caught in a crossfire between rebels and the army.

In May 1999, the media reported a judgment in the trial of the 1993 assassination of President Melchior Ndadaye. The Supreme Court sentenced 5 members of the army to death and 23 others to prison. Another 38 persons were acquitted, 10 cases were sent back to the court for further review, and 5 cases were dropped because the suspects had died. No high-ranking army officers were convicted, although charges originally were brought against many past and present senior army members. The Chief Prosecutor, who is a Hutu, announced in June 1999 that the case would be reopened; new trials were scheduled for January. However, no trial began during the year.

On November 20, the local representative of the World Health Organization (WHO) was killed in an apparent robbery attempt. An investigation into the case was ongoing at year's end.

Hutu rebels killed Hutu and Tutsi civilians; Hutu rebels sometimes deliberately targeted and killed Tutsis. There are no definitive statistics available on how many persons were killed by Hutu rebels. The Government stated that rebels were responsible for the majority of civilian casualties. In December FNL forces raided civilian homes in Bujumbura, killing four persons and confiscating medicines, computers, and a motorcycle.

Rebels reportedly often killed persons for suspected collaboration with the Government and for their refusal to pay "taxes" to rebels. There were numerous reports during the year that Hutu rebels ambushed minibuses carrying persons on national highways, and robbed and killed the occupants. U.N. security forces reported numerous ambushes during the year; however, no exact figure was available.

On July 31, rebels attacked the Rumonge commune in the southwest part of the country and killed nine civilians; the rebels accused the residents of informing the

security forces of their movements. On August 3, rebels killed 13 civilians for allegedly cooperating with the Government. On August 7, rebels attacked the Kabezi commune and killed 20 persons. No action was taken against the responsible members of the rebel forces by year's end.

Rebels attacked numerous buses and minibuses, killing many of the passengers during the year; attacks occurred throughout the country. For example, on January 1, rebels ambushed a civilian vehicle in Makamba province and killed two civilians. On March 4, rebels ambushed a minibus in Bururi province, killed one person, and injured another. On April 2, rebels ambushed several vehicles owned by the U.N. World Food Program and injured four persons. On May 21, rebels ambushed 5 civilian vehicles in Ruyigi province and killed more than 10 persons. On May 25, rebels ambushed three civilian vehicles and two minibuses in Bururi province, killing five persons and injuring several others. On June 21, rebels attacked a vehicle belonging to the British NGO Children's Aid Direct, killed the driver, and briefly detained three passengers. On June 28, rebels ambushed a bus in Bubanza province, killed nine persons, and injured three others. Rebels also ambushed and killed several members of the clergy during the year (see Section 2.c.).

There were unconfirmed reports that rebels took landmines laid by government forces and later used them against the army.

In December 2000, rebel forces killed 15 civilians during an attack on a bus in Bukemba; a government investigation into the killings was ongoing at year's end.

There were no reports that rebel forces prosecuted or punished members of their groups who were responsible for the following killings in 2000: The December killings of 20 persons after the bus in which they were traveling from Kigali, Rwanda, to Bujumbura was ambushed on a road north of Bujumbura; the April killings of 3 persons in Bubanza province, 7 persons on National Route 1 in Bujumbura Rural province, and 16 persons in a camp for internally displaced Tutsis in Makamba province (see Section 2.d.); the March killings of 7 Tutsi women and children in Bukeye commune, Muramvya province; and the March killings of 6 persons in an ambush in the southern province of Makamba, on National Highway 3 between Mabanda and Nyanza Lac communes.

There were no developments in the 1999 killings of two U.N. foreign staff members and seven others in Rutana province. The Government continued to blame the rebels for the attack; rebels accused the armed forces of committing the killings.

On September 8 in Cibitoke, a suburb of Bujumbura, a member of the pro-Tutsi party PA-Amasekanya and a government soldier were killed in an apparent rebel attack. Several Hutus in Cibitoke reportedly were abducted and killed in retaliation; it was unclear if the Hutus were killed by security forces, civilians, or both. No action was taken against the responsible persons by year's end.

Media and NGO reports indicate that more than 200,000 persons, mostly civilians, have been killed in ethnic violence since October 1993; however, the source of this figure is unclear. One international NGO estimated the number to be between 100,000 and 120,000. No credible countrywide casualty figures were available. The Government and security forces frequently prevented journalists and human rights observers from going to areas where casualties occurred, making it difficult to gather information about the perpetrators and the victims. Much of the extrajudicial killing and property destruction during the year was concentrated in the province around the capital and in the southern and eastern provinces of Bururi, Makamba, Rutana, and Ruyigi, as well as in the central and western provinces of Muramvya, Mwaro, and Cibitoke.

There were a number of urban bombings during the year. In August several persons were killed and injured in a grenade attack in the market of Kinama; a grenade also was thrown in a restaurant in Bujumbura. No suspects were identified by year's end. The Chief Prosecutor stated that the Government would create special ad hoc committees composed of police officers and magistrates to investigate each incident; however, no action was taken by year's end. No suspects were identified by year's end for several hand grenade attacks in 2000.

No suspect was identified by year's end for the October 2000 murder of an Italian nun in Gitega.

b. Disappearance.—Human rights groups reported that abductions and disappearances occurred during the year. There were credible reports that abductions increased during the year; however, no credible overall figures were available. Rebels were responsible for many of the disappearances; rebels kidnaped and raped women (see Section 1.c.).

On May 11, rebels kidnaped six Burundian workers for the Dutch NGO Memisa. On May 16, the workers were released unharmed after the NGO allegedly paid a ransom.

On June 21, rebels attacked a vehicle belonging to the British NGO Children's Aid Direct, killed the driver, and briefly held three passengers hostage.

On August 6, rebels attacked the Rumonge commune and abducted two young men and two young women; the two women reportedly were released later in the year. There was no information on the whereabouts of the two men by year's end.

On November 6, rebels from the Forces for the Defense of Democracy (FDD) abducted 4 teachers and approximately 50 students in grades 4 to 6 from Kirambi primary school in Ruyigi province to serve as soldiers.

On November 9, FDD rebels abducted approximately 250 students from Musema high school in Kayanza province and set fire to the school, which was destroyed. The rebels forced the students to transport goods stolen from nearby homes and shops and beat those who faltered en route. Most of the students reportedly were released later in the year; however, the rebels still held some students at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional Constitution Act prohibits such practices; however, members of the security forces continued to torture and otherwise abuse persons. According to League Iteka, a local human rights NGO, the Government used torture almost systematically.

In October the Burundian Association for the Defense of the Rights of Prisoners (ABDP), a local NGO, conducted a survey on the use of torture in Mpimba prison in Bujumbura and in the provincial prisons and detention centers in Rumonge, Gitega, Rutana, Muramvya, Ruyigi, Bubanza, Bururi, and Ngozi provinces. The ABDP estimated that prison officials and security forces used beatings with batons and pipes, tying victims with ropes, electrocution, burning, bayonets, and needles to torture up to 45 percent of the prison population.

According to League Iteka, on March 21 in Gitega, police tortured Methode Nkurunziza, who later died; it was unknown if he was in police custody at the time. No action reportedly was taken against the police by year's end.

According to League Iteka, on May 26, a district administrator and three merchants in Bweru commune, Ruyigi province, tied 15-year-old Emmanuel Ntikaraha to bars on store windows and beat him with a club in front of a crowd. Ntikaraha, who was suspected of theft, died the next day. No action was taken against the administrator or the merchants by year's end.

Gendarmes beat at least one journalist during the year (see Section 2.a.).

Members of the security forces raped numerous women during the year. There were credible reports that soldiers raped women almost nightly in the months following the February and March fighting between security forces and rebels (see Section 1.a.). In April in Kinama, three soldiers and a civilian raped an 80-year-old woman. In July in Kinama, two soldiers raped a 12-year-old girl during a robbery. On July 9, a group of civilians killed a soldier who had threatened to rape a woman (see Section 1.a.). No action reportedly was taken against the responsible civilians by year's end.

On May 13, the Government forcibly prevented representatives of the G-8 Tutsi parties from holding a press conference in Bujumbura (see Section 2.b.). When the representatives protested, gendarmes beat participants with their fists and the butts of their rifles.

Government troops continued to use excessive force in areas where there were civilians and often fired deliberately on Hutu civilians. Security forces also reportedly shot at Tutsi students who supported the July coup attempt. However, unlike in the previous year, there were credible reports that on several occasions government troops warned civilians to leave an area shortly before attacking rebels.

Several persons were killed or injured during the year when landmines laid by government and rebel forces exploded (see Section 1.a.). League Iteka reported that several persons were injured when landmines laid near the airport exploded. On June 23 in Kinama, two children were injured when a landmine exploded.

There also were reports that soldiers used children for forced labor (see Sections 5, 6.c., and 6.d.).

No action was taken against the members of the security forces responsible for torturing, raping, or otherwise abusing the persons in the following cases in 2000: The December case in which security forces used tear gas to disperse forcibly a group of students; the November case in which government troops injured civilians after forcing them to remove foliage near a battleground; the May torture and decapitation of a man who had thrown stones at security forces in the Kavumu regroupment camp; the February torturing to death of a domestic servant by a police officer; the February beatings by police of several demonstrators; and the numerous rapes of women in regroupment camps by government soldiers.

During the year, the Government created the Guardians of the Peace, armed paramilitary civil defense units, to police the area in and around Bujumbura, the

suburbs of Bujumbura, and Bujumbura Rural, Ruyigi, Rutana, and Bururi provinces. Members of the Guardians of the Peace are unpaid and poorly trained; some were conscripted. There were credible reports that the Guardians of the Peace also recruited children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the front lines. Members of the Guardians of the Peace are required to turn in their weapons and ammunition at the end of their shifts and to account for any missing ammunition; it was unknown if this occurred in practice. There were credible reports that members of the Guardians of the Peace harassed, extorted money from, beat, raped, and in some instances killed civilians.

The Government also provided weapons to Hutu and Tutsi civilians in Bujumbura to be used in self-defense. In some cases, the weapons were provided to individual civilians, in others they were placed in central locations in communities to be accessed in an emergency. There were no reports that the dissemination of weapons in Bujumbura resulted in abuses.

Rebels killed, beat, and stole from civilians, and kidnaped and raped women (see Sections 1.a. and 1.b.).

An investigation was ongoing at year's end into the December 2000 incident in which rebel forces killed 15 civilians during an attack on a bus in Bukemba (see Section 1.a.).

Prison conditions remained harsh and were in some cases life threatening. Harsh prison conditions contributed to the deaths of prisoners from disease and malnutrition. Conditions in Ministry of Justice-run prisons continued to improve, largely due to efforts by the ICRC and a local NGO to improve sanitation, hygiene, medical care, food, and water. The Government raised the daily dried food allowance from 10.5 ounces of beans to 12.25 ounces of beans a day in addition to 12.25 ounces of manioc; however, prisoners still relied on family members to provide an adequate diet. According to government officials, prisoners suffered from digestive illnesses, dysentery, and malaria. Severe overcrowding persisted. According to the Government, 9,013 inmates were housed in facilities built to accommodate a maximum of 3,650 persons during the year. A local NGO estimated that the prison population was more than 9,300. With the return of the ICRC, the death rate in the prisons containing 80 percent of all inmates dropped from 2.3 deaths per 10,000 per day in 1999 to 0.4 deaths per 10,000 in 2000. The death rate remained the same during the year. Women are detained separately from men; however, juveniles were incarcerated with adults throughout the prison system (see Section 5). Political prisoners often were not held separately from convicted prisoners. Pretrial detainees generally were held in detention camps; however, some also were incarcerated with convicted prisoners (see Section 1.d.).

International and local human rights monitors were permitted to visit most prisons and to speak with inmates; however, they were denied access in some cases (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The criminal code prohibits arbitrary arrest, detention, and exile; however, the code was not respected and security forces arbitrarily arrested and detained persons. The law requires arrest warrants, and presiding magistrates are authorized to issue arrest warrants. Police and gendarmes can make arrests without a warrant, but are required to submit a written report to a magistrate within 48 hours. The law requires that suspects appear in court within 7 days. A magistrate can order the release of suspects or confirm charges and continue detention, initially for 15 days, then subsequently for periods of 30 days, as necessary to prepare the case for trial. The police are required to follow the same procedures as magistrates; however, the police have detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Human rights organizations and the U.N. reported that incommunicado detention exists, although the law prohibits it. Bail was permitted in some cases. Limits on the length of pretrial detention were not respected.

There were numerous instances of arbitrary arrest, including several arrests of journalists who were released after paying a fine (see Section 2.a.). On March 31, Dr. Alphonse Rugambara, the chairman of the pro-Tutsi party Inkizo, was arrested for accusing President Buyoya of allowing the rebels to attack Kinama. He was released on April 19; however, the Government continued to investigate Rugambara at year's end. On April 8, Joseph Nzeyimana, the president of the Rades party and a supporter of transition government candidate Colonel Epitace Bayaganakandi, was arrested for making "false accusations" against the Government; Nzeyimana was released on May 10 after paying a fine. On April 26, 28 members of the PARENA party were arrested while visiting two party members who had earlier

been arrested for suspected involvement in the April attempted coup; all 28 were released on April 30 without charges.

Authorities arrested numerous persons for organizing unauthorized demonstrations (see Section 2.b.).

Unlike in the previous year, there were no arrests of union leaders or members.

In May 2000, security forces arrested seven residents of the Kavumu regroupment camp while conducting a search of residences (see Sections 1.f. and 2.d.); one of the seven later was found decapitated (see Section 1.a.). In August 2000, police arrested Raphael Horumpende, twin brother of COSYBU president Pierre-Claver Hajavandi who called for a general strike and accused Horumpende of involvement in a grenade attack on the Buyenzi market; both brothers were released during the year (see Section 6.a.). In August 2000, authorities arrested and detained several protesters during a rally against the peace process, including the president of a labor union.

The disruption of the political process and the generally poor security conditions severely impeded the judicial process. The ICRC estimates that 70 percent of the prison population is in pretrial detention in the approximately 60 temporary detention camps run by the Ministries of Defense and Interior (see Section 1.c.). The ICRC estimates that 2,000 to 3,000 persons were held in such camps. Family members were expected to provide all food for detainees, although in some instances family members were not notified of the detention of their relatives. Despite being designed as temporary, there were credible reports that some detainees were kept in these camps for extended periods of time.

Although the U.N. believed that the Government improved its compliance with the time limits on detention set by the new penal code, the ICRC, the U.N., and a local human rights organization reported that the prison population increased during the year, reversing the trend that began in 2000 when at least 1,000 persons without files were released. The Chief Prosecutor attributed the increase in the inmate population to improvements in properly charging suspects.

The law does not provide for forced exile, and the Government does not use forced exile as a means of political control; however, many persons remained in voluntary exile in Belgium, Kenya, Tanzania, the Democratic Republic of the Congo (DRC), and elsewhere. Some senior authorities maintain members of their families outside the country. Pancrace Cimpaye, the publisher of the FRODEBU opposition newspaper *La Lumiere*, chose to exile himself after receiving threats for publishing a list of the names and provinces of origin of all military officers in March (see Section 2.a.). At least two politicians, one a Tutsi and the other a Hutu, who fled the country in 1996, returned following the July agreement to start the transition government. A number of officials of the Government of deposed president Sylvestre Ntibantunganya, who fled the country in 1996, did not return.

e. Denial of Fair Public Trial.—The Transitional Constitutional Act provides for an independent judiciary; however, in practice the judiciary is not independent of the executive and is dominated by ethnic Tutsis. Reform of the judicial system is a priority of the 2000 peace accord, which has not yet been implemented. An international human rights organization estimated that ethnic Hutus account for only 10 percent of the country's lawyers and 5 percent of High Court judges; in lower courts, 10 percent of the judges are Hutu, although Hutus constitute an estimated 85 percent of the population. This discrepancy is due in part to unequal access to education, and in part to the conflict in which a number of Hutu judges and lawyers were killed or fled the country. Most citizens assume that the courts promote the interests of the dominant Tutsi minority; members of the Hutu majority believe that the judicial system is biased against them. The Chief Prosecutor, who is Hutu, led a government effort during the year to recruit Hutu attorneys living abroad to return to the country to work as magistrates. Seven Hutu attorneys returned during the year.

The judicial system is divided into civil and criminal courts with the Supreme Court at the apex. The armed forces have a separate judicial system, and there is a labor court.

Citizens generally did not have regular access to civilian and military court proceedings. Defendants in theory are presumed innocent and have the right to appeal; however, in practice some lawyers say that the structure of the court system inappropriately limits the possibility of appeals for defendants accused of the most serious crimes. While defendants have a right to counsel and to defend themselves, in practice few have legal representation. The civil court system functions, but the lack of a well-trained and adequately funded judiciary constrains expeditious proceedings. Many citizens have lost confidence in the system's ability to provide even basic protection. The majority of persons arrested on criminal charges since October 1993 remain in pretrial custody.

The criminal code provides for suspects' rights to a lawyer before official charges are filed and during pretrial investigations. Not all aspects of the code were respected, particularly the section that requires that detainees be charged and appear in court within 7 days of their arrest, although the U.N. reported some improvement in this area during the year. Authorities sometimes are unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources and poor security conditions. The Government postponed fewer trials than in previous years.

Unlike in the previous year, there were no executions. In 2000 two soldiers were executed for murder without having had legal representation during their trial or the chance to appeal their convictions. These were the first executions since July 1999. According to the law, the prisoners had a right to appeal to the military's court of appeal, then to the Supreme Court, and then to the President for clemency; however, this did not occur.

The Government holds political prisoners. An international organization estimated that up to 2,000 of all convicted inmates were being held for political crimes; however, no reliable figures are available. Charges against defendants convicted for nonpolitical crimes sometimes are politically motivated. The 2000 peace agreement, which has not been implemented fully, calls for the creation, within 30 days of the installation of the transitional government, of a commission to investigate and make recommendations on the existence and release of any political prisoners. In December a commission of international legal experts arrived in Burundi to examine the judicial system and to identify political prisoners.

The ICRC reached a formal agreement during the year with the Ministry of Interior regarding access to prisoners and detained persons, including persons detained for "reasons relating to the conflict." Similar agreements between the ICRC and the Ministries of Justice and Defense already were in place. The Ministries cooperate with the ICRC.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Transitional Constitutional Act provides for the right to privacy; however, the authorities do not respect the law requiring search warrants. Security forces are widely believed to monitor telephones regularly.

In October in Muzinda, government forces killed civilians and destroyed numerous buildings, including homes, schools, and local administration buildings, in reprisal for the October 4 killings of soldiers by rebels (see Section 1.a.).

In November rebels attacked and destroyed numerous schools; the rebels also abducted teachers and students (see Section 1.b.).

There were no regroupment camps in operation during the year, and unlike in the previous year, the Government did not relocate forcibly any persons. In May 2000, security forces conducted a search of residences at the Kavumu regroupment camp. Residents protested that soldiers stole their belongings and some of the residents threw rocks at the soldiers. Seven residents were arrested (see Section 1.d.); one of the seven later was found decapitated (see Section 1.a.). A National Assembly committee on human rights launched an investigation in May 2000; however, no findings were made public by year's end.

International humanitarian aid agencies could not reach some of the IDP's in remote sections of Bujumbura Rural province because they were prevented from doing so by security forces (see Sections 2.d. and 4). Government security forces prevented human rights observers, particularly local ones, from traveling to some parts of the country ostensibly for security reasons (see Section 4).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Constitutional Act does not impose restrictions on the media; however, the Government restricted freedom of speech and of the press. A press law requires that newspaper articles undergo review by a government censor 4 days before publication. The Government controls the media and harasses and detains journalists. Journalists practice self-censorship.

The Government restricted freedom of speech during the year; the Government arrested several persons for allegedly making false statements (see Section 1.d.). On May 1, the Government prevented the president of the Confederation of Burundi Unions (COSYBU) from giving the traditional Labor Day address (see Section 6.a.). On June 13, a local administrator and army commander interrogated an expatriate NGO employee and many members of local associations from Kamenge and Kinama after they sent reports to diplomatic missions and human rights organizations about human rights violations perpetrated by security forces during the February and March conflict in Kinama and Kamenge (see Sections 1.a. and 1.c.). The administrator and commander told them that they did not have the right to discuss human rights abuses in the northern suburbs because the country was at war.

The Government controlled much of the news, since it owns the only regularly published newspaper and the major radio and television stations. The government-owned *Le Renouveau* was published three times a week. The one opposition newspaper, *La Lumiere*, ceased publication in March after it published lists of colonels, their hometowns, and their ownership shares in parastatal companies; the owner received threats from unknown persons, and as a result decided to cease publishing. Political tracts circulated, and two private faxed newsheets, *Azania* and *NetPress*, were published almost daily and represented mainly Tutsi political viewpoints. In December government authorities halted *NetPress* operations and detained its editor for 1 week pending investigation of allegations of insulting the President and spreading harmful information. *Netpress* remained closed at year's end, and the charges against the editor were dropped when his family paid a fine without his knowledge and against his wishes.

The Government and its security forces harassed journalists, questioned and detained them, and searched and seized their property. On March 2, the Minister of Communication threatened to prosecute journalists and shut down news organizations that the Government believed were "disseminating false information, divulging defense secrets, promoting the enemy, or promoting panic." The Government remained very sensitive to reporting on the country's internal conflict, and continued to threaten independent radio stations with shutdown if they disseminated reports that contradicted the official line.

Pancrace Cimpaye, the publisher of *La Lumiere*, chose to go into exile after receiving threats for publishing a list of the names and provinces of origin of all military officers in March. A disproportionately large percentage of officers are Tutsis from Bururi province (see Section 5).

The government-owned radio broadcasts in the Kirundi language, French, and Swahili, and offers limited English programming. The independent radio station, Radio Bonesha, formerly Umwizero, which is financed by international donors, continued its broadcasts in French, Kirundi, and Swahili. On May 3, Radio Public Africa (RPA), a new independent radio station, began broadcasting in French, Kirundi, and Swahili. International donors also fund the RPA. Listeners also can receive transmissions of the British Broadcasting Corporation (BBC), the Voice of America, and Radio France Internationale. Citizens were allowed to work as local stringers for foreign news organizations and filed reports regularly. Due to widespread poverty and limited literacy, radio remained the most important medium of public information.

On March 12, the Government's intelligence service arrested without a warrant Gabriel Nikundana, a journalist for the independent radio station Radio Bonesha. On March 15, Abbas Mbazumutima, the station's chief editor, also was arrested. The two journalists were accused of "disseminating information that serves the propaganda purposes of the enemy during war" and other charges. They were released after paying a fine; the charges were dropped. Several other journalists were investigated for alleged ties to rebels.

On October 20, gendarmes arrested and beat Alexis Sinduhije, a reporter with the independent RPA, following a meeting with foreign military officers. Sinduhije was fined and released on October 21.

No laws or regulations limit academic freedom, and no action was taken against persons at the University of Burundi for what they published or said. However, the population of both staff and students at the university remains primarily ethnic Tutsi. Tensions have flared occasionally between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996. Following the April and July coup attempts, some Hutu students left the university when armed Tutsi students appeared on campus. The Government conducted an investigation, but no weapons were found. One Tutsi student affiliated with the PARENA party was arrested and released without being charged.

Unlike in the previous year, there were no student demonstrations or staff strikes during the year.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly; although the Transitional Constitutional Act permits political demonstrations, the Government does not permit them in practice.

During the year, the Government banned several meetings by mainly Tutsi groups critical of government policy and the peace process (see Section 3).

On May 8, gendarmes surrounded a house in Bujumbura where supporters of Bayaganakandi were holding a meeting regarding the peace process. Gendarmes forcibly disrupted the meeting, and many of the participants departed immediately on foot. Gendarmes arrested a number of persons and seized many vehicles. Several individuals were held for 24 hours and released, and all vehicles were returned to their owners.

On May 10, gendarmes prevented the G-8 Tutsi parties from holding a meeting in Ngarara, a northern suburb of Bujumbura. On May 13, the Government barred representatives of the G-8 Tutsi parties from holding a press conference in Bujumbura. When the group protested, gendarmes violently dispersed the crowd and beat participants with fists and rifle butts. No action reportedly was taken against the responsible gendarmes by year's end.

In August authorities arrested protesters who attempted to demonstrate without authorization; they were released after paying fines.

On September 18, seven executive members of the PARENA party were arrested and detained for organizing a demonstration without municipal authorization; they were released on October 1.

Diomede Rutamucero, the president of PA-Amasekanya, a Tutsi self-defense group, was arrested several times during the year for attempting to organize demonstrations in Bujumbura without municipal authorization.

No action was taken against members of the security forces who used excessive force to disperse demonstrations in December and February 2000.

The Government restricts freedom of association and has arrested members of organizations and political parties. Private organizations are required to present their articles of association to the Ministry of Interior for approval, a process that can take years if the Government dislikes the organization. The Transitional Constitutional Act permits political parties to operate; however, the Government places restrictions on groups critical of its policies.

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

The Government requires religious groups to register with the Ministry of Internal Affairs, which keeps track of their leadership and activities. The Government requires that religious groups have a headquarters in the country. While there is no law that accords tax exemptions to religious groups, the Government often waives taxes on imported religious articles used by churches and also often waives taxes on the importation by churches of goods destined for social development purposes. These exemptions are negotiated with the Finance Ministry on a case-by-case basis, and there is no indication of religious bias in the awarding of such exemptions.

In April the Government arrested the leader of an indigenous religious group and closed down his church after the leader's claims to divinity led to repeated clashes with a rival leader's adherents; the leader subsequently was released. The Government claimed to be motivated by concern for public order rather than religious bias.

On June 9, FDD rebels killed Anglican archdeacon Jodl Beheda and two other persons in an ambush on their van near Makamba. On June 11, rebels killed one nun in an ambush on a vehicle in the area of Mutambara belonging to the Roman Catholic bishop of Bururi. No action reportedly was taken against the responsible members of the rebel forces by year's end.

In 2000 there were reports that unidentified attackers killed an Italian nun in Gitega. Observers believe that the attack was criminal, not political in nature. No person was arrested by year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation.—The Transitional Constitutional Act provides for these rights; however, the Government restricts them in practice. There was a government-imposed curfew in parts of the country; in Bujumbura the curfew begins at 11 p.m. and ends at 5 a.m. In 2000 the Government discontinued its forced regroupment policy that required approximately 330,000 Hutus from Bujumbura Rural province to live in government-controlled camps; there were no reports of forced regroupment during the year. Approximately 100,000 persons fled their homes during the year. Some IDP's were difficult to access.

The Government cited real and claimed insecurity in rural areas in denying access to some areas of the country to human rights observers (see Section 4).

The majority of citizens could travel legally in and out of the country. Travel within the country was possible but could be hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi, and Makamba provinces. Rebel attacks on buses and minibuses throughout the year resulted in numerous deaths and injuries (see Sections 1.a. and 1.c.).

According to the U.N., there were more than 353,000 IDP's living in 212 sites at year's end, which represents approximately 5 percent of the total population. Many were Tutsis who fled to other parts of the country starting in 1993 because of ethnic violence and never returned home. Soldiers did not restrict the movement of residents of IDP camps. Soldiers guarding these camps provided a measure of protection to camp inhabitants; however, they sometimes committed human rights abuses against them. There were no reports of abuses committed against IDP's during the

year. Camp inhabitants often were required to perform labor for the soldiers without compensation (see Section 6.c.).

Approximately 200,000 IDP's lived outside displacement sites and stayed with friends, families, or on their own, beyond the reach of aid programs. Some persons who remained outside the sites reportedly were killed by Hutu rebels allegedly for collaborating with authorities, and by the armed forces on suspicion of collaborating with the rebels (see Section 1.a.).

The law does not provide for the granting of refugee or asylum status in accordance with the provisions of the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol; however, there is a special ad hoc administrative body in the Government that coordinates refugees, and the Government cooperates with the U.N. High Commissioner for Refugees (UNHCR). The Government has granted first asylum in recent years. Approximately 26,000 citizens of the DRC live in the country; 3,800 are registered with the UNHCR. Rwandan refugees who fled the 1994 ethnic massacres in Rwanda departed the country by 1997. Another 200,000 Rwandans who came in earlier waves of refugees, some as early as 1959, are not registered officially with the UNHCR and have integrated into the society.

According to the U.N., more than 560,000 Burundian refugees, most of them Hutus, remained in Tanzania. Approximately 200,000 of these persons fled as early as 1972, and many fled following the assassination of former president Ndadaye in October 1993. More than 23,000 additional refugees, most of them Hutu, are in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia.

Unlike in the previous year, there were no reports that the Government hired mercenaries to invade refugee camps in Tanzania.

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

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

Citizens do not have the right to change their government. The Transitional Constitutional Act makes no provision for elections. The 1992 Constitution and 1994 Convention of Government were suspended by the Buyoya military regime that assumed power on July 25, 1996, in a bloodless coup. On that date, the regime dissolved the National Assembly and banned political parties. Approximately 3 weeks later, President Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. The opposition party, FRODEBU, which is mostly ethnic Hutu, holds just over half of the National Assembly seats. On November 1, President Buyoya was sworn in as president for the first 18 months of the 3-year transitional period.

In April 1998, multiparty peace talks began in Arusha, Tanzania, and the Government subsequently launched an internal peace process. On June 4, 1998, Buyoya's regime and the National Assembly entered into a partnership agreement. The National Assembly adopted the Transitional Constitutional Act and a Transitional Political Platform. The act changed the structure of government by eliminating the post of prime minister, creating two vice presidents, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. The act placed no time limits on the President's or the National Assembly's term of office. On August 28, 2000, the Buyoya regime and other negotiating parties present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30, 2000. The peace agreement instructs the country's next transitional government to hold local, national, and presidential elections within a 3-year period, and to oversee elections for a newly formed Senate; however, this agreement was not implemented fully by year's end. Representation of both Hutus and Tutsis in institutions, including the army, the National Assembly, and a proposed Senate, is a key component of the agreement.

In July President Buyoya and the regional leaders signed an agreement to begin the 3-year transition period on November 1. According to the terms of the agreement, on November 1, Buyoya was sworn in as president and Domitien Ndayizeye, the secretary general of FRODEBU, was sworn in as vice president. Under the agreement, they will serve for 18 months; the G-7 Hutu parties will then select a president, and the G-10 Tutsi parties will select a vice president. The Vice President and 15 of the 26 cabinet ministers are members of the G-7 Hutu-based political parties. The cabinet also is composed of 11 Tutsis. Progovernment ethnic Tutsis serve as Ministers of Defense and Foreign Affairs.

The Transitional Political Platform endorses in general terms the restoration of democracy and correction of the ethnic imbalance within the army and the judicial system. It calls for the creation of an international tribunal to try crimes of geno-

cide. Although the peace accord also provides for a commission of inquiry on genocide as well as a National Truth and Reconciliation Commission to investigate other crimes, the agreement was not implemented fully, and no commissions were created by year's end.

Under the 1992 Constitution, deposed President Ntibantunganya would have remained in office until 1998. The last elections to fill the National Assembly took place in June 1993. The Transitional Constitutional Act stipulates that the National Assembly shall consist of 121 parliamentarians: Those elected in 1993 who sat in the previous National Assembly, plus 40 new members—28 members of civil society appointed by the President and one representative each (selected by their respective parties) from all 12 officially recognized political parties not previously represented. Not all of those elected in 1993 are alive or in the country, and the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Tutsi supporters of the Government filled 22 of the 40 new seats.

Political parties operate under significant constraints. The Government banned several meetings by mainly Tutsi groups critical of government policy and the peace process (see Section 2.b.). Police often prevented or disrupted political demonstrations and arrested demonstrators (see Sections 1.c., 1.d., and 2.b.).

The National Assembly has nominal budgetary oversight, but the Council of Ministers legally can enact a budget if the National Assembly fails to do so. The Transitional Constitutional Act gives the President the authority to declare a state of emergency by decree after consulting with the National Assembly Speaker, the Constitutional Court, and the National Security Council, which has not been convened since 1996.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of women in the political process. Of the 26 cabinet seats, women fill 3: The Minister of Social Affairs; the Minister of Reintegration of Refugees; and the Minister at the Presidency for HIV/AIDS. In 1993 women were elected to 9 of 81 seats in the National Assembly. The expansion of the National Assembly under the Transitional Constitutional Act and the filling of vacant seats have brought the total number of female National Assembly members to 17. Of the 53 members of the newly appointed Senate, 10 are women. Two of the nine members of the Supreme Court are women, as are three of the seven Constitutional Court members, including its president.

The percentage of minorities in government or politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of minorities in the political process. Approximately 1 percent of the population is Twa (Pygmies), but there are no Twa in the Cabinet. One Twa is an appointed member of the National Assembly, and three are members of the Senate (see Section 5).

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

Domestic human rights groups received varying degrees of cooperation from government ministries. The local human rights group, League Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. The U.N. Special Rapporteur for Human Rights visited twice during the year. The office of the UNHCR maintained a three-person observer team, down from nine observers in 1999. The observer reductions resulted from security restrictions following an October 1999 attack on a U.N. humanitarian mission.

Real and claimed insecurity in rural areas was cited by the Government in denying access to journalists, international relief workers, and human rights observers to some areas of the country (see Sections 1.f. and 2.d.). Army elements in the field frequently denied access to human rights observers to areas where the army was accused of human rights violations. Human rights NGO's frequently were unable to investigate reports of killings because of these restrictions. In 2000 the U.N. resumed normal field operations in much of the country following the deaths of two workers in 1999. Many areas of the country, particularly near Bujumbura, near the border with the DRC, and near the border with Tanzania, remain off limits for normal operations.

On June 13, an expatriate NGO employee and many members of local associations from Kamenge and Kinama were summoned and interrogated by a local administrator and army commander for having sent reports to diplomatic missions and human rights organizations about human rights violations perpetrated by security forces during the February and March conflict in Kinama and Kamenge (see Section 2.a.).

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

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions, and discrimination persists. Hutus continued to perceive, correctly, that the Tutsi-dominated Government and army discriminate against them. The question of exclusion was a central question during the peace talks. Discrimination against persons with disabilities is a problem.

Women.—Domestic violence against women is pervasive; however, inadequate data make it impossible to quantify. Wives have the right to charge their husbands with physical abuse, but they rarely do so. Police normally do not intervene in domestic disputes, and the media rarely report incidents of violence against women. The law does not prohibit specifically domestic violence; however, persons accused of domestic violence can be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Government rarely investigates such cases, and prosecutions are rarer still. According to League Iteka, women are beaten by their husbands, forced out of their homes, denied basic food necessities, and denied freedom of movement.

The law prohibits rape, which is punishable for up to 20 years' imprisonment. Soldiers killed women, and there were numerous credible reports that government and rebel soldiers raped women (see Sections 1.a. and 1.c.).

Prostitution is a problem. According to the Women's Commission for Refugee Women and Children, the ongoing conflict has forced many women into prostitution to feed their children. Increased prostitution has contributed to the growing incidence of HIV/AIDS.

Women face legal and societal discrimination. Explicitly discriminatory inheritance laws and credit practices continued. By law women must receive the same pay as men for the same work, but in practice they do not. Women are far less likely to hold mid-level or high-level positions. In rural areas, women traditionally perform arduous farm work, marry and have children at an early age, and have fewer opportunities for education than men.

Several local groups work in support of women's rights, including the Collective of Women's Organizations and NGO's of Burundi and Women United for Development.

Children.—The law provides for children's health and welfare, but the Government cannot adequately satisfy the needs of children and, in particular, of the large population of children orphaned by the violence since 1993 and by HIV/AIDS. Many of the victims in the civil war are children, and many children have lost family members and witnessed violence.

More than a quarter of the primary schools have been destroyed in the war, and many teachers have been killed. Teacher training has been interrupted, and it is difficult to find qualified teachers to work in the provinces most affected by fighting. The Government provides elementary education at nominal cost through grade six; however, inequitable distribution of educational resources favors those children in southern and central areas of the country, according to International Alert, an international NGO. Education is not compulsory. Approximately one-third of primary school-aged children attended school in 1999; less than 9 percent of children aged 13 to 19 years attended school. School attendance rates were lower for girls than for boys. Girls comprised only 44 percent of primary school students and 30 percent of secondary school students. Female illiteracy is a problem. Only 22 percent of women are literate compared to 46 percent of men. According to the Women's Commission for Refugee Women and Children, school attendance rates for girls are well below school attendance rates for boys and only 25 percent of university students were women. Rebels abducted numerous children and teachers during the year and destroyed schools (see Section 1.b.).

The ongoing conflict and increasing prevalence of HIV/AIDS has increased the number of orphans, which has resulted in an increase in the number of street children. Teenage prostitution is a problem (see Section 6.d.). In 2000 the Government began a campaign to reduce underage prostitution.

There were reports that government and rebel forces used children for forced labor (see Sections 1.c. and 6.c.). There were unconfirmed reports that children continued to serve in the armed forces and that the Government continued to recruit child soldiers. The National Assembly voted in favor of the ratification of the Additional Protocol Against Child Soldiers late in the year. With the approval of the National Assembly, the President has the authority to issue a decree ratifying the Protocol and to transmit an instrument of ratification. There was no information on whether the decree had been issued or whether the Government deposited its in-

strument of ratification of the Additional Protocol. The National Assembly's approval of the ratification was completed before the existence of the Senate; therefore, the Senate's approval likely is unnecessary. On November 6 and 9, FDD rebel forces abducted hundreds of primary school students to serve as soldiers in the ongoing conflict with government forces (see Sections 1.b. and 1.c.).

Persons with Disabilities.—The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Discrimination against persons with disabilities is a problem. There are few job opportunities for persons with physical disabilities in the country, where most jobs involve significant manual labor.

Indigenous People.—The Twa (Pygmies), who are believed to be the country's earliest inhabitants, now make up approximately 1 percent of the population, and generally remain marginalized economically, socially, and politically (see Section 3). Most Twa live in isolation, without formal education, and without access to government services, including health care.

National/Racial/Ethnic Minorities.—The principal national problems continued to be ethnic conflict between the majority Hutus and the minority Tutsis and regional inequities between southern Bururi province and much of the rest of the country. Almost 4 decades of violence and systematic societal discrimination have exacerbated the genocide and exclusion fears of both Tutsis and Hutus. Tutsis claim to have been the targets of genocide carried out in 1993 by Hutus angered by the assassination of democratically elected Hutu president Ndadaye. The Tutsis, particularly southern Tutsis, historically have held power, and they dominate educated society and control the security forces. In 1996 Major Pierre Buyoya, a southern Tutsi, deposed President Ntibantunganya, a central Hutu, in a coup.

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions. The Tutsi-dominated Government and army discriminate against Hutus. Northern and eastern Tutsis also have a more difficult time acceding to positions of power. State discrimination against Hutus, who constitute an estimated 85 percent of the population, affects every facet of society, but most strikingly higher education and certain branches of the Government such as the armed services and the judicial system. The President and the Tutsi-dominated army retained their dominance in decision-making and do not share power equally with Hutu members of the Government.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code protects the rights of workers to form unions; however, the army, Gendarmerie, and foreigners working in the public sector are prohibited from union participation. Most union workers are urban civil servants. Tutsis dominate the formal sector of the economy and the unions. According to the Confederation of Free Unions of Burundi (CSB), an umbrella trade union, 60 percent of the 80,000 formal private sector employees are unionized. All employees in the public sector, except those prohibited by law, are unionized.

Since gaining independence from the Government in 1992, the CSB has been dependent financially on a system of checkoffs, or voluntary contributions, as are local unions. In 1995 a rival trade union, COSYBU, was founded. The Government interfered in the COSYBU's selection process by refusing to recognize union leaders selected by members in union congresses.

The Labor Code permits the formation of additional unions or confederations outside the CSB. When settling disputes in which more than one labor union is represented, the law stipulates that the Minister of Labor must choose the union representing the greatest number of workers to participate in the negotiations.

The Labor Code provides workers with a restricted right to strike. The restrictions on the right to strike and to lock out include: All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The Ministry of Labor determines if strike criteria have been met. The law prohibits retribution against workers participating in a legal strike.

In January the employees of the state-owned sugar company went on strike after they did not receive a pay raise promised by President Buyoya during his visit to the factory. The strike was declared illegal, and workers were threatened with dismissal. The workers did not receive a pay raise; however, they did receive some back pay from 2000.

Employees of Onatel, the country's state-owned telephone company, went on strike several times in August and September. The Government intervened and the second vice president negotiated a resolution. The resolution included replacement

of some management and increased labor participation in the decision-making process. The Government had threatened to fire striking employees and to withhold salary payments; however, no action was taken on these threats.

Government workers for the Ministries of Justice, Education, and Health, and the social security agency went on strike at various times during the year because of low salaries. The Government did not recognize the legitimacy of any of these strikes, and none was successful. In response to the strikes at the Ministry of Justice and Education, the Government agreed to examine the grievances of Justice employees and to provide nonmonetary compensation through low-interest housing loans to Education Ministry employees.

Unlike in the previous year, there were no arrests of union leaders or members. COSYBU president Pierre-Claver Hajavandi and his brother Raphael Horumpende, who were arrested in 2000 and accused respectively of organizing a general strike and involvement in a grenade attack, were released during the year. However, on May 1, the Government prevented Hajavandi from giving the traditional Labor Day address, and the Government held elections for a new president of COSYBU. Hajavandi was re-elected; however, the Government declared the elections illegal and prevented him from representing COSYBU at the ILO annual conference. The Transitional Government, which was inaugurated in November, recognized Hajavandi as COSYBU president.

The International Labor Organization (ILO) has cited the Government for several violations of ILO Convention 87 on freedom of association. The Committee of Experts has expressed specific concern about the denial of trade union rights for public servants and juveniles, the election of trade union leaders, and the rights of unions to organize, administer activities, and defend the interests of their members.

Unions are able to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—The Labor Code recognizes the right to collective bargaining, formerly acknowledged only by ordinance. Since most workers are civil servants, government entities are involved in almost every phase of labor negotiations. Both COSYBU and the CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions during the year.

Public sector wages are set in fixed scales in individual contracts and are not affected by collective bargaining (see Section 6.e.). In the private sector, wage scales also exist, but individual contract negotiation is possible.

The Labor Code gives the Labor Court jurisdiction over all labor dispute cases, including those involving public employees. Negotiations are conducted largely under the supervision of the tripartite National Labor Council, the Government's highest consultative authority on labor issues. The Council represents government, labor, and management, and is presided over and regulated by the Minister of Labor.

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity. This right is upheld in practice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, soldiers guarding IDP sites and soldiers at military posts often require persons to cook, fetch water, chop wood, work in the fields of military leaders, and perform other chores without compensation (see Section 2.d.). The military also require persons to perform regular night watches.

The law prohibits forced and bonded labor by children; however, there were unconfirmed reports that children continued to serve in the armed forces and that the Government continued to recruit child soldiers to perform occasional tasks, such as carrying supplies. There were credible reports that Guardians of the Peace recruited children during the year to carry out routine police duties such as maintaining order in public places (see Section 1.c.).

Rebel groups also force the rural population to perform uncompensated labor, including the transport of rebel supplies and weapons. Rebels also recruit and use children for labor. On November 6 and 9, FDD rebel forces abducted primary school students to serve as soldiers (see Section 1.c.). There were no statistics on the number of child soldiers in the country.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code states that children cannot be employed by “an enterprise” even as apprentices, although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. In practice children under the age of 16 in rural areas do heavy manual labor in the daytime during the school year. The World Bank reported that approximately 48 percent of children between the ages of 10 and 14 years worked in 1999.

The minimum age for military service is 18, but observers believe that there are some children below that age in the military. There also were credible reports that the Guardians of the Peace recruited children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the front lines. Rebel groups also recruit children as soldiers.

Children are prohibited legally from working at night, although many do so in the informal sector. Most of the population lives by subsistence agriculture, and children are obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and the informal sector.

Teenage prostitution is a problem.

The law prohibits forced and bonded labor by children; however, there were reports that it occurred (see Section 6.c.).

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

e. Acceptable Conditions of Work.—The formal minimum wage for unskilled workers is \$0.21 (160 francs) per day in the cities Bujumbura and Gitega and \$0.14 (105 francs) in the rest of the country, with a graduated scale for greater skill levels. This amount does not provide a decent standard of living for a worker and family, and most families rely on second incomes and subsistence agriculture to supplement their earnings.

Unionized employees, particularly in urban areas, generally earn significantly more than the minimum wage. Public sector wages are set by agreement between the Government and either the CSB or COSYBU (see Section 6.b.). The government wage scale has remained unchanged since 1992, but allowances, such as the one for housing, have risen.

The Labor Code stipulates an 8-hour workday and a 40-hour workweek, except in cases where workers are involved in activities related to national security. Supplements must be paid for overtime.

The Labor Code establishes health and safety standards that require an employer to provide a safe workplace and assigns enforcement responsibility to the Minister of Labor. However, the Ministry does not enforce the code effectively. Health and safety articles in the Labor Code do not address directly workers' rights to remove themselves from dangerous tasks.

Foreign workers are protected by law and are not subject to discrimination; however, they are prohibited from union participation.

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.

CAMEROON

Cameroon is a republic dominated by a strong presidency. Since independence a single party, now called the Cameroon People's Democratic Movement (CPDM), has remained in power. In 1997 CPDM leader Paul Biya won reelection as President in an election boycotted by the three main opposition parties, marred by a wide range of procedural flaws, and generally considered by observers not to be free and fair. The 1997 legislative elections, which were dominated by the CPDM, were flawed by numerous irregularities and generally considered not free nor fair by international and local observers. The President retains the power to control legislation or to rule by decree. In the National Assembly, government bills take precedence over other bills, and no bills other than government bills have been enacted since 1991, although the Assembly sometimes has not enacted legislation proposed by the Government. The President has used his control of the legislature to change the Constitution. The 1996 Constitution lengthened the President's term of office to 7 years, while continuing to allow Biya to run for a fourth consecutive term in 1997 and making him eligible to run for one more 7-year term in 2004. In 2000 the Government began discussion on an action plan to create the decentralized institutions envisioned in the 1996 Constitution, such as a partially elected senate, elected regional councils, and a more independent judiciary; however, none of the plans had been executed by year's end. Early in the year, President Biya proposed and the National Assembly passed a bill to create a National Election Observatory. General elections have been postponed twice and were scheduled to occur no later than January 2002. The Government remained highly centralized and is dominated by the presidency. The judiciary is subject to political influence and suffers from corruption and inefficiency.

Internal security responsibilities are shared by the national police (DGSN), the National Intelligence Service (DGRE), the Gendarmerie, the Ministry of Territorial Administration, military intelligence, the army, and to a lesser extent, the Presidential Guard. The police and the Gendarmerie have dominant roles in enforcing internal security laws. The Douala Operational Command, a military anticrime unit established in February 2000, temporarily ceased operations during the year in response to increasing reports of human rights abuses committed by the Command. The security forces, including the military forces, remain under the effective control of the President, the civilian Minister of Defense, and the civilian head of police. The security forces continued to commit numerous serious human rights abuses.

The country's population of approximately 15 million had a recorded mean per capita gross national product (GNP) of approximately \$607 (455,250 CFA francs). The majority of the population is rural, and agriculture accounts for 25 percent of GNP. Principal exports include timber, coffee, cocoa, cotton, bananas, and rubber. Economic growth has continued over the past 5 years, despite decreases in world prices for the country's major primary product exports. Over the past 4 years, GNP growth has averaged 4 to 5 percent annually; however, economic recovery continued to be inhibited by a large inefficient parastatal sector, excessive public sector employment, and the Government's inability to deregulate the economy to attract more investment. Widespread corruption in government and business also impedes growth. Members of the Beti and Bulu ethnic groups dominate the civil service and the management of state-owned businesses. The Government also continued to receive substantial assistance from international financial institutions.

The Government's human rights record remained generally poor, and it continued to commit numerous serious abuses. Citizens' ability to change their government remained limited. Security forces committed numerous extrajudicial killings and were responsible for disappearances, some of which may have been motivated politically. They also tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. However, the Government prosecuted a few offenders, including some who were convicted and sentenced to prison terms and others who remain in prison awaiting trial. Conditions remained harsh and life threatening in almost all prisons, although the Government granted international humanitarian organizations access to prisoners. Security forces continued to arrest and detain arbitrarily various opposition politicians, local human rights monitors, and other citizens, often holding them for prolonged periods, often without charges or a chance for trial and, at times, incommunicado. The judiciary remained corrupt, inefficient, and subject to political influence. At times military tribunals exercised criminal jurisdiction over civilians, which denied some civilians fair trials. Security forces conducted illegal searches and harassed citizens. The Government infringed on citizens' privacy, and monitored and harassed some opposition activists. The Government continued to impose limits on freedom of speech and press freedom. Although private newspapers enjoyed considerable latitude to publish their views, journalists continued to be subject to official, and, on occasion, serious harassment. There were reports that the Government seized newspaper editions; the Government continued to obtain convictions against journalists under the antilibel laws. In 2000 the Government implemented a 1990 law designed to end its virtual monopoly of domestic broadcast media. Five radio stations subsequently applied for licenses to operate and continued to broadcast pending final authorization. During the year, two additional stations applied for licenses. After waiting for 6 months for a government response, one station assumed tacit approval and began to broadcast. The Government attempted to shut this station down. The Government restricted freedom of assembly and association. At times the Government used its security forces to inhibit political parties from holding public meetings; security forces also used excessive force to disperse demonstrations. The Government generally respected freedom of religion; however, there were some exceptions. Government security forces limited freedom of movement. Violence and discrimination against women remained serious problems, and female genital mutilation (FGM) was not practiced widely. The abuse of children occurred. Discrimination against indigenous Pygmies continued. Societal discrimination based on religion persisted in some areas; societal discrimination against ethnic minorities continued. The Government continued to infringe on worker rights and restricted the activities of independent labor organizations. Child labor remained a serious problem. Slavery reportedly persisted in northern parts of the country. Forced labor, including forced child labor, was a problem. There were reports of trafficking in persons, primarily children, for purposes of forced labor. Mob violence continued to result in some deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of politically motivated killings; however, the security forces continued to use excessive, lethal force against private citizens and committed numerous extrajudicial killings.

On January 24, the Douala Operational Command arrested nine youths, later known as the Bepanda 9, who were suspected of stealing a gas canister in the Bepanda District of Douala (see Section 1.b.). The young men have not been seen since immediately following their arrests, and all sources believe that they were executed by members of the Command.

In addition to the Bepanda 9, there were reports that the Douala Operational Command committed numerous summary executions. Conservative estimates place the number killed in the hundreds, but Cardinal Tumi, the Archbishop of Douala, believes the number may range as high as 1,000. There were reports that some persons were tortured before they were killed (see Section 1.c.). By year's end, the Operational Command resumed operations after it temporarily was disbanded in the spring. There were reports that before the Command was forced to be inactive temporarily, Command leaders ordered the execution of the 81 detainees who remained in the special Command prison facility named "Kosovo." The Operational Command operates above the authority of other security forces in the city and also killed some suspects in shootouts and high-speed car chases. It also reportedly used a network of informants, including a large number of convicted criminals and prison officials, to obtain the names of suspected bandits who the Command then arrested and summarily executed. The Operational Command also used neighborhood sweeps to search for criminals, occasionally executing suspects for minor offenses such as smoking marijuana. Press and other reports allege that the Operational Command has several mass graves, including one in the "Forest of Monkeys" (Bois des Singes) and another off the "Old Road" between Douala and Edea, where bodies were abandoned in pits or buried.

In November 2000, the Government announced plans to investigate alleged killings by the Douala Operational Command. In 2000 the National Human Rights Commission, under the Prime Minister, sent teams to Douala to investigate. Although two reports were produced for the President and the Prime Minister, there were no plans to release the reports publicly.

Security authorities in the remote North and Far North Provinces also were accused of extrajudicial killings; however, there were fewer reported incidents during the year. Credible reports by the press and the Maroua-based Movement for the Defense of Human Rights and Liberties (MDHRL), a nongovernmental organization (NGO), describe a large but undetermined number of extrajudicial killings perpetrated by a special antigang gendarmerie unit, known as "Operation Octagon," tasked with combating highwaymen. This unit was created under the direct authority of the Minister of Defense and operates outside the normal chain of command for law-and-order units. While some armed suspects were killed in firefights with security forces, there were credible reports that others caught in dragnet operations were executed summarily. Families of the deceased and human rights NGO's have accused the head of this unit, Colonel Pom, of extrajudicial killings of civilians. The MDHRL estimates that up to 1,000 persons have been killed since the beginning of 1998. There is little information available to either support or refute this number, but even some local authorities have admitted that the number of victims in rural areas probably exceeds the number killed in Douala. The Government's National Commission on Human Rights and Freedoms (NCHRF) corroborated this information in 2000, although it was unable to determine the exact number of persons killed, since many of the victims' families were too frightened to speak with human rights groups.

At least one private newspaper, the Yaounde-based tri-weekly *Mutations*, also reported in 1998 that security forces summarily executed hundreds of alleged highway robbers in northern areas of the country during recent years. During the year, the security situation in the northern provinces appeared to have improved, but there were still occasional accusations of summary executions following acts of banditry. Local human rights groups noted that local authorities, even the special antigang units, paid more attention to due process than in previous years; they believe that the paramilitary forces have received strict instructions to restrain their activities in an attempt to avoid another scandal that would embarrass the Government. However, government authorities in the region believe that the antigang units largely have completed their mission and that the remaining bandits are living in fear, thus eliminating the necessity for excessive use of force. They point to the sig-

nificant drop in crime in the region. At year's end, the Government was not investigating any of the accusations of extrajudicial killings in recent years.

An elite crime-fighting unit, the Light Intervention Battalion (BLI), was established in 1999, but only recently became operational. The BLI, which received extensive training from Israeli military consultants, reports directly to the Presidency. BLI members have been accused of conducting summary justice against suspected criminals. Preliminary reports indicated that this group has benefited from improved training and intelligence gathering methods; however, no further information was available at year's end.

On January 6, a 23-year-old man named Apah died in Njikwa, Momo Division, Northwest Province, as the result of torture; Apah had been arrested and detained at the gendarmerie brigade after Joseph Mbe complained that Apah had impregnated his daughter. Gendarmes tortured Apah for days to force him to accept responsibility for the pregnancy. On January 7, an angry mob rushed to the brigade, and the gendarmes deserted the building; the mob subsequently attacked the facility. After the incident, one gendarme implicated in Apah's killing was transferred out of the division. A suit was filed against him, which remained pending in the Bafoussam Military Tribunal at year's end.

On February 27, the BLI based in Maroua reportedly arrested and executed Hamadou Kadri alias Hamadou Touche, a suspected bandit. No further details were available on the case by year's end.

On April 15, Angang, a gendarme at the students residential quarters of Bonamoussadi, in Yaounde, shot and killed Eloi Sanda Abba, a student of the National Youth and Sports Institute. Sanda and a companion had been pushing Sanda's vehicle, which had become stuck in the mud. The noise had awakened the gendarme, Angang, who emerged from his house with a rifle. An argument ensued, and the gendarme shot Sanda. The gendarme subsequently was arrested; at year's end, he was in detention in the Yaounde gendarmerie quarters pending trial.

In June police shot and killed Aliou Oumarou, a suspect in the May 28 murder of a French expatriate in a Yaounde pharmacy. Local media reported that he was killed while resisting arrest; however, no further information was available at year's end.

Police forcibly dispersed several demonstrations during the year; on at least one occasion, police shot and killed demonstrators (see Section 2.b.). On October 1 in Kumbo, a gendarme shot into a crowd of approximately 400 unarmed demonstrators, killing 3 and injuring 16 persons, after a SCNC anniversary celebration became violent (see Section 2.b.). No action was taken against the responsible gendarme by year's end.

Numerous prisoners died in custody due to abuse inflicted by members of the security forces or harsh prison conditions and inadequate medical treatment (see Section 1.c.).

In 1999 the U.N. released a report by the Special Rapporteur on Torture, Nigel Rodley, regarding his visit to the country in May 1999. In this report, Rodley noted that torture and long-term detention are widespread. He also commented on deaths resulting from torture and extrajudicial killings, primarily in the Far North Province (see Sections 1.c. and 4), but he did not provide any specific examples of such deaths.

In October 2000, Operational Command Sergeant Jean Claude Mbita allegedly shot and killed Luc-Benoit Bassilekin, a technician, while attempting to arrest him; Bassilekin's brother was arrested. In November 2000, the Government announced that it had arrested Mbita on charges of intentional homicide. On April 23, the prosecutor of the Douala military tribunal began interrogating Mbita; the case was ongoing at year's end.

In mid-January 2000, Atangana, a gendarme serving at the Douala port, shot and killed Alhadji Bapetel, a customs officer also serving at the port. The shooting followed a quarrel over authority issues. The Government arrested the gendarme, who was charged with "assault occasioning death." On February 20, the prosecutor of the Douala military tribunal asked for the death penalty against Atangana; the case still was ongoing at year's end.

In May 2000, police officers from the Yaounde special operation grouping (GSO) detained, tortured, and killed Edouard Leuwat, a Yaounde taxicab driver. One GSO policeman, with assistance from other officers, had arrested Leuwat without warrant, believing Leuwat to be the driver of a taxicab in which the policeman had left his handgun on the previous day. Leuwat denied the charge, and the policeman tortured Leuwat to extract a confession. The Government arrested eight police officers involved in the case and charged them with "torture having resulted in death." In June 2000, the Government transferred the eight to the Yaounde-based Kondengui Central Prison, where they were awaiting trial at year's end.

There were no developments in the following 2000 cases: The October killing of Paul Petchucke, a taxicab driver, by Paul Essoh, a soldier who remained in detention pending trial at year's end; the May killing of Laurent Abbe by Bahiba, a police officer who remained in detention pending trial at year's end; and the April beating to death of Emmanuel Ebanda by three police officers, who remained in detention pending trial at year's end. There were no reports of any action taken against the members of the security forces responsible for the following killings in 2000: The September death from torture of Mathew Titiahonjo; the June killing of two bandits by security officers; and the May killings of two women in Yaounde.

In 2000 the military court sentenced gendarme captain Engola to 10 years in prison for killing Yves Atiback in January 1999. On July 19, the military court of appeals reduced Engola's sentence from 10 years to 27 months, including time served, and reduced the damages from \$400,000 (300 million CFA francs) to \$20,000 (15 million CFA francs). The appeals court based its decision on the argument that Captain Engola reacted to provocation; Engola was released after the decision.

There were no developments in the following 1999 cases: The October beating death of Frederic Djomeli by police in the Haut-Nkam division; the September beating death of Theopole Mbasi Ombe by three members of the presidential guard; the March killing of Denis Nzidchen by prison guards; and the February killing of three Fulani shepherds by villagers acting on the orders of the Fon of Bali.

In April and May, two Catholic priests were killed (see Section 2.c.).

While ethnic conflicts caused deaths in previous years (see Sections 1.c. and 5), there were no reports of such deaths during the year.

Mob violence and summary justice directed against suspected thieves and those suspected of practicing witchcraft and other crimes reportedly continued to result in a number of deaths and serious injuries. On March 21, local media reported that a mob beat Joseph Nzelamnyuy for stealing three goats; Nzelamnyuy later died at a local hospital. In late April, an angry mob beat to death Abdulai Fonyuy for stealing some beans in Melim, a small locality of Bui Division, Northwest Province. Fonyuy's companion, Cyprien Sien, was injured severely. An investigation into the case was ongoing at year's end.

b. Disappearance.—There were reports of disappearances of persons in the custody of security forces. Some disappearances may be attributed to summary executions by security forces in Douala or the northern regions (see Section 1.a.); in these instances, bodies rarely are found, although the suspects are presumed dead.

On January 24, the Douala Operational Command arrested Marc Etah, Frederic Nguffo, Chatry Kuete, Jean Roger Tchiwan, Eric Chia, Charles Kouatou, Effician Chia, Elysee Kouatou, and Fabrice Kouate, who were suspected of stealing a gas canister in the Bepanda District of Douala. The families of the detainees initially were accorded visiting rights; however, the detainees have not been seen since January 26 and 27. All observers believe that the Command summarily executed the nine youths. The authorities admitted that the nine were arrested, but refused to either admit to their deaths or to produce them alive. The cause of the Bepanda 9, as they came to be known, was taken up quickly by Christians for the Abolition of Torture (ACAT), a Douala based NGO, which helped to bring both domestic and international attention to the case. The victims' families formed another group, the Committee for the Defense of the Nine (C9), and in late February, began to organize weekly protests to demand the whereabouts of the young men. Police dispersed forcibly and sometimes violently the weekly demonstrations (see Section 2.b.).

On March 20, President Biya ordered an investigation into the disappearance of the Bepanda 9. On April 6, he transferred General Mpay, the Commander of the Douala Military District and de facto leader of the Operational Command, to the Bamenda military district; he also replaced Operational Command Gendarmerie Legion Commander Bobo Ousmanou. In late April, demonstrations continued (see Section 2.b.), and Colonel Ousmanou and seven other officers of the Operational Command were arrested. Amadou Ali was replaced as Minister of Defense; however, on April 27, he was reappointed Minister of Justice. On May 22, the Governor of the Littoral Province was fired. There also were reports that a prominent Member of Parliament (M.P.) promised vacations, government positions, and cash to various members of the C9 to persuade them to stop their weekly protests, which ended with the arrest of Ousmanou. In November the military trial of the eight officers was referred to a high court in Yaounde after the case was dismissed from the court of first instance on a technicality. The trial was conducted in secret, and the Government has refused to release the results of its inquiry or to consider a civilian court trial for the officers. Although government officials insist the case will be heard, no trial date was set by year's end.

There were no known developments, nor are any likely to be, in the May 2000 case of Mamfe residents Joseph Enow, Joseph Tafong, Chief Assam, and Mathias

Takunchung, who disappeared after security officials searched their homes. The families of the four Mamfe residents have alleged that they were executed, and that 30 other persons disappeared under similar circumstances in 2000.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were numerous credible reports that security forces, including the Operational Command, continued to torture, beat, and otherwise abuse prisoners and detainees. There were reports that security forces, including the Operational Command, detained persons at specific sites where they tortured and beat detainees (see Section 1.d.). The Operational Command reportedly tortured some persons before summarily executing them (see Section 1.a.). The U.N. Special Rapporteur on Torture, Nigel Rodley, in his report on the country released in 1999, stated that torture was widespread and used indiscriminately against persons under arrest or detained. Security forces also reportedly subjected women, children, and elderly persons to abuse. Most cases apparently were not reported to the relevant authorities because of ignorance, lack of confidence, or fear of reprisals on the part of the victims and their families. In New Bell and other non-maximum-security penal detention centers, beatings are common and prisoners reportedly are chained or flogged at times in their cells. However, the authorities often administer beatings not in prison facilities, but in temporary detention areas in a police or gendarme facility. Two forms of physical abuse commonly reported to be inflicted on detainees include the “bastinado,” in which the victim is beaten on the soles of the feet, and the “balancoire,” in which the victim, with his hands tied behind his back, is hung from a rod and beaten, often on the genitals. Nonviolent political activists often have been subjected to such punitive physical abuse during brief detentions following roundups of participants in antigovernment demonstrations or opposition party political rallies.

Security forces subjected prisoners and detainees to degrading treatment that includes stripping, confinement in severely overcrowded cells, and denial of access to toilets or other sanitation facilities. Police and gendarmes often beat detainees to extract confessions and the names and whereabouts of alleged criminals. In his report, U.N. Special Rapporteur Rodley noted that the Government increasingly was moving toward punishing offenders, but that “some of those incriminated act out of ignorance and others out of pure habit, for they have regularly acted that way for a long time without fear of any consequences.” Pretrial detainees sometimes were required, under threat of abuse, to pay so-called “cell fees,” essentially a bribe to the prison guards to prevent further abuse.

On April 6, Pierre Minlo Medjo, the General Delegate for National Security of the DGSN, issued a circular letter to all DGSN personnel nationwide to remind them of the provisions governing the conditions of detention of suspects. In his letter, he called on security forces to comply fully with the provisions of the law and those of the international covenants that the country has signed. He instructed the personnel that any act that attempted to take away the dignity of those detained should be proscribed, whatever the reasons for their detention. There was no evidence by year’s end that this letter influenced changes in security force behavior.

On the night of January 19 and 20, a group of 10 female soldiers in military uniform and 2 men in civilian clothes kidnaped Hortense Toukam, a Douala-based hairdresser. Toukam was taken to the headquarters of the 21st Armored Reconnaissance Battalion, stripped naked, and severely beaten and tortured for 2 hours. According to press reports, Toukam was suspected of spreading lies about one of the soldiers to friends of the soldier. Toukam filed a complaint; no action had been taken by year’s end.

On March 3, gendarmes of the Groupment Polyvalent d’Intervention de la Gendarmerie National (GPIC) special unit attacked Pierre Nyemeck Ntamack, a national transportation trade union delegate in charge of legal affairs and disputes. The incident occurred at “Tropicana,” a Yaounde neighborhood where truck drivers in transit park their vehicles. Nyemeck, who had observed several gendarmes trying to extort diesel fuel from one of the drivers, intervened on behalf of the truck driver. One of the gendarmes seized Nyemeck’s tie and tried to strangle him while the other gendarmes beat him. It was unknown if Nyameck lodged a complaint or whether any action was taken against the gendarmes by year’s end.

On May 17, police arrested on undisclosed charges and tortured Jacques Zoua, a member of a Maroua-based human rights NGO. Zoua reportedly was subjected to the “bastinado” and released the following day. It was unknown whether any action was taken against the police.

On June 2 and June 9, security forces under the authority of Colonel Essame, organized neighborhood sweeps in the Kodogo and Garoua quarters of Kousseri in the Far North Province. The operations followed the killing of a soldier during a dispute with a civilian resident of the sector. According to the local branch of SOS Human

Rights and Democracy, a human rights defense group, the family of the suspect and other inhabitants of the neighborhood were arrested and brutalized, including Alhadji Moustapha, Ahmed Djibrine, and Mahamet Ahmed. Many of those arrested were subjected to torture and later were admitted to hospitals for treatment. It was unknown whether any action was taken against the police.

Security forces continued to harass and detain activist Mboua Massock (see Section 2.d.). Security forces harassed and threatened journalists (see Section 1.a.).

Security forces frequently used roadblocks to exact bribes or thwart opposition political activities (see Section 2.d.).

In the vast majority of cases of torture or abuse, the Government rarely investigated or punished any of the security officials involved.

In July 2000, Police Commissioner Theophile Tocko arrested Magloire Evouta, a businessman, at a Yaounde hotel. Evouta, who suffered from a chronic illness, was denied medical treatment and died at the Yaounde judicial police station in August 2000. On August 28, the President subsequently dismissed Tocko from his position; Tocko was arrested and in detention pending trial at year's end.

Eight Yaounde special operation grouping (GSO) officers remained in detention pending trial at year's end for torturing to death Edouard Leuwat in May 2000 (see Section 1.a.).

In May 2000, Dieudonne Dibong, a police officer, shot at a Yaounde cab after the cab ignored his traffic directions, seriously injuring the driver and the occupants of the vehicle. The General Delegate for National Security (DGSN) ordered disciplinary sanctions, and the Government arrested Dibong, whose trial was pending at year's end.

There reportedly was no action taken against the responsible members of the security forces who tortured, beat, raped, or otherwise abused the persons in the following cases from 2000: The November beating of a journalist; the September rape of two girls; the June beating of Amelie, a female soccer player; the June injuring of several persons when a grenade thrown by a gendarme exploded in a bar; the June beating of Beatrice Elouga, the June assault of numerous citizens; the May torturing of Achille Tehoumba Heubo; the May beating of Madeleine Ngo Songane; the May torturing to death of Mathew Titiahonjo; the May beating of several student demonstrators; the April beating and torturing of a foreign volunteer teacher; the April injuring of Cecile Ngono; the April beating of Nicole Ajong; the April beating of parishioners at Notre Dame De Sept Douleurs; the March torturing of Jean Paul Kentsa and two others; the January injuring and beating of several students when a demonstration was dispersed forcibly; and the January torturing of customs inspector Vincent Nkengfue.

There were no developments, nor are any likely in the September 1999 beating of Madi Baddai by Seke Columban, the police commissioner in Guider, North Province.

On June 15, the Government reportedly paid \$137,000 (96 million CFA francs) compensation to Albert Mukong, an SDF activist and writer who was arrested and tortured while in prison in 1994 (see Section 2.a.).

Mob violence directed against suspected thieves reportedly continued to result in a number of deaths, some because of beatings or torture (see Section 1.a.).

Prison conditions remained harsh and life threatening. Prisons are seriously overcrowded, unsanitary, and inadequate, especially outside major urban areas. Serious deficiencies in food, health care, and sanitation due to a lack of funds are common in almost all prisons, including in "private prisons" in the north operated by traditional rulers. U.N. Special Rapporteur Rodley described prison conditions in the country as "universally appalling." Rodley also reported that "overcrowding, unhygienic sanitation, lack of health care, and shortage of food, reportedly are the main failings in the Cameroonian prison system. These conditions cannot be blamed only on lack of financial or material resources, but also result from deliberate policies or serious neglect on the part of the relevant officials." Rodley wrote that these conditions are "endangering the health and even the lives of the detainees." Prisoners are kept in dilapidated colonial-era prisons, where the number of detainees is four to five times the original capacity. Authorities confirmed to Rodley that 1 cell measuring 6 square meters housed 16 persons; 1 prisoner stated that the cell sometimes held up to 23 persons. Health and medical care almost are nonexistent, and prisoners' families are expected to provide food for their relatives in prison. Prison officials torture, beat, and otherwise abuse prisoners (see Section 1.c.). Rodley reported that the vast majority of those in detention had been tortured or abused. Rodley specified cases of machete beatings, toenails being ripped out, and police shootings of victims who had received no medical attention. Prisoners routinely die due to harsh prison conditions and inadequate medical treatment. In Douala's New Bell Prison, there were only 7 water taps for a reported 3,500 pris-

oners; this contributed to poor hygiene, illness, and deaths. In New Bell and other nonmaximum-security penal detention centers, families are permitted to provide food and medicine to inmates; however, beatings are common. Prisoners reportedly are chained or flogged at times in their cells and often are denied adequate medical care. In April 2000, the Minister of Territorial Administration and the Secretary of State for Territorial Administration in charge of penitentiary administration visited Douala and Yaounde prisons. The Yaounde prison was so dirty that the Minister ordered the immediate release of funds for repainting. In Douala the Minister said that the prison would be improved with funding from a foreign government; however, the project had not been implemented fully by year's end.

Credible press reports indicate that Douala's New Bell prison, originally built for 600 inmates, held more than 3,500 during the year, of which 2,000 were pretrial detainees. The prison in the Far North Province capital of Maroua also was overcrowded; more than 900 prisoners occupy a prison with a capacity of 300, and more than 700 are pretrial detainees, awaiting trial at the Provincial Court of Appeals, located in Maroua. A 1997 report on prison conditions indicated that Bertoua Prison, which was built to hold 50 inmates, housed more than 700 persons. The Kondengui Central Prison in Yaounde, constructed in 1967 to hold 1,500 inmates and equipped with only 16 toilets or showers and 400 beds, held approximately 3,600 inmates, including 700 women during the year. Some cells built for fifteen persons hold more than fifty. Prisoners reportedly have one meal per day and receive 4.4 ounces of soap every 6 months. In 1999 the government official in charge of prisons said that the Central Prison of Bafoussam, built for 320 inmates, held 3,140 persons. Press reports indicate that the Bamenda Central Prison, built for 300 inmates, holds 900 persons, approximately 750 of whom are pretrial detainees. Overcrowding is exacerbated by the large number of long pretrial detentions and the practice of "Friday arrests" (see Section 1.d.). According to credible press reports, more than 1,400 of the inmates of the Douala prison were pretrial detainees, whereas only 900 were convicted prisoners.

Prisoners sometimes can buy special treatment up to and including their freedom; credible reports from Bafoussam Central prison indicate that freedom between 6 a.m. and 6 p.m. was available daily to any prisoner who could afford the superintendent's weekly fee of \$20 (15,000 CFA francs). Prisoners in Bafoussam reportedly used their free time to steal the next week's fees.

Juveniles and nonviolent prisoners often are incarcerated with adults, although not usually in the same cells. There are credible reports of sexual abuse of juvenile prisoners by adult inmates. Corruption among prison personnel is widespread. Persons awaiting trial routinely are held in cells with hardened criminals. There are few detention centers for women; women routinely are held in prison complexes with men, occasionally in the same cells. Mothers often are incarcerated with their children or babies. The U.N. Special Rapporteur on Torture reported that he saw at least one 14-year-old child being kept with adult offenders, one woman being held in the same cell as male prisoners, and one woman incarcerated with her 9-month-old child. Some high-profile prisoners are able to avoid some of the abuse that security forces routinely inflict on many common criminals. They are kept in elite wings of certain prisons, where they enjoy relatively lenient treatment.

The NCHRF admitted in a February media interview that "some people are just forgotten in prison." In a March 12 press release, the Cameroon Organization for Citizens' Rights and Freedoms disclosed the results of an investigation that it conducted in the Yaounde Central Prison. According to those results, several persons who had completed their prison term or had been released by a court ruling still were in detention, including prisoners whose files have been lost and are not given a court date for this reason. One detainee had been in jail for 6 years without trial. The organization worked with the prosecutor's office to secure the release of approximately 100 of the most egregious cases. On January 29, the prisoners of the Yaounde Kondengui prison addressed a letter to the Minister of Justice and various newspapers in which they complained about their conditions. The letter indicated that of the 3,600 persons held in the prison, approximately 3,000 still were awaiting trial. The prisoners threatened to go on hunger strikes or riot.

With the assistance of the French Cooperation Agency and European Union during the year, the Government was organizing two programs for the renovation and humanization of prisons. Feasibility studies also were in progress for the construction of new prisons in Yaounde, Douala, and other cities.

Numerous NGO's, diplomatic missions, and the NCHRF all have criticized publicly the conditions of the group of Anglophone detainees arrested in 1997. One reliable report described 28 detainees sharing a cell measuring 14 square meters (approximately 140 square feet). At least eight of the original detainees reportedly have died from abuse or lack of medical care: Emmanuel Konseh, Samuel Tita, Mathias

Gwei, Neba Ambe, Mado Nde, Richard Fomusoh Ngwa, Patrick Jimbou, and Lawrence Fai.

In the north, the Government permits traditional Lamibe (chiefs) to detain persons outside the government penitentiary system, in effect in "private prisons." The places of detention in the palaces of the traditional chiefs of Rey Bouba, Gashiga, Bibemi, and Tcheboa have the reputation of seriously mistreating their inmates. Members of the National Union for Democracy and Progress (UNDP) party, which was an opposition party until late 1997, have alleged that other UNDP members have been detained in these private jails and that some have died from mistreatment.

Both the Cameroonian Red Cross and the NCHRF visited prisons only infrequently during the year. However, the International Committee of the Red Cross (ICRC) began to visit prisons in 1999, pursuant to a 1998 agreement with the Government under which the ICRC was to have free access to all detention centers and prisons, have private discussions with the inmates, and make repeated or unscheduled visits (see Section 4). Although the ICRC does not release its findings publicly, the Government generally complied with its agreement with the ICRC. However, despite government assurances to the contrary, officials denied U.N. Special Rapporteur for Human Rights Rodley access in 1999 to holding cells operated by the Government's special antigang unit (see Sections 1.a. and 1.b.).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention and requires an arrest warrant, except when the criminal is caught in the act; however, security forces continued to arrest and detain citizens arbitrarily. The law also stipulates that detainees must be brought promptly before a magistrate; however, arbitrary, prolonged detention remained a serious problem, since security forces often failed to bring detainees promptly before a magistrate and sometimes held them incommunicado for months or even years. For example, Onana Ndengue spent 14 years in prison before he was acquitted during the year; Souley Bobo, who was arrested in 1992 on murder charges, never has been heard by the prosecutor; and Michel Sighanou, a juvenile who was transferred from the Yabassi prison in 1996, has been awaiting trial for more than 5 years. Some persons are detained for several months simply because they are unable to present identification to authorities when asked.

Police legally may detain a person in custody in connection with a common crime for up to 24 hours, renewable three times, before bringing charges. The law provides for the right to a judicial review of the legality of detention only in the two Anglophone provinces. Elsewhere, the French legal tradition applies, precluding judicial authorities from acting on a case until the administrative authority that ordered the detention turns the case over to the prosecutor. After a magistrate has issued a warrant to bring the case to trial, he may hold the detainee in administrative or "pretrial detention" indefinitely, pending court action. Such detention often is prolonged, due to the understaffed and mismanaged court system. According to U.N. Special Rapporteur Rodley, 80 percent of the prison population consists of untried prisoners (see Section 1.c.). Rodley wrote that the length of pretrial detention, often stretching as long as 7 years, makes it "inhuman in itself." In addition Rodley claimed that "pretrial detention is used not to attain its primary goal of upholding order and security and facilitating investigation, but rather, in the perception both of the public and of the forces of law and order, as a sanction." Furthermore, the law permits detention without charge by administrative authorities for renewable periods of 15 days, ostensibly in order to combat banditry and maintain public order. Persons taken into detention frequently are denied access to both legal counsel and family members. The law permits release on bail only in the Anglophone provinces, where the legal system includes features of British common law; however, bail is granted infrequently in those provinces.

There were reports that security forces, including the Operational Command, detained persons at specific sites where they tortured and beat detainees (see Sections 1.a. and 1.c.). Government officials and security forces continued to use arbitrary arrest to harass and intimidate members of opposition parties and other critics of the Government.

On January 13, at the Warda junction in Yaounde, security forces dispersed an opposition demonstration, and arrested and detained briefly several opposition deputies and approximately 20 demonstrators (see Section 2.b.).

On April 1, the Douala police detained for 8 hours Anicet Ekane, Chairman of the MANIDEM opposition party, at the party's headquarters for 8 hours. Ekane and party members were holding a meeting to prepare for a demonstration in support of the Bepanda 9 (see Section 2.b.).

On April 15, the Douala police arrested Vicotrin Hameni Bieleu, Chairman of the Union of Cameroon Democratic Forces Party (UFDC), Anicet Ekane, the leader of

the MANIDEM Party, and 15 SDF party members during a 500-person demonstration in support of the Bepanda 9 (see Sections 1.b. and 2.b.). The detainees were accused of participating in an illegal march; on April 17, they were released for lack of evidence. Police detained SDF leader John Fru Ndi on several occasions to prevent him from reaching the city to join in the marches.

On April 26, the Douala police arrested and detained for several days on unspecified charges five persons who were attending a meeting in a private residence in support of the Bepanda 9 (see Sections 1.b. and 2.b.).

On May 17, police arrested and tortured Jacques Zoua, a member of a Maroua-based human rights NGO, on undisclosed charges; he was reportedly subjected to the "bastinade" torture and released the following day (see Section 1.c.).

In June during neighborhood sweeps in the Kodogo and Garoua quarters of Kousseri, police arrested and abused the family members and neighbors of a suspect in the killing of a soldier (see Section 1.c.).

On June 5, Douala airport police arrested Dominique Djeukam Tchameni, an opposition political leader and activist, on his return from Belgium, where he had filed a suit against President Paul Biya and some government and security officials for human rights violations in the Bepanda 9 case (see Section 1.b.). Police interrogated Djeukam Tchameni for 2 hours, released him, and confiscated his passport. On December 28, police in Douala airport again arrested and confiscated the passport of Djeukam Tchameni when he returned from another trip to Belgium to file a lawsuit against President Biya. Gendarmes met Tchameni's flight, detained him for 4 hours, and confiscated his passport and CNI documents.

On July 1, police arrested and detained overnight at the Douala Central police precinct approximately 60 persons who were leaving the Douala Cathedral after the evening Mass. The Police Commissioner claimed the sweep was undertaken to deter bandits from operating in the area.

After the Southern Cameroons National Council (SCNC) announced in September that it planned to hold October demonstrations in Kumba and Bamenda, the Government reportedly began arresting SCNC activists. On September 19, authorities in Bamenda arrested Francis Tatah, an artist, for printing T-shirts inscribed "Federal Republic of Southern Cameroons" and the logo of the SCNC. Tatah was released after he reportedly was questioned about SCNC leaders and affairs. The T-shirts were printed in preparation for SCNC demonstrations scheduled several weeks later. On September 28 in Kumba, police detained for 2 days Yvonne Sona and questioned her about the activities of her husband who is the southwest chairman of the SCNC.

On October 1 in Kumbu, gendarmes forcibly dispersed a demonstration organized by the SCNC and arrested approximately 50 demonstrators (see Section 2.b.). On October 1 in Bamenda, security forces violently dispersed another SCNC demonstration and arrested and detained 19 demonstrators (see Section 2.b.). These detainees were held without charges for 47 days and remained in detention despite being granted bail on October 24. Charges were first filed against the detainees on October 26. On October 29, the court ordered them to be released; however, they remained in detention. They were detained on charges that carry a maximum sentence of 10 days in jail or a \$34 (25,000 CFA francs) fine. In November three men from Jakiri were arrested after they returned from the burials of two men who were killed in the October 1 demonstrations (see Section 1.a.); they remained in detention in Bafoussam at year's end.

Security forces harassed and occasionally detained journalists and members of human rights NGO's (see Sections 2.a. and 2.b.).

Security forces continued to harass and detain activist Mboua Massock (see Section 2.d.).

On March 14, the Yaounde Military Court released six SCNC activists who had been arrested during a January 2000 demonstration: Justice Frederick Ebong, Chief Ayamba, James Sam Sabum, Emmanuel Njouji, Vincent Mba, and Pascal Daga.

In January 2000, four gendarmes reportedly arrested and tortured customs inspector Vincent Nkengfua, who they suspected of kidnaping a child, and all the workers at Nkengfua's plantation in Mbanga, including a child (see Section 1.c.). In September 2000, Nkengfua filed a lawsuit against the gendarmes with the Mbanga High Court for abuse of power, arbitrary arrest and seizure of property, false evidence, calumny, and torture. There was no further information available at year's end.

There were no developments in the following arrests in 2000: the June arrest of Beatrice Elouga; the April arrests of several parishioners at Notre Dame de Sept Douleurs (see Section 1.c.); and the March arrests of Catherine Yami and Roger Tankeu, respectively the SDF president for the Bassamba electoral district, and the SDF West provincial coordinator. The several opposition SDF parliamentarians who

were arrested and detained after participating in a demonstration in November 2000 were released shortly after their arrests.

Many of the public officials arrested in 1999 in the Government's high-profile but short-lived corruption crack-down still were awaiting trial at year's end. In September and October 1999, the Government arrested these officials, including former Minister of Posts and Telecommunications Monchipou Seidou, Ministry Budget Director Guillaume Yetna Hiobi, and Ministry Director of Production Philip Tarkang, on charges of corruption or embezzlement. These former officials still were in detention without trial by year's end.

On January 19, the Yaounde High Court ruled for the release of Jerome Djiboula, Michel Tingam, and Emmanuel Arimade, who had been arrested 7 years earlier for theft. The trial revealed that the gendarmes had arrested the wrong persons, following a misidentification of the perpetrators.

On June 15, the Government reportedly paid \$137,000 (96 million CFA francs) compensation to Albert Mukong, an SDF activist and writer who was arrested and tortured while in prison in 1994 (see Section 2.a.).

Police and gendarmes often arrest persons on spurious charges on Fridays at midday or in the afternoon (see Section 1.c.). While the law provides for a judicial review of an arrest within 24 hours, the courts do not convene sessions on the weekend, so the detainee remains in detention at least until Monday. Police and gendarmes commonly accept bribes to make such "Friday arrests" from persons who have private grievances against the person arrested. There are no known cases of any policemen or gendarmes being sanctioned or punished for this practice.

Government intimidation extends beyond the police stations and holding cells. In efforts to combat highwaymen ("coupeurs de route"), Colonel Pom and his special antigang gendarmerie unit use informants to identify and accuse persons of taking part in highway robbery (see Section 1.a.). Standards of proof for such accusations are nonexistent. Accusations occasionally have been used to pursue private grievances, and informants repeatedly have extorted money from innocent persons by threatening to accuse them of being bandits. The Douala Operational Command reportedly used informants in a similar fashion. These informants often were former criminals or prison guards, and were used to target criminals who then were summarily executed (see Section 1.a.).

Four Anglophones, Abel Achah Apong, Crispus Kennebie, John Kudi, and Zacque Njenta, have been detained in the Yaounde Central Prison since 1995, and a fifth, Etchu Wilson Arrey, since 1997. Each was incarcerated after signing or displaying a petition for a referendum on independence for the Anglophone provinces. At year's end, none of these detainees had been brought before a judge or charged with a crime.

The Government does not use forced exile; however, some human rights monitors or political opponents who considered themselves threatened by the Government have left the country voluntarily and declared themselves to be in political exile.

On April 11, the traditional rulers of Ekondo-Titi, Southwest Province, acting under the authority of the Balondo Development Association (BACUDA), ordered the expulsion of Iyassa Anou, Joseph Regeant, Johnson Mambo Naseri, Mathew Ajong Awor, Christian Buma, Francisca Nyando, and James Okenye, for allegedly bewitching to death a resident of the town of Lobe; however, the order to expel the seven was not implemented by year's end. BACUDA was investigating the charges of alleged witchcraft at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained highly subject to political influence and corruption. The court system remained technically part of the executive branch, subordinate to the Ministry of Justice. The Constitution specifies that the President is the guarantor of the legal system's independence. He also appoints judges with the advice of the Supreme Council of the Magistrature. However, the judiciary showed some modest signs of growing independence. Since 1997 the courts repeatedly have used powers given them under the 1996 press law to order the Ministry of Territorial Administration to desist from seizing print runs of newspapers critical of the Government (see Section 2.a.). Some politically sensitive cases never are heard by the courts.

The court system includes the Supreme Court, a Court of Appeals in each of the 10 provinces, and courts of first instance in each of the country's 58 divisions.

Military tribunals may exercise jurisdiction over civilians not only when the President declares martial law, but also in cases involving civil unrest or organized armed violence. Military tribunals also have jurisdiction over gang crimes, grand banditry, and highway robbery. The Government apparently interprets these guidelines quite broadly and sometimes uses military courts to try matters concerning dissident groups and political opponents.

The legal system includes both national law and customary law, and many cases can be tried using either. Customary law is based upon the traditions of the ethnic group predominant in the region and is adjudicated by traditional authorities of that group. Accordingly, particular points of customary law differ depending upon the region and the ethnic group where a case is being tried. In some areas, traditional courts reportedly have tried persons accused of some offenses, such as practicing witchcraft, by subjecting them to an ordeal, such as drinking poison (see Section 2.c.); however, there were no known incidents during the year. Customary courts may exercise jurisdiction only with the consent of both parties to a case; either party has the right to have any case heard by a national rather than a customary court, and customary law is supposed to be valid only when it is not "repugnant to natural justice, equity, and good conscience." However, many citizens in rural areas remain unaware of their rights under civil law and have been taught since birth that customary laws form the rules by which they must abide. Consequently, traditional courts remain important in rural areas and serve as an alternative for settling disputes. Their authority varies by region and ethnic group, but they often are the arbiters of property and domestic disputes and may serve a probate function as well. Most traditional courts permit appeal of their decisions to traditional authorities of higher rank.

Corruption and inefficiency in the courts remained serious problems. Justice frequently was delayed or denied before reaching the trial stage (see Section 1.d.). Political bias often brought trials to a halt or resulted in an extremely long process, punctuated by extended court recesses. Powerful political or business interests appeared to enjoy virtual immunity from prosecution; some politically sensitive cases were settled with a payoff and thus never were heard. Private journalists, political opponents, and critics of the Government often were charged or held and sometimes jailed under libel statutes considered by observers as unduly restrictive of press freedom (see Section 2.a.). Prisoners may be detained indefinitely during pretrial proceedings.

The legal structure is influenced strongly by the French legal system, although in the Anglophone provinces certain aspects of the Anglo-Saxon tradition apply. The Constitution provides for a fair public hearing in which the defendant is presumed innocent. Because appointed attorneys received little compensation, the quality of legal representation for indigent persons often was poor. The Bar Association and some voluntary organizations, such as the Cameroonian Association of Female Jurists, offer free assistance in some cases. Trials normally were public, except in cases with political overtones judged disruptive of social peace.

The Government holds a number of political prisoners; however, as in previous years, there were no reliable estimates of the number of political prisoners held at the end of the year.

In April 1999, the Government began the trial of the 65 surviving Anglophones who had been detained, some for more than 2 years, on suspicion of participating in armed attacks against government installations in the Northwest Province in 1997. This judicial process did not follow either international or national legal norms. In October 1999, the military tribunal convicted 37 of the accused, sentencing 3 to life imprisonment and 34 to terms ranging from 1 to 20 years in prison. The tribunal acquitted 28 defendants, some of whom had been detained for 30 months, during which at least 8 of the persons originally arrested in this case died in custody, some of them as a result of torture inflicted on many of these detainees (see Section 1.c.). At the beginning of the year, 19 of the convicted Anglophones remained in prison in Yaounde; the other 18 were released following the completion of their sentences. In 2000 the Government released four Anglophones, Abel Achah Apong, Crispus Kennebie, John Kudi, and Zaque Njenta, who had been in the Yaounde Central Prison since 1995, and a fifth, Etchu Wilson Arrey, since 1997. Each was incarcerated after signing or displaying a petition for a referendum on independence for the Anglophone provinces. The tribunal declared itself incompetent to rule on two accused illegal Ghanaian immigrants, who reportedly remained incarcerated. International human rights NGO's, including Amnesty International, criticized the trial as unfair and protested the sentences.

Titus Edzoa, former Minister of Health and long-time presidential aide, who had declared himself a candidate to oppose incumbent President Biya in the 1997 election, remains incarcerated, together with Michel Atangana, his campaign manager. They were sentenced in 1997 to 15 years' imprisonment on embezzlement and corruption charges, for which Edzoa was arrested shortly after declaring his presidential candidacy (see Section 3). In 1999 the Yaounde Court of Appeals confirmed their convictions and their 15-year prison terms. On May 25, Edzoa reportedly sent a delegation to ask for the President's pardon. The President reportedly demanded a written request before consideration of the case, but Edzoa feared the letter would

be used to strengthen the Government's case against him. At year's end, Edzoa reportedly still was held in confinement at the maximum security gendarmerie headquarters, in cramped quarters with very limited access to visitors.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, these rights are subject to the "higher interests of the State," and there were a number of credible reports that police and gendarmes harassed citizens, conducted searches without warrants, and opened or seized mail. The Government continued to keep some opposition activists and dissidents under surveillance. Police sometimes punished family members and neighbors of criminal suspects.

The law permits a police officer to enter a private home during daylight hours without a warrant if he is pursuing an inquiry and has reason to suspect that a crime has been committed. The officer must have a warrant to make such a search after dark; however, a police officer may enter a private home at any time in pursuit of a criminal observed committing a crime.

An administrative authority may authorize police to conduct neighborhood sweeps in search of suspected criminals or stolen or illegal goods without individual warrants. Such sweeps were conducted frequently. During the year, as in the previous year, sweeps involving forced entry into homes occurred in Yaounde and Douala (see Section 1.c.). An increase in crime during the year led to a dramatic increase in the number of such sweeps, called "kali-kali" or "raffles," in Douala and Yaounde. Typically, security forces seal off a neighborhood, systematically search homes, arrest persons arbitrarily, and seize suspicious or illegal articles. There were credible reports that security forces used these sweeps as a pretext to loot homes and arbitrarily arrest persons for minor offenses, such as not possessing identity cards (see Sections 1.d. and 2.d.). In a June 2000 letter to government officials, the Catholic Archbishop of Douala stated that security forces arrested some parents during these operations, forcing them to leave babies or sick children alone at home.

In the past, Government administrative officials have used the armed forces to conduct tax raids on civilian communities; however, the Government reportedly did not conduct any such raids this year. In the past, the Government publicly has blamed opposition parties for its inability to collect internal revenues, but it did not repeat such accusations this year.

In January government authorities began to destroy dilapidated houses along several of Yaounde's main roads in anticipation of the France-Africa Summit, which occurred in mid-January. Authorities claimed that the houses had been built illegally in an unauthorized zone. The action involved hundreds of houses and left many families homeless; no compensation was provided for destroyed houses. As part of this campaign, the Government also reportedly relocated mentally ill squatters in Yaounde to the neighboring town of Mbalmayo for the duration of the summit.

In January Augustine Cho Tafor, the Sub-Prefect of Alou, Lebialem Division, Northwest Province, oversaw the destruction of the home of Paul Tonya, a retiree. According to the Sub-Prefect, the house was demolished because its construction violated a 1999 injunction order and was built on a disputed piece of land.

There have been accusations, particularly in the North and Far-North Provinces, of traditional chiefs arbitrarily evicting persons from their land. One example occurred in May, when a traditional chief in the Maroua area, Dairou Yaya, sold to a local politician a parcel of land belonging to the family of Feu Bouba Toumba, who reportedly had lived there for 30 years. The chief reportedly threatened to have the family tortured by gendarmes if they did not leave the land immediately. No further information was available at year's end.

In June during neighborhood sweeps in the Kodogo and Garoua quarters of Kousseri, police arrested and abused the family members and neighbors of a suspect in the killing of a soldier (see Section 1.c.).

Section 2—Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to impose limits on these rights. The Penal Code's libel laws specify that defamation, abuse, contempt, and dissemination of false news are offenses punishable by prison terms and heavy fines. These statutes sometimes are invoked by the Government to silence criticism of the Government and government officials.

In August in the Far North Province, Abakar Tor, an activist with the NGO SOS Human Rights and Democracy in Maroua, was brought before a tribunal and charged with defamation against the local Sub-Prefect. Tor had complained to the Sub-Prefect that most of a government emergency shipment of grain sent to the north in April had been stolen by local and traditional authorities. Tor was tried and released by year's end.

Security forces continued to harass and detain activist Mboua Massock (see Section 2.d.).

Prior to the October 1 SCNC demonstrations, police and gendarmes seized demonstration materials, including placards, T-shirts, posters, and membership cards, from citizens (see Section 2.b.).

The Government publishes an official newspaper, The Cameroon Tribune. This paper occasionally implies criticism of the Government; however, its reporters do not report extensively on activities or political parties critical of the Government, criticize overtly the ruling party, or portray government programs in an unfavorable light.

While approximately 60 private newspapers were published, only an estimated 20 were published on a regular basis. Most continued to be highly critical of President Biya and his Government, and reported on controversial issues, including corruption, human rights abuses, and economic policies. Since the Government's 1994 and 1995 crackdown on the private press, most private journalists have begun to practice a higher degree of fact checking and thus have increased journalistic accuracy. Journalists continue to be critical of the Government; however, some journalists practiced self-censorship.

Despite the large number of newspapers in the country, the influence of the print media on the average person is minimal. Circulation is low, distribution is problematic outside of Yaounde and Douala, and prices are high. Print media reaches only a tiny percentage of the population, most notably the urban elite. The Cameroon Tribune has a print run of only approximately 5,000; the four most important opposition papers Dikalo, Le Messenger, Mutations, and Nouvelle Expression, have print runs of between 5,000 and 10,000 each.

Since 1996 the Government frequently has prosecuted its critics in the print media under the criminal libel laws. These laws authorized the Government, at its discretion and at the request of the plaintiff, to criminalize a civil libel suit, or to initiate a criminal libel suit in cases of alleged libel against the President and other high government officials. There continued to be allegations that government ministers and other high officials offered to drop criminal libel suits in exchange for cash payments from newspapers or journalists. During the year, the Government did not arrest or prosecute any new cases of libel, but continued to pursue libel cases from the previous year.

The 1999 libel suit against Daniel Atanga, Thierry Mabouza, and Celestin Biake Difana of the French-language biweekly Dikalo was ongoing at year's end.

Formal censorship ceased in 1997. Since 1998, the Government largely has ceased to interfere with private newspaper distribution or seize print runs of private newspapers; however, security forces continued to restrict press freedom by harassing or abusing private print media journalists. Unlike in the previous year, there were no reports that the Government harassed some newspapers through fiscal means. In May 2000, the Government sealed the offices of the Douala-based French-language publication Le Front Independent for one day due to non-payment of taxes estimated at \$21,000 (15 million CFA francs) by the Littoral Province Office of Taxation. In June 2000, the Government again sealed the paper's offices, claiming that arrears had jumped to \$57,000 (40 million CFA francs). The newspaper and the taxation office reportedly were negotiating a deal at year's end.

There were fewer cases of harassment, abuse, and arrests of journalists reported during the year. On July 31, the Government arrested Haman Mana, published of the newspaper Mutations, after he published a list of presidential decrees to reorganize the armed forces. Mana had used a confidential source to gain access to the decrees prior to their formal publication within the state-owned Cameroon Tribune. On July 30, approximately 20 gendarmes surrounded the office of Mutations and seized between 300 and 500 copies of the edition publishing the decrees. The next day, Mana presented himself at the Gendarmerie for questioning and was detained for 4 days while the authorities attempted to ascertain the name of Mana's confidential source. The Cameroon League of Journalists and Journalists Without Borders criticized the detention.

On July 16, authorities arrested and detained Robert Harris Mindja Meka and Samuel Zang Des Joies, two journalists from "Le Devoir," a French-language opposition weekly, allegedly for publishing false information on high-ranking government officials. It was unknown whether they had been released by year's end.

On July 17, police allegedly threatened, harassed, arrested, and detained Florent Ndjiki, Pierre Clement Tjomb, and Francois Bikoro for "irresponsible reporting" on ruling party officials in their publications "Envoye Special," "L'Anecdote," and "Le Phare," three French-language weekly opposition newspapers. It was unknown whether they had been charged or released by year's end.

On August 22, police arrested and detained journalist George Baongla allegedly for publishing false news in the August 14th issue of "Le Dementi," a minor French-language opposition publication. In the article, he linked the Minister of Economy and Finance to an embezzlement case without citing sources. It was unknown whether they had been charged or released by year's end.

On October 1, the Lottoral Gendarmerie legion commander summoned to Douala, Jean Marc Soboth, editor of La Nouvelle Expression, after he published a story describing security measures taken prior to the October 1 SCNC political rallies. Soboth was detained for 24 hours and reportedly was asked to reveal the names of his sources; he was released without charge, but the Douala Military Tribunal was pursuing an investigation at year's end.

In April 2000, security forces arrested Severin Tchounkeu, publisher of the Douala-based French-language tri-weekly La Nouvelle Expression, and detained him in the cells of the Secretariat of State for Defense for 3 days. The Government had filed a complaint against the paper for its March 31 "April Fool's" article that said that bandits attacked the gendarmerie station in Yaounde, seizing arms, and holding the gendarmes hostage. The Government charged Tchounkeu and Bengono with "dissemination of false news" and released them pending trial.

On June 11, the Government awarded \$137,000 (106 million CFA francs) to Albert Mukong, a journalist and opposition activist, for "abuses suffered at the hands of previous authorities." Mukong, who had been detained from 1988 to 1990 for criticizing the country's one-party system and high-level government officials, fled the country in 1990. His book, *Prisoner Without a Crime*, was banned in the country. In 1994 Mukong took his case to the U.N. Human Rights Committee, which ruled that his rights to liberty, security of person, and freedom of expression had been violated and recommended that he be compensated for his "exceptionally harsh and degrading treatment."

Radio remains the most important medium for reaching most citizens. There are approximately 2 million radios in the country. Television is less pervasive but still is more influential than the print media. There are an estimated 300,000 to 400,000 television sets in the country, and viewership is high, since many persons watch television in extended family groups or together in commercial establishments.

In 2000 the Government issued a decree that implements the 1990 law liberalizing the broadcast media and sets out the conditions and procedures for establishing independent radio and television stations. Rural radio stations must submit an application to broadcast but are exempt from fees. Potential commercial radio and television broadcasters must submit a licensing application and pay a fee when the application is approved. The annual licensing fees stipulated in the decree potentially are prohibitive: \$15,600 (10 million CFA francs) for radio broadcasters; \$73,000 (50 million CFA francs) for local television stations; and \$146,000 (100 million CFA francs) for national television stations. Nonetheless, the Ministry of Communication has received more than 100 applications from potential broadcasters.

In 2000 five Yaounde-based private radio stations that previously had been broadcasting illegally submitted applications and paid an interim fee of \$727 (500,000 CFA francs). The Government authorized them to continue broadcasting, pending final approval of their application and subsequent payment of the full licensing fee. Of these stations, two are religious: The Pentecostal "Radio Bonne Nouvelle" and "Radio Reine," which is managed by a Catholic priest, though not officially sponsored by the Catholic Church. Two others are affiliated with private nonaccredited academic institutions: NDI Samba University's "Radio Lumiere" and the Siantou University's "Radio Siantou." The fifth station is "Radio Venus," which plays only music. A small number of radio stations that had been broadcasting illegally including "Radio Soleil," which broadcasts from the Muslim quarter of Yaounde, did not apply for licenses, claiming the fees are too high. The Government has not yet acted against these operators.

At year's end, no station had received a license. The five existing nonpolitical stations claim they would not be able to broadcast if they had to pay the licensing fee. In January two new stations submitted complete applications and were to begin broadcasting legally after a 6-month processing and waiting period. One of these stations, "Magic FM," began broadcasting on July 25, but on August 3, it was ordered to shut down for lack of a license. The other station, "Radio Veritas," run by the Catholic Church in Douala and capable of paying the license fee, had not yet begun broadcasting by year's end for fear of being shut down, even though its 6-month period had passed. On March 14, government officials closed down the Bafoussam-based station "Radio Star," which began broadcasting on February 11, for broadcasting illegally. The station's manager never filed an application for Radio Star, although he applied for a license for a Yaounde-based station. Government officials told Radio Star's promoters to file their own applications.

On August 19, police officers physically assaulted Remy Ngonu, a journalist from the private radio station "Radio Siantou," who is well-known for his outspoken political commentary during live broadcasts. He was detained overnight at Yaounde's central police station on accusations that he criticized the police in his daily radio program "Free Kick."

The state-owned Cameroon Radio and Television (CRTV) broadcasts on both television and radio and is the only officially recognized and fully licensed broadcaster in the country. The Government levies taxes on all registered taxpayers to finance CRTV programming, giving it a distinct advantage over the new independent broadcasters.

There are several low-power, rural community radio stations mostly funded by foreign countries, with extremely limited range, which broadcast educational programs to small audiences but are not allowed to discuss politics. The April 2000 decree allows for broadcasting of foreign news services but requires them to form a partnership with a national station. The British Broadcasting Company (BBC) and Radio France International (RFI) began broadcasting during the year in partnership with CRTV.

During the year, the Government continued to allow the reception of international cable and satellite television broadcasts.

Like the Cameroon Tribune, CRTV provides broad reporting of CPDM functions, while giving relatively little attention to the political opposition. CRTV management, which in the past repeatedly has instructed CRTV staff to ensure the Government views prevail at all times in CRTV broadcasts, continued during the year to punish CRTV journalists who criticized government policy. In the previous year, CRTV censored a program concerning the Douala Operational Command (see Section 1.a.). CRTV had started broadcasting the program, including portions that reported public allegations of arbitrary arrests, torture, and extortion. The Government censored the second part of the program before it was broadcast, allegedly because the first part had caused some embarrassment to the military hierarchy and the Government. In November 2000, CRTV suspended two journalists for broadcasting a program that criticized members of the ruling party for their lifestyles.

CRTV television and radio programming include a weekly program, *Expression Directe*, which ostensibly fulfills the Government's legal obligation to provide an opportunity for all political parties represented in the National Assembly to present their views. However, CRTV continued to restrict the opposition SDF party's freedom of speech through that program, occasionally censoring and significantly shortening proposed SDF programming. No information was available on whether the National Council on Communication has ruled on the appeal filed by the SDF and CRTV officials following the March 2000 censorship by CRTV of SDF-produced broadcasts.

High-tech communications, including the Internet, e-mail, and satellite phones, are not available or utilized widely; however, a few cybercafes provide occasional Internet or e-mail access in some urban areas. There are at least six domestic Internet service providers, one of which has been in operation for 4 years; some are owned privately. The Government has not attempted to restrict or monitor these forms of communication.

Although there are no legal restrictions on academic freedom, state security informants operate on university campuses. Many professors believe that adherence to opposition political parties can affect adversely their professional opportunities and advancement. Free political discussion at the University of Yaounde is dampened by the presence of armed government security forces; however, there were no specific cases of harassment reported during the year. Unlike in the previous year, there were no reports that security forces forcibly disrupted student demonstrations or strikes.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly; however, the Government restricts this right in practice. The law requires organizers of public meetings, demonstrations, or processions to notify government officials in advance; it does not require prior government approval of public assemblies, and does not authorize the Government to suppress public assemblies that it has not approved in advance. However, for many years government officials routinely have asserted that this provision of the Penal Code implicitly authorizes the Government to grant or deny permission to public assemblies, often have not granted permits to assemblies organized by persons or groups critical of the Government, and repeatedly have used force to suppress public assemblies for which it has not issued permits.

In January 2000, two administrative orders banned all political activities in Buea and Limbe, Fako Division, Southwest Province, following a series of secessionist activities in December 1999.

The conditions for government recognition of a political party, a prerequisite for many political activities, were not onerous. More than 150 political parties operated legally, together with a large and growing number of civic associations. However, in past years, the Government has been suspected widely of fomenting splits in the opposition parties.

On January 12, the Minister of Territorial Administration issued an order that banned all public rallies until January 25. The ban was issued to prevent parliamentary opposition parties from holding a rally in Yaounde on January 13, and to prevent other civil society organizations from holding meetings during the France-Africa Summit.

On January 13, at the Warda junction in Yaounde, security forces dispersed an opposition demonstration against the new National Election Observatory, which demonstrators claimed would be subject to government control (see Section 3). Organizers of the rally had applied for the necessary permit; however, government authorities did not issue it as required by law. Members of the President Biya Youth (PRESBY), a ruling party-affiliated organization, also attacked the demonstrators. Security forces detained for 5 hours at the scene John Fru Ndi, National Chairman of the SDF; Dr. Amadou Ndam Njoya, National President of the UDC; Augustin Frederic Kodock, Secretary General of the UPC; Dakole Daissala, National President of the MDR; and other deputies. Approximately 20 SDF supporters were also arrested and detained for several hours.

On January 17, at the Yaounde Chamber of Agriculture, gendarmes disrupted a meeting of the National Committee for Civic Action (CNAC), which had invited foreign guests to a "counter-summit" of the France-Africa Summit that began the same day.

An SDF opposition party deputy alleged that on February 1, gendarmes molested SDF members in Kama, a village of Biwong Bane division, South Province, while the SDF was holding a preparatory meeting for a rally in a private residence. The meeting was disrupted, and five participants were arrested and detained briefly. The SDF alleged that the harassment occurred because the ruling party does not want an opposition party to become popular in the President's native South Province.

On March 4, in the Douala neighborhood of Bepanda, police used water cannons and tear gas to disperse a demonstration to protest the arrest and subsequent disappearance of the Bepanda 9 (see Section 1.b.). Several persons also were arrested. On March 8, at the Douala Les Portiques Plaza, security forces violently dispersed another demonstration on behalf of the Bepanda 9, beat demonstrators, and destroyed their placards. The demonstrators had merged into a march already taking place in commemoration of International Women's Day. It was unknown whether any action was taken against the police in either incident.

On April 15, police in Douala arrested and detained for 2 days 16 persons during an unauthorized demonstration (see Section 1.d.); 20 persons reportedly were injured.

On April 26, the Douala police arrested on unspecified charges Djeukam Tchameni, Leandre Djino, Peter Williams Mandio, Olivier Sande, and Sindjoun Pokam, who were attending a meeting in a private residence in support of the Bepanda 9. The five, who were released on May 3, were members of the Committee against Impunity, which was formed to assist the families of the Bepanda 9.

In mid-September the SCNC began circulating tracts that announced demonstrations on October 1 in Kumbu and Bamenda to mark the SCNC's independence day. In response the Government deployed extra security forces to Kumbu and Bamenda, banned all political rallies between September 26 and October 2, arrested suspected activists, and established curfews in the major cities of the ((Anglophone?)) provinces. SCNC members demonstrated as planned on October 1 in Kumbu and Bamenda. On October 1 in Kumbu, gendarmes shot into a crowd of approximately 400 demonstrators, killed 3 persons, injured 16 persons, and arrested approximately 50 demonstrators (see Section 1.a.). The Government claimed that the SCNC leaders, who were armed, opened fire on the gendarmes, who retaliated. There were other reports indicating that the gendarmes, not the SCNC, initiated the shooting. In Bamenda government forces forcibly dispersed demonstrations, four SCNC demonstrators were injured. On October 1, the Lottoral Gendarmerie legion commander summoned to Douala the editor of *La Nouvelle Expression* after he published a story describing security measures taken prior to the October 1 SCNC political rallies (see Section 2.a.).

Following the October 1 demonstrations, local authorities banned SCNC-sponsored activities, including several commemorative events, although no action reportedly was taken against those who assembled.

In March 2000, Pierre Minlo, the DGSN in Yaounde, banned three peaceful marches by the UFDC. The UFDC wanted to protest against growing crime in Yaounde and had declared to the sub-divisional officers (sous-prefets) in the three affected neighborhoods their intent to march. In his communique, the DGSN stated that the UFDC had no right to march because it was not represented at the National Assembly, a requirement that does not exist in any of the laws regulating public meetings and processions.

Unlike in the previous year, there were no reports that security forces forcibly disrupted student demonstrations or strikes.

No action reportedly was taken against the members of the security forces who forcibly dispersed demonstrations on the following dates in 2000: November 24; November 13; May 23; and January 27. However, in March six SCNC activists who had been arrested during a demonstration in 2000 were released (see Section 1.d.).

The law provides for freedom of association, and the Government generally respected this right in practice; however, there were some exceptions.

The conditions for government recognition of a political party, a prerequisite for many political activities, were not onerous. More than 150 political parties operated legally, together with a large and growing number of civic associations. However, in past years, the Government has been suspected widely of fomenting splits in the opposition parties.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there were some exceptions.

In general the Law on Religious Congregations governs relations between the State and religious groups. Religious groups must be approved and registered with the Ministry of Territorial Administration in order to function legally; there were no reports that the Government refused to register any group. It is illegal for a religious group to operate without official recognition, but the law prescribes no specific penalties for doing so. Although official recognition confers no general tax benefits, it does allow religious groups to receive real estate as gifts and legacies for the conduct of their activities. In order to register, a religious denomination must fulfill the legal requirement to qualify as a religious congregation. This definition includes “any group of natural persons or corporate bodies whose vocation is divine worship” or “any group of persons living in community in accordance with a religious doctrine.” The denomination then submits a file to the Minister of Territorial Administration. The file must include a request for authorization, a copy of the charter of the group that describes planned activities, and the names and respective functions of the officials of the group. The Minister studies the file and sends it to the presidency with a recommendation for a positive or negative decision. The President generally follows the recommendation of the Minister, and authorization is granted by a presidential decree. The approval process usually takes several years, due primarily to administrative delays. The only religious groups known to be registered are Christian and Muslim groups and the Baha’i Faith, but other groups may be registered. The Ministry has not disclosed the number of registered denominations, but the number of registered religious groups is estimated to be in the dozens. The Government does not register traditional religious groups on the grounds that the practice of traditional religions is not public but rather private to members of a particular ethnic or kinship group, or to the residents of a particular locality.

Disputes within registered religious groups about control of places of worship, schools, real estate, or financial assets are resolved in the first instance by the executive branch rather than by the judiciary.

Government officials criticized and questioned criticisms of the Government by religious institutions and leaders, but there were no reports that Government officials used force to suppress such criticism.

The sites and personnel of religious institutions have not been exempt from the widespread human rights abuses committed by government security forces; however, there were fewer reports of such abuse than in previous years.

On July 1, police arrested and detained overnight approximately 60 persons who were leaving the Douala Cathedral after the evening Mass (see Section 1.d.).

No action reportedly was taken against the members of the security forces who attacked and beat parishioners at Notre Dame de Sept Douleurs in 2000.

In April 2000, the Ministry of National Education announced the suspension of two teachers of the Bertoua technical high school. The two teachers were accused of having “enticed” some of their students into their religious group.

The practice of witchcraft is a criminal offense under the law; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder. Witchcraft traditionally has been a common explanation for diseases of which the causes were unknown.

There was a media report that in September 1999 traditional authorities in Lobe, in N'dian Division of the Southwest Province, banished from the locality six persons, including one blind man, accused of having killed a woman by practicing witchcraft. According to the report, a traditional court tried the accused by requiring them to drink poison that traditionally is believed to kill only those who lie to the court, convicted the accused when they refused to drink, ordered them to pay in-kind, blood-price damages, and expelled them from the locality when they refused to pay. The accused reportedly filed a protest with the divisional officer of the central Government; however, initial investigations could not confirm this report.

On April 20, Appolinaire Ndi, a parish priest in the Yaounde diocese, was murdered. On May 18, Father Henri Djeneka, a Polish priest at St. Andrew's Parish Karna in Ngoundere, was shot and killed. An investigation was ongoing into both killings at year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, in practice government security forces routinely impeded domestic travel. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. Police commonly demanded bribes from citizens whom they stopped at roadblocks or at other points.

Roadblocks and checkpoints manned by security forces have proliferated in cities and most highways and make road travel both time-consuming and costly, since extortion of small bribes was commonplace at these checkpoints. In past years, violent and sometimes fatal confrontations have occurred repeatedly at such checkpoints when travelers would not or could not pay the bribes demanded by the security forces.

There were credible reports that police arrested and beat individuals who failed to carry their identification cards (see Sections 1.c., 1.d., and 1.f.).

On January 15, security forces stopped and detained temporarily Mboua Massock, a political and human rights activist, on the Douala-Yaounde highway at the town of Boumnyebel. Massock was conducting a march from Douala to Yaounde, where he had wanted to express his views on the France-Africa Summit being held there.

On April 1, security forces erected a roadblock on the Yaounde-Douala highway, allegedly to prevent eight SDF deputies from attending a demonstration in support of the Bepanda 9 in Douala (see Section 2.b.). The roadblock was lifted at 6:30 p.m. that day.

On June 5 and December 28, Douala airport police arrested and confiscated the passport of human rights activist Dominique Djeukam Tchameni, bureau chairman of the National Committee against Impunity (CNI) when he returned from a trip to Belgium during which he filed a lawsuit against President Biya (see Section 1.d.).

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country has long been a safe haven for displaced persons and refugees from nearby countries. The Government provides first asylum to persons who arrive at the border without documentation but who can show a valid claim to refugee status. In 2000 the UNHCR estimated that there were approximately 47,000 refugees in the country for whom Cameroon was a country of first asylum; however, some NGO's claim that the number is as high as 60,000. The majority of these persons are Chadians, whose total number was estimated to be more than 41,000. In May 1999, the UNHCR began a repatriation program for Chadian refugees. In July the Yaounde office of the UNHCR organized the voluntary repatriation of 500 of the remaining Chadians. Approximately 40,000 additional Chadians remained in the country at year's end; however, since they have been in the country for many years and have not chosen to be repatriated voluntarily, the UNHCR no longer considered them refugees. Other refugees principally were from Rwanda, Burundi, and the Democratic Republic of the Congo, with small numbers from Liberia, Sudan, and Ethiopia. The Government accepts for resettlement refugees who are granted refugee status by the UNHCR.

The UNHCR ceased operations in the country on December 31; the UNHCR office in Gabon will take over responsibility for refugees.

Some illegal immigrants have been subjected to harsh treatment and imprisonment. Communities of Nigerians and Chadians often have been the targets of police and gendarme harassment. During raids members of the security forces often extort money from those who do not have regular residence permits or those who do not have valid receipts for store merchandise (see Section 5).

There were no confirmed 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 that citizens have the right to change their government; however, dominance of the political process by the President and his party severely limits the ability of citizens to exercise this right. President Paul Biya has controlled the Government since 1982 and the ruling party since 1985. The 1992 and 1997 presidential elections and the 1997 legislative contests were criticized widely and viewed as fraudulent by international and domestic observers. In these elections, which were administered by the Ministry of Territorial Administration, members of largely pro-opposition ethnic groups and inhabitants of largely pro-opposition localities effectively were prevented from registering or voting, registration and vote counting procedures were not transparent, a public announcement of results was delayed, and the number of votes cast in some progovernment areas exceeded the adult population.

The 1996 amendments to the 1972 Constitution retained a strongly centralized system of power, based on presidential authority. However, the amendments imposed a limit of two 7-year terms on the President. They provided for the creation of a partially elected (70 percent) and partially appointed (30 percent) senate, along with the creation of a similarly constituted set of provincial assemblies with limited power over local affairs. Although promulgated by the President in 1996, the senate and regional council amendments were not yet implemented by year's end.

Elections are held by balloting that officially is described as secret but may permit voters to leave the polling place with evidence of how they voted. At polling places on election day, registered citizens receive a package containing one card for each candidate. While alone inside a closed booth, citizens choose a ballot and seal it into an envelope. Citizens then exit the booth and vote by depositing the sealed envelope into a ballot box. Polling officials are supposed to provide a method by which voters can dispose of the unused ballots privately before exiting the closed booth, but this rarely was done in the 1996 or 1997 elections.

President Biya's October 1997 reelection was marred by serious procedural flaws as well as a boycott by the three major opposition parties. While the boycott made the outcome a foregone conclusion, most observers nonetheless considered the contest to be neither free nor fair. Election irregularities especially were egregious in opposition strongholds, where boycotting opposition activists chose not to be present to monitor the voting count.

In December 1997, after the Supreme Court announced the official election results declaring President Biya the winner with 92.57 percent of the vote, the UNDP, which previously had been an opposition party, joined the CPDM in a coalition government. The new ruling coalition also included a faction of the UPC party, which was not the same faction that had participated in previous CPDM-dominated coalition governments under President Biya.

The Biya Government has proven particularly intolerant of opposition from within its Beti/Bulu ethnic-regional base in the Center Province. Following the unexpectedly strong showing of opposition parties in the region in the 1996 municipal elections, Titus Edzoa, a ruling CPDM member from the southern part of the country, a former Minister of Health, and a longtime presidential aide, declared himself a candidate to oppose incumbent President Biya in the October 1997 election. Edzoa and his campaign manager were arrested shortly after he declared his candidacy and before the election was held. They were sentenced to 15 years' imprisonment on embezzlement and corruption charges and remained incarcerated at year's end (see Section 1.e.).

The President's control over the country's administrative apparatus is extensive. The President appoints all Ministers, including the Prime Minister. The ministers serve at the President's pleasure. The President also directly appoints the governors of each of the 10 provinces. The governors wield considerable power in the electoral process, interpreting the laws and determining how these should be implemented. The President also has the power to appoint important lower level members of the 58 provincial administrative structures, including the senior divisional officers, the divisional officers, and the district chiefs. The governors and senior divisional officers wield considerable authority within the areas under their jurisdiction, including, significantly, the authority to ban political meetings that they deem likely to threaten public order (see Section 2.b.). They also may detain persons for renewable periods of 15 days to combat banditry and other security threats (see Section 1.d.).

The right of citizens to choose their local governments remained circumscribed. In 1996 the Government held local government elections that were unprecedented in the Francophone region and the first such elections since the 1960's in the Anglophone region. These elections were for mayors or deputy mayors and council members in Douala, Yaounde, provincial capitals, and some division capitals. Presi-

dent Biya first promised such elections in 1992, but postponed them twice. In the meantime, the Government greatly increased the number of municipalities run by presidentially-appointed delegates, who have authority over elected mayors. Delegate-run cities, of which there were only four in 1992, by 1996 included most of the provincial capitals and some division capitals in pro-opposition provinces, but not in the southern provinces that had tended to support the CPDM. In 1998 a 60-member Committee on Good Governance, created by the Government, publicly recommended that the Government eliminate the position of delegate to allow elected local officials to manage municipal governments more freely. Even in municipalities with elected mayors, local autonomy is limited, since elected local governments must rely on the central Government for most of their revenues and their administrative personnel.

The 1996 municipal elections were less flawed than other elections held since 1990. Foreign observers considered the elections largely free and fair, having detected few instances of malfeasance during or after the voting; however, opposition parties credibly alleged systematic preelection government manipulation of the registration lists and arbitrary government disqualification of their candidates, especially in the South. Government election authorities acknowledged that opposition candidates won 104 of the 336 offices at stake. Ninety-six contests in which the Government declared the ruling party candidate the winner were appealed to the Supreme Court, which declared itself unqualified to adjudicate many of these complaints, but nullified the results of 18 elections, which it ordered the Government to hold again. As of year's end, the Government had not complied with any of these Supreme Court orders.

Following the flawed 1997 legislative elections, international observers endorsed a series of reform measures, including the creation of a permanent and autonomous electoral commission to replace the present system of elections run by the Ministry of Territorial Administration. The Government's control of the electoral process leads to a variety of abuses including pre-election manipulation of voter registration lists.

In December 2000, the National Assembly passed legislation that created the National Election Observatory; the President signed the law in early January. The law provides for the Observatory to supervise electoral procedures from the registration of voters to the collection of reports after the polls; all polling stations are expected to have a representative from the Observatory. The law also provides that the Observatory have a presidentially appointed national office to appoint local offices at the levels of provinces, divisions, subdivisions, and districts. Both opposition parties and independent observers have expressed concern that the Observatory may be subject to influence from the ruling CPDM party because all of its 11 central members will be appointed by the President. The Observatory was implemented in October. The scheduled January 2002 municipal elections were postponed in early December, ostensibly to give the Observatory time to ensure free and fair elections. Municipal elections were rescheduled for July 2002.

There were no new developments in the 1999 criminalized civil libel case against SDF Party Chairman John Fru Ndi by a disgruntled former SDF official. Fru Ndi's February 1999 felony conviction still is pending an appeal in the Yaounde High Court. Some observers believe that Fru Ndi's conviction might enable the Government in the future to disqualify him for any public office for which he may seek to run.

The percentages of women and minorities in government or politics does not correspond to their percentages of the population; however, there are no laws that specifically prohibit women or members of minorities from participating in government, in the political process, or in other areas of public life. Women hold 3 of 50 cabinet posts, 10 of 180 seats in the National Assembly, and a few of the higher offices of major political parties, including the CPDM.

Many of the key members of the Government are drawn from the President's own Bulu/Beti ethnic group, as are disproportionately large numbers of military officers and CPDM officials. Members of some of the other 200 ethnic groups hold 30 cabinet seats, compared with 18 cabinet positions held by members of the President's ethnic group.

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

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. The activities of virtually all of these groups are limited by a shortage of funds and trained personnel. Observers have criticized the country's NGO law for giving the Government loopholes with which it could eliminate NGO's by fiat.

In the past, the Government used this authority to approve or withhold official recognition of NGO's. During the year, there were a few unconfirmed reports of the arbitrary cancellation of the legal status of several small local NGO's working in the East Province investigating the illegal activities of logging companies. Government officials repeatedly impeded the effectiveness of human rights NGO's by limiting access to prisoners, by refusing to share information, and increasingly by threatening and using violence against personnel of human rights NGO's (see Sections 1.c. and 1.d.).

Domestic human rights NGO's include the National League for Human Rights, the Organization for Human Rights and Freedoms, the Association of Women Against Violence, the Cameroonian Association of Female Jurists, the Cameroonian Association for Children's Rights, Conscience Africaine, the MDHRL, the Human Rights Defense Group, the National Association of Nontribalists and Nonracists, the Committee of Action for Women's and Children's Rights (CADEF), the Human Rights Clinic and Education Center, the Association of Women against Violence, the Cameroon National Association for Family Welfare (CAMNAFAW), Tribes Without Frontiers (TSF), the Association for the Promotion of Communal Initiatives, and the League for Rights and Freedoms (LDL). Many held seminars and workshops on various aspects of human rights.

In August a domestic NGO activist was tried on charges of defamation (see Section 2.a.).

In 1999 the Government generally cooperated with the U.N. Special Rapporteur for Human Rights on a visit to the Far North Province, but Colonel Pom's special antigang gendarmerie unit denied him access to its holding cells (see Section 1.c.). In 1999 the Government allowed the ICRC, for the first time in 7 years, to have generally unrestricted access to all prisons and detention places and to hold private discussions with inmates.

The government-established NCHRF, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars aimed at judicial officials, security personnel, and other government officers. Although the Commission infrequently criticized the Government's human rights abuses publicly, its staff intervened with government officials in specific cases of human rights harassment by security forces, attempted to stop Friday arrests (see Section 1.d.), and attempted to obtain medical attention for jailed suspects in specific cases. The law prohibits the NCHRF from publishing information on specific human rights cases. However, it may and does submit reports on specific alleged abuses to the government authorities directly involved, along with recommendations for improving conditions or punishing violators. In the past, the NCHRF sent teams to Douala to investigate allegations of extrajudicial killings by the Operational Command (see Section 1.a.). Although the Commissioner sent two reports to the President and the Prime Minister, there are no plans to release the reports publicly.

The UNHCR ceased operations in the country on December 31; the UNHCR office in Gabon will take over responsibility for refugees (see Section 2.d.).

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

The Constitution does not explicitly forbid discrimination based on race, language, or social status. The Constitution prohibits discrimination based on sex and mandates that "everyone has equal rights and obligations," but the Government did not enforce these provisions effectively.

Women.—Domestic violence against women is common. Women's rights advocates report that the law does not impose effective penalties against men who commit acts of domestic violence. There are no gender-specific assault laws, despite the fact that women were the predominant victims of domestic violence. Spousal abuse is not a legal ground for divorce. In cases of sexual assault, a victim's family or village often imposed direct, summary punishment on the suspected perpetrator through extra-legal means ranging from destruction of property to beating. While there are no reliable statistics on violence against women, the large number of newspaper reports, which observers believe are a fraction of actual incidents, indicated that it is widespread.

Female genital mutilation (FGM), which has been condemned by international health experts as damaging to both physical and psychological health, is not practiced widely, but it is traditional and continues to be practiced in some areas of Far North and Southwest Provinces. It includes the most severe form of the abuse, infibulation, and usually is practiced on preadolescent girls. The Government has criticized the practice; however, no law prohibits FGM.

Despite constitutional provisions recognizing women's rights, women did not, in fact, enjoy the same rights and privileges as men. Civil law theoretically provides equal status and rights for men and women; however, no legal definition of discrimination exists, and some points of civil law are prejudicial to women. The law allows a husband to oppose his wife's right to work in a separate profession if the protest is made in the interest of the household and the family. While the law gives a woman the freedom to organize her own business, the law allows a husband to end his wife's commercial activity by notifying the clerk of the commerce tribunal of his opposition based upon the family's interest. Partly for this reason, some employers required a husband's permission before they hired a woman.

Polygyny is permitted by law and tradition, but polyandry is not. In cases of divorce, the husband's wishes determine the custody of children over the age of 6. While a man may be convicted of adultery only if the sexual act takes place in his home, a female may be convicted without respect to venue.

Civil law offers a more equal standard than customary law, which is far more discriminatory against women, since in many regions a woman customarily is regarded as the property of her husband. Because of the importance attached to customs and traditions, laws protecting women often were not respected. Despite the law that fixes a minimum age of 15 years for a bride, many girls are married off by their families by the age of 12 years. In the customary law of some ethnic groups, husbands not only maintain complete control over family property, but also can divorce their wives in a traditional court without being required to provide either verifiable justification or alimony. Traditional law normally governs the extent to which a woman may inherit from her husband in the absence of a will, and customs vary from group to group. In many traditional societies, custom grants greater authority and benefits to male than to female heirs. Another problem facing women is forced marriage; in some regions, girls' parents can and do give them away in marriage without their consent. Often, the husband, who sometimes is many years older than the girl, pays a bride's parents a "bride price." Since a price has been paid, the girl is considered the property of the husband. When a married man dies, his widow often is unable to collect any inheritance, since she herself is considered part of the man's property. Often the widow is forced to marry one of the deceased's brothers. Refusal means that she must repay the bride price in full (she usually has no source of funds) and leave the family property. In the northern provinces, some Lamibe (traditional rulers) reportedly prevent their wives and concubines from leaving their palaces. The lack of a national legal code covering the family leaves women defenseless against male-oriented customs.

ALVF, one of the few domestic NGO's dedicated to fighting violence against women, reported that while the situation had not changed very much on the ground during the year, women's issues were at least being discussed more often and more openly by the country's political leaders. In July ALVF organized a seminar on early marriages in Maroua, Far North Province. Early marriage is prevalent especially in this remote province, and many young women face severe health risks from pregnancies as early as 13 or 14.

Children.—The Constitution provides for a child's right to education, and schooling is mandatory through the age of 14 years. After almost a decade of budget cuts for education, the Government took measures during the year to improve access to schools. In 2000 President Biya announced the elimination of tuition fees for public elementary schools. In 2000 the National Assembly passed a budget bill that increased spending on national education by 49 percent. Nonetheless, education spending during the 1999 and 2000 fiscal year was only approximately 2 percent of Gross Domestic Product (GDP). Since parents must pay uniform and book fees for primary school, and because tuition and other fees for secondary education remained even more costly, education remained unaffordable for many children.

According to 1998 Government statistics, approximately 3.5 million children, or 81 percent of all children, were enrolled in school; however, school enrollment varied widely by region. In the Far North Province, it is reported that well under 50 percent of children attended school; the majority of these were boys. In practice although not in law, girls suffer from discrimination in access to education throughout the country. The gap in school attendance was 14 percent nationally and 34 percent in the two northern provinces. This problem, which was especially acute in rural areas, results in higher levels of illiteracy among women than among men. According to a 1995 study by a U.N. agency, the adult literacy rate was 75 percent for men but only 52 percent for women. In addition fewer girls were found at higher levels of education; according to a 1998/1999 study by the Technical Steering Committee of the Social Statistics Reference, women made up only 25 percent of students in specialized professional training programs.

The degree of familial child abuse was not known but is one of several targeted problems of children's rights organizations. During a crime wave in the country's largest cities of Yaounde and Douala, newspaper reports often cited children as victims of kidnaping, mutilation, and even infanticide. There were several credible stories of mothers (usually young, unemployed, and unmarried) abandoning newborns in streets, garbage cans, and pit toilets. The Yaounde-based Center for Helpless Children, created by the Minister of Social Affairs in 1997, currently harbored 24 abandoned or abused children, a small fraction of the suspected cases of abused, abandoned, or neglected children.

Reports also indicated an alarming trend in the country's prisons of incarcerating juvenile offenders with adult prisoners, occasionally in the same cells or wards (see Section 1.c.). There are credible reports of sexual abuse of juvenile prisoners by adult inmates. The law specifies that children should not be detained without trial beyond 3 months after an investigation, but the Government detained children for longer periods of time. In June press sources indicated that between 34 and 38 children are detained in the Douala New Bell Prison. Some children (particularly infants) are jailed with their detained mothers.

FGM is performed primarily on young girls (see Section 5, Women).

There were reports of forced child labor, child prostitution, and trafficking in children during the year (see Sections 6.c., 6.d., and 6.f.).

Persons with Disabilities.—The law provides certain rights to persons with disabilities. These include access to public institutions, medical treatment, and education. The Government is obliged to bear part of the educational expenses of persons with disabilities, to employ them where possible, and to provide them with public assistance when necessary. However, the Government rarely respects these rights. There are few facilities for persons with disabilities and little public assistance of any kind. Lack of facilities and care for persons with mental disabilities is particularly acute. In recent years, the Government reportedly has reduced the share of its expenditures that benefit persons with disabilities and has terminated subsidies to NGO's that help them. Society tended to treat those with disabilities as tainted, and many persons felt that providing assistance is the responsibility of churches or foreign NGO's. The law does not mandate special access provisions to buildings and facilities for persons with disabilities.

In June the Cooperative of the Handicapped Persons of Cameroon occupied two abandoned government residences in Yaounde and Douala in order to have locations where the cooperative could lead its social activities in lieu of scarce resources. On September 10, several blind persons blocked the road junction in Yaounde between the Ministry of Education and the Prime Minister's office and asked to speak to the Prime Minister about the eviction of several blind persons from a building in which they were living illegally. The Prime Minister refused to meet with the group.

Indigenous People.—A population of perhaps 50,000 to 100,000 Baka (Pygmies), a term that encompasses several different ethnic groups, primarily reside in the forested areas of the South and East provinces, of which Pygmies were the earliest known inhabitants. While no legal discrimination exists, other groups often treat Pygmies as inferior and sometimes subject them to unfair and exploitative labor practices. There have been credible reports of Pygmies being forced out of their homes by logging companies and security forces. Pygmies reportedly continued to complain that the forests they inhabit were being logged without fair compensation. Some observers believe that sustained logging is destroying the Pygmies' unique, forest-oriented belief system, forcing them to adapt their traditional social and economic systems to a more rigid modern society similar to their Bantu neighbors. Local Pygmies along the proposed path of the Chad-Cameroon pipeline continue to complain that they have not been compensated fairly for their land like their Bantu neighbors. Others alleged that they have been swindled of their compensation by persons posing as Pygmy representatives.

An estimated 95 percent of Pygmies did not have national identity cards; most Pygmies can not afford or provide the necessary documentation to obtain the identification, which is required to vote in national elections.

Religious Minorities.—Approximately 40 percent of the population are at least nominally Christian, an estimated 20 percent are at least nominally Muslim, and approximately 40 percent practice traditional indigenous religions or no religion. Of Christians, approximately half are Catholics, and approximately half are affiliated with Protestant denominations. Christians are concentrated chiefly in the southern and western provinces; the two Anglophone provinces of the western region largely are Protestant; and the Francophone provinces of the southern and western regions largely are Catholic. Muslims are concentrated mainly in the northern provinces, where the locally dominant Fulani (or Peuhl) ethnic group is overwhelmingly Muslim, and other ethnic groups, known collectively as the Kirdi, generally are partly

Islamicized. The Bamoun ethnic group of the western provinces also is largely Muslim. Traditional indigenous religions are practiced in rural areas throughout the country but rarely are practiced publicly in cities, in part because many such religions are intrinsically local in character.

Relations among different religious groups generally were amicable; however, some religious groups faced societal pressures within their regions. In the northern provinces, especially in rural areas, societal discrimination by Muslims against persons who practiced traditional indigenous religions was strong and widespread. Some Christians in rural areas of the north complain of discrimination by Muslims; however, no specific incidents or violence stemming from religious discrimination were reported, and the reported discrimination may reflect ethnic as much as religious differences.

The northern region suffers from ethnic tensions between the Fulani, a Muslim group that conquered most of the region 200 years ago, and the Kirdi, the descendants of groups that practiced traditional indigenous religions and whom the Fulani conquered or displaced, justifying their conquest on religious grounds. Although some Kirdi subsequently have adopted Islam, the Kirdi remain socially, educationally, and economically disadvantaged relative to the Fulani in the three northern provinces. The slavery still practiced in parts of the north is reported to be largely enslavement of Kirdi by Fulani (see Section 6.c.).

National/Racial/Ethnic Minorities.—The population is divided into more than 200 ethnic groups, among which there are frequent and credible allegations of discrimination. Members of virtually all ethnic groups commonly provide preferential treatment to fellow members when they were able to do so. Ethnic-regional differences continued to pose obstacles to political and economic liberalization.

Members of President Biya's Bulu ethnic group and of closely related Beti groups of southern parts of the country are represented disproportionately and hold key positions in government, the civil service, state-owned businesses, the security forces, the military, and the ruling CPDM party. The large size and centralized character of the public sector has long been perceived widely to favor these groups. Prospective economic and political liberalization is perceived widely as being likely to harm these groups, and to favor other groups, such as the large Bamileke and Anglophone ethnic-cultural groups of the west, whose members tended to be more active in private commerce and industry and have tended to support the SDF since the legalization of opposition parties. Since 1990 natives of the two Anglophone provinces, the Northwest and Southwest Provinces, have suffered disproportionately from human rights violations committed by the Government and its security forces (see Sections 1.c., 1.d., and 1.e.); have been underrepresented in the public sector; and generally believed that they have not received their fair share of public sector goods and services. Since the flawed 1992 presidential election in which an Anglophone candidate was denied the Presidency (see Section 3), many residents of the Anglophone region have sought to achieve greater freedom, greater equality of opportunity, and better government, by regaining regional autonomy rather than through nationwide political reform. They have formed several quasi-political organizations to pursue that goal.

At least one Anglophone group, the SCNC, advocates secession from the country. Subsequent to SCNC secessionist incidents in 1999, such activity calmed considerably in 2000 and during the year; however, the Government continued to hold some SCNC activists or suspected SCNC supporters in detention without trial (see Sections 1.c., 1.d., and 1.e.). The opposition SDF party, whose base of support rests in the Anglophone provinces, reiterated its commitment to pursuing nonviolent political struggle to restore a federal republic.

Northern areas of the country suffered from ethnic tensions between the Fulani (or Peuhl) and the "Kirdi." The Kirdi remained socially, educationally, and economically disadvantaged relative to the Fulani in the three northern provinces. Traditional Fulani rulers (Lamibe) continue to wield great power over their subjects, often including Kirdi, sometimes subjecting them to tithing and forced labor (see Section 6.c.). The slavery still practiced in northern parts of the country was reported largely to be enslavement of Kirdi by Fulani. Although the UNDP party is based largely in the Fulani community, the ruling CPDM party has long been perceived widely to represent Fulani as well as Beti-Bulu interests.

Members of the country's large community of Nigerian immigrants often complained of illegal discrimination and even persecution by elements of the Government (see Section 2.d.). Government officials repeatedly have announced crackdowns on undocumented Nigerian immigrants.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join trade unions; however, it imposes numerous restrictions. The law requires that unions register with the Government; it permits groups of at least 20 workers to organize a union by submitting a constitution, internal regulations, and nonconviction certifications for each of the 20 founding members. For unions in the private sector, the Government requires registration with the Ministry of Labor, Employment, and Social Insurance. Unions for public sector workers must register with the Ministry of Territorial Administration. The law does not permit the creation of a union that includes both public and private sector workers. The Government indicated that it remits certification within 1 month of union application; however, in practice independent unions, especially in the public sector, have found it difficult to obtain registration. In addition the requirement for union registration apparently contradicts the International Labor Organization (ILO) Convention 87, to which the country signed and agreed in 1960, and which states that unions have the right to exist through declaration, not through government recognition or registration. Registered unions were subject to government interference. The Government chooses the unions with which it will bargain; some independent unions have accused the Government of creating small, nonrepresentative unions amenable to the government position and with which it can negotiate. Some sections of the law never have taken effect because the presidency has not issued implementing decrees.

There are two trade union confederations: The Confederation of Cameroonian Trade Unions (CCTU), and the Union of Free Trade Unions of Cameroon (USLC). In 1997 the CCTU split into two rival factions, and the Government banned a conference by the CCTU's reformist faction, led by Benoit Essiga. A CCTU Congress held in 1999, which was attended by international observers and held under the auspices of the ILO, elected the reform faction slate of candidates to the CCTU leadership positions. However, the losing faction did not accept the results and continued to claim that it is the real CCTU. The Ministry of Labor, Employment, and Social Insurance has stated that it will not recognize the new CCTU leadership as long as another CCTU faction used the same name. In 1998 the new CCTU leadership took their case to court and won; however, the Ministry of Labor, Employment, and Social Insurance continues to withhold official status. Other ministries within the Government informally recognize the new CCTU leadership and included them in appropriate seminars and invitations. In 2000 the Ministry of Labor, Employment, and Social Insurance appeared to back publicly the losing CCTU faction at the expense of the reformist faction; however, a court declared an August "unity" conference, attended by 400 persons, illegal, stating that only the reformist faction of the CCTU had the power to convoke such a conference.

The Labor Code explicitly recognizes workers' right to strike, but only after mandatory arbitration. Arbitration proceedings are not enforceable legally and can be overturned or simply ignored by the Government. The law provides for the protection of workers engaged in legal strikes and prohibits retribution against them; however, these provisions of the law do not apply to civil servants, employees of the penitentiary system, or workers responsible for national security. Instead of strikes, civil servants are required to negotiate grievances directly with the minister of the concerned department and with the Minister of Labor.

During the year, labor unrest continued. There were strikes by workers in various state-owned companies and in the public service. In early January in Yaounde and Douala, primary school teachers went on strike to demand better pay. In mid-March workers of the Naval Shipyard launched a strike following the dismissal of two labor representatives. In late March, some workers on the Chad-Cameroon pipeline in the area of Nkongmeyos, Center Province, went on strike to demand better pay and contracts. On March 21 and 22, members of a primary education teachers union went on strike. On March 21, three of these teachers were arrested and released the next day. In early June, employees of the Douala II municipal council went on strike for unpaid back wages.

The CCTU is a member of the Organization of African Trade Unions and the International Confederation of Free Trade Unions. The USLC is a member of the Organization of African Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining between workers and management in workplaces, as well as between labor federations and business associations in each sector of the economy; however, no formal collective bargaining negotiations have taken place since 1996. When labor disputes arise, the Government chooses which labor union to invite into the negotiations, selectively excluding some labor representatives. Once agreements are negotiated, there is no mechanism to enforce implementation; some agreements

between the Government and labor unions have been shelved or ignored by the Government after being negotiated.

The law prohibits antiunion discrimination, and employers guilty of such discrimination are subject to fines of up to an amount equivalent to approximately \$1,600 (1 million CFA francs). However, employers found guilty are not required to compensate the workers against whom they discriminated or to reinstate fired workers. The Ministry of Labor has reported no complaints of such discrimination during recent years; however, one organizer of the Union for Telecommunications Workers has claimed that his state-owned company demoted him due to his union activism.

There is an industrial free trade zone regime, but the Government did not grant approval to any firms to operate under it during the year. Free trade zone employers are exempt from some provisions of the Labor Code but must respect all internationally recognized worker rights.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, it occurs in practice. The authorities continued to allow prison inmates to be contracted out to private employers or used as communal labor for municipal public works.

There were credible reports that slavery continued to be practiced in northern parts of the country, including in the Lamidat of Rey Bouba, a traditional kingdom in the North Province (see Section 5). In the South and East Provinces, some Baka (Pygmies), including children, continued to be subjected to unfair and exploitative labor practices by landowners, such as working on the landowners' farms during harvest seasons without payment (see Section 5).

Trafficking in persons is a problem (see Section 6.f.).

The Government does not prohibit forced and bonded labor by children, and there were reports that it occurred in practice (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law protects children in the field of labor and education and specifies penalties ranging from fines to imprisonment for infringement of the law. On April 17, President Biya signed the decree that ratified ILO Convention 138 that sets the minimum age for the employment of children. The minimum age for the employment of children is 14 years of age. The law also bans night work and enumerates tasks that cannot be performed legally by children between the ages of 14 and 18 years. These tasks include moving heavy weights, dangerous and unhealthy tasks, working in confined areas, or tasks, such as prostitution, which could hurt a child's morality. The law also states that a child's workday cannot exceed 8 hours. Employers are required to train children between the ages of 14 and 18, and work contracts must contain a training provision for minors. The law prohibits children from working before 6 a.m. or after midnight, though this prohibition is not enforced effectively.

According to an ILO study conducted in 2000 in conjunction with local NGO's and the Ministry of Labor, child labor remains a serious problem (see Section 6.f.), although the Government has made some progress to address it. The ILO estimated there were 602,000 child laborers and that 530,000 were subjected to the worst forms of child labor. In the nation's major cities of Yaounde, Douala, and Bamenda, between March and April, the ILO estimated that 40 percent of employed children were girls, 7 percent were less than 12 years of age, and 60 percent had dropped out of primary schools.

The Ministry of Social Affairs and the Ministry of Labor are responsible for enforcing existing child labor laws through site inspections of registered businesses; however, lack of resources inhibited an effective inspection program. Moreover, the legal prohibitions do not include family chores, which in many instances are beyond a child's capacity to do. According to the ILO study, child labor in cities existed mainly in the informal sector such as street vending, car washing, agricultural work, and domestic service. An increasing number of children worked as household help, and some children were involved in prostitution. In the north of the country, there were credible reports that children from needy homes were placed with other families to do household work for money.

In rural areas, many children begin work at an early age on family farms. Often, relatives employed rural youth, especially girls, as domestic helpers, while many urban street vendors were less than 14 years of age.

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

The Government does not prohibit forced and bonded labor by children, and there were reports that it occurred in practice (see Sections 6.c. and 6.f.).

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

e. Acceptable Conditions of Work.—Under the law, the Ministry of Labor is responsible for setting a single minimum wage applicable nationwide in all sectors. The

minimum wage is approximately \$40 (23,514 CFA francs) per month. It does not provide a decent standard of living for an average worker and family.

The law establishes a standard workweek of 40 hours in public and private non-agricultural firms, and 48 hours in agricultural and related activities. The law makes compulsory at least 24 consecutive hours of weekly rest.

The Government sets health and safety standards, and Ministry of Labor inspectors and occupational health doctors are responsible for monitoring these standards; however, they lacked the resources for a comprehensive inspection program. There is no specific legislation permitting workers to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—The law provides that any person who engages in any trafficking in persons shall be punished with imprisonment of between 10 and 20 years, and that the court may also impose a forfeiture penalty. Trafficking is a problem, and the country is a source, transit, and destination point for internationally trafficked persons; trafficking also occurs within the country. An ILO report in 2000 pinpointed trafficking in children as especially serious. Children are trafficked from and through the country to other West African countries for indentured or domestic servitude, farm labor, and sexual exploitation. In 2000 the Government signed, but has not yet ratified, the U.N.-sponsored protocol concerning trafficking in persons.

An ILO study conducted in March and April 2000 in Yaounde, Douala, and Bamenda, revealed that trafficking accounted for 84 percent, or approximately 530,000, of an estimated 610,000 child laborers (see Section 6.d.). In most cases, intermediaries presented themselves as businessmen, approaching parents with large families or custodians of orphans and promising to assist the child with education or training. The intermediary paid parents an average of \$8 (6,000 CFA francs) before taking the child, transporting the child to the city where the intermediary would subject the child to forced work for remuneration, which was far below the minimum wage level. In 4 out of 10 cases, the child was a foreigner transported to the country for labor. The report also indicated that the country is a transit country for regional traffickers as well, transporting children between Nigeria, Benin, Niger, Chad, Togo, the Republic of the Congo, and the Central African Republic.

In September a boat capsized off the coast of Cameroon carrying an estimated 140 suspected child slaves en route to Gabon. Nine children drowned and the others were taken to the town of Edea, near Douala, where various African consulates reportedly were working on their repatriation. The country also played a small role in a high-profile case in April, when the MV Etireno, a boat carrying an undetermined number of suspected child slaves to Gabon, was denied permission to dock at the Douala seaport but was allowed to return to Benin.

While there has been no study on trafficking in persons besides children, anecdotal evidence from the NCHRF indicates that there also may be some trafficking in adults, primarily women, as well.

The Government has criticized the practice of trafficking in persons, and the Ministry of Labor, Employment, and Social Insurance is responsible for fighting trafficking. However, that Ministry is underfunded severely, and there were no known cases of prosecution of traffickers or protection of victims by year's end.

The Government established an interagency committee to combat trafficking and has developed a program to find and return trafficked children. The budget for the launching of the Government's interagency action plan to fight trafficking was scheduled for a vote during the June budget session in the National Assembly; however, that chapter was omitted in the draft budget. Unless the President gives instructions to find money elsewhere, the launching of the plan will continue to be delayed.

The Government was working with local and international NGO's to provide temporary shelter and assistance to victims of trafficking.

CAPE VERDE

Cape Verde is a multiparty parliamentary democracy in which constitutional powers are shared among the elected Head of State, President Pedro Verona Rodrigues Pires, former president of the African Party for the Independence of Cape Verde (PAICV); the head of government, Prime Minister Jose Maria Neves; and Neves' party, the PAICV. In January Pires was elected by a slim margin of 13 votes over the country's former prime minister and Movement for Democracy (MPD) president, Carlos Veiga, in what were judged to be free and fair elections by the National Electoral Commission and international media. The judiciary generally is independent.

The Government controls the police, which has primary responsibility for maintenance of law and order. Some members of the police and prison guards committed human rights abuses.

The country has a market-based economy but little industry and few exploitable natural resources. Based on 1998 data, per capita income was \$1,312 (162,105 Cape Verdean escudos). The country has a long history of economically driven emigration, primarily to Western Europe and the United States, and remittances from citizens abroad remained an important source of income. Even in years of optimum rainfall, the country can produce food for only 25 percent of the population of approximately 480,000 persons, which resulted in heavy reliance on international food aid.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Despite government efforts to control beatings by police officers, there continued to be credible reports of police abuse. Prison conditions are poor. The judicial system is overburdened, lengthy delays in trials are common. There were some limitations on press freedom, and there continued to be allegations of media self-censorship. Violence and discrimination against women and mistreatment of children continued to be serious problems. Although the Government supported legislation to ameliorate these problems, it failed to adopt, implement, and enforce policies designed to address the most critical challenges. 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.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, despite government efforts to control beatings by police, there were credible reports that police continued to beat persons in custody and in detention. While mechanisms for investigating citizen complaints of police brutality exist in theory, in practice these mechanisms neither ensure the punishment of those responsible nor prevent future violations. In addition in some instances of violence against women, the police did not protect the victims effectively (see Section 5). There were reports that immigration authorities harassed Nigerian citizens (see Section 2.d.). Following its January election, the Government began investigating allegations of human rights abuses by police; however, no subsequent action was taken.

No action was taken against police officers responsible for beating a detainee on Sal Island in 2000.

Prison conditions are poor, and they are severely overcrowded. The former President's July 2000 amnesty did not reduce the overcrowding. Sanitation and medical assistance is poor; a doctor and a nurse were available and prisoners were taken to the public hospitals for serious problems. Psychological problems were common. Although women and men are held separately, juveniles are not held separately from adults, and pretrial detainees are not held separately from convicted prisoners.

According to a 2000 study by the Ze Moniz Association (AZM), there were reports that guards abused female prisoners (see Section 4); however, during the year, there were no reports that guards abused female prisoners.

The Government permits both formal visits by human rights monitors to prisons and routine visits to individual prisoners. There were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. The law stipulates that a suspect must be charged before a judge within 48 hours of arrest. Police may not make arrests without a court order unless a person is caught in the act of committing a felony. The courts have jurisdiction over state security cases, and there is a functioning system of bail.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. The Constitution provides for the right to a fair trial and due process, and an independent judiciary usually enforces this right. Unlike in the previous year, there were no reports of politicization and biased judgement in the judiciary. Cases involving former public office holders still are under investigation. For example, the investigations continued in the case of the former prime minister accused of embezzlement in the privatization of ENACOL (a parastatal oil supply firm) in which he allegedly embezzled approximately \$16,250 (2 million Cape Verdean escudos) from the buyers of the parastatal. The case of four persons accused of church desecration in 1996 also was

under investigation (see Section 5). These individuals filed a complaint with the Attorney General against the judiciary police for alleged fabrication of evidence.

The judicial system is composed of the Supreme Court and the regional courts. Of the five Supreme Court judges, one is appointed by the President, one by the National Assembly, and three by the Superior Judiciary Council. This council consists of the President of the Supreme Court, the Attorney General, eight private citizens, two judges, two prosecutors, the senior legal inspector of the Attorney General's office, and a representative of the Ministry of Justice. Judges are independent and may not belong to a political party. In October 2000, a female judge who was known for taking strict legal measures in cases of domestic violence was transferred from the capital to the countryside.

The Constitution provides for the right to a fair trial. Defendants are presumed to be innocent; they have the right to a public, nonjury trial; to counsel; to present witnesses; and to appeal verdicts. Free counsel is provided for the indigent. Regional courts adjudicate minor disputes on the local level in rural areas. The Ministry of Justice does not have judicial powers; such powers lie with the courts. Defendants may appeal regional court decisions to the Supreme Court.

The judiciary generally provides due process rights; however, the right to an expeditious trial is constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely leads to trial delays of 6 months or more; more than 10,780 cases were pending at year's end. In addition the right of victims to compensation and recovery for pain and mental suffering are overlooked, due both to the low damage assessments imposed and ineffective enforcement of court sentences.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. Unlike in the previous year, there were no reports of restrictions on freedom of the press. There is a substantial and growing independent press; however, there continued to be criticism by many prominent government and opposition figures of state-controlled television for its failure to exercise properly its role of informing the public regarding political and economic issues. Unlike in previous years, there were no reports in which persons in the media (and other sectors) whose views did not coincide with those of the Government and ruling party were transferred, fired, or subjected to other disciplinary actions. There continued to be reports of media self-censorship.

The constitutional provision of freedom of expression was amended in 1999 to exclude using this freedom as a defense in cases involving defamation or offense to personal honor. This wording was criticized strongly by then-opposition PAICV politicians and some journalists as potentially limiting the freedom of expression; however, by year's end, the new PAICV Government did not seek to change the provision.

There are three independent newspapers and one state-owned newspaper. There are six independent radio stations and one state-owned radio station. One television station is state owned, and two others are foreign owned. Foreign broadcasts are permitted. Journalists are independent of government control and are not required to reveal their sources; however, there were credible reports that journalists within the government-controlled media still practiced self-censorship.

Government authorization is not needed to publish newspapers or other printed material. Despite the broadly interpreted criminal libel laws, no independent media outlets reported direct pressure in their daily operations or business activities. The national radio station provided live broadcasts of National Assembly sessions.

The law requires a formal licensing mechanism for mass media, including government authorization to broadcast; however, there were no reports that licenses were denied or revoked or that the Government refused to authorize broadcasts during the year.

The Government does not restrict Internet access. There was a single, private sector Internet service provider. There were technical limitations on Internet use related to bandwidth and the unavailability or inefficiency of electricity and telephone service in some parts of the country.

The Constitution provides for academic freedom, and the Government does not restrict this right in practice.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respects these rights in practice. Throughout the year, labor organizations, opposition political parties, civic action groups, and numerous others exercised their right to assemble without government interference or objection. Unlike in the previous year, there were no reports of violent demonstrations or police use of force to disperse protestors.

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

It generally is recognized that the Catholic majority enjoys a privileged status in national life. For example, the Government provides the Catholic Church with free television broadcast time for religious services and observes its holy days as official holidays.

To be recognized as legal entities by the Government, religious groups (as well as other organized groups of citizens) must register with the Ministry of Justice; however, failure to do so does not result in any restriction on religious belief or practice.

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

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. According to the U.N. High Commissioner for Refugees (UNHCR), credible media reports, and government officials, Nigerian citizens were subjected to harassment and prejudice by immigration authorities in the previous year. The Government has not reviewed charges of misconduct by immigration officials. Nigerians alleged that they have been subjected to discriminatory treatment by government officials; however, some Nigerians were illegally in the country or convicted of crimes. Other observers reported no evidence of a government policy of discrimination against Nigerians. Three or four Basque separatists have been provided first asylum status. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In January Pedro Verona Rodrigues Pires, former president of the PAICV, was elected by a slim margin of 13 votes over the country's former Prime Minister and MPD president, Carlos Veiga. The principal opposition party, the MPD, held power from January 1991 until January, after defeating the PAICV, which held power in a one-party state from independence in 1975 until 1991. The PAICV won the legislative elections in January 2000 and has an absolute majority in the National Assembly. The National Electoral Commission and the international media judged the January presidential elections, as well as legislative and municipal elections in 2000, to be free and fair.

The Constitution provides for the separation of powers. Constitutional powers are shared among President Pires, Prime Minister Jose Maria Neves, and the PAICV party. Cabinet ministers are not required to be members of the National Assembly, but they are individually subject to confirmation by the President. Collectively they must retain the support of a parliamentary majority. The President may dismiss the Government with the approval of the political parties represented in the National Assembly and the Council of the Republic. This council consists of the President of the National Assembly, the Prime Minister, the President of the Constitutional Court, the Attorney General, the Ombudsman, the President of the Economic and Social Council, the former presidents, and five private citizens appointed by the President. The MPD and the Democratic Renovation Party are the main opposition parties.

The percentages of women and minorities in government and politics do not correspond to their percentages of the population; however, there are no restrictions in law or practice regarding the rights of women or members of minorities to vote or to participate in the political process. Women are 11 percent of the deputies elected to the 72-member National Assembly. There are two female cabinet ministers and three female secretaries of state (junior ministers) in the cabinet, which consists of nine ministers and five secretaries of state.

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

A number of domestic human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

There are three private human rights groups, the National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association. During 1999 a foreign government financed a professional study of prison conditions by the Ze Moniz Association, which was released to the Government and the public in 2000 (see Section 1.c.). The Government cooperated with the researchers who prepared the report and, upon its publication, expressed interest in using the report to help formulate new laws and regulations; however, no action was taken by year's end.

The post of an independent Ombudsman, to be elected by the National Assembly, was created by the 1999 revision of the Constitution. The Ombudsman's powers remained undefined at year's end, and no Ombudsman was elected by year's end.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. However, despite the Government's increasing efforts to enforce all relevant constitutional provisions, it still does not do so effectively, and not all elements of society, particularly women and children, enjoy full protection against discrimination.

Women.—Domestic violence against women, including wife beating, remains common. The Government and civil society encourage women to report criminal offenses such as rape and spousal abuse to the police; however, longstanding social and cultural values inhibit victims from doing so, and according to the media, such reports remain rare. Nevertheless reporting of such crimes to police continued to increase during the year, and the media continued to report their occurrence. Violence against women has been the subject of extensive public service media coverage in both government- and opposition-controlled media.

While mechanisms to deal with spousal abuse exist in theory, in practice these mechanisms neither ensure the punishment of all those responsible nor effectively prevent future violence. Women's organizations continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, they made no progress in achieving such legislation. In 1998 the Parliament revised the Penal Code, widening the definition of sexual abuse and strengthening penalties against abusers. The law protects certain rights of the victims; however, does not ensure the right of compensation.

Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. Although they often are paid less than men for comparable work, women are making modest inroads in various professions, especially in the private sector. However, some employers continued to prefer to hire men.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters; however, largely because of illiteracy, most women are unaware of their rights. Women often are reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleged that there is disparate treatment in inheritance matters, despite laws that call for equal rights. For example, some women are pressured to sign judicial agreements detrimental to their statutory inheritance rights.

In July 2000, a group of female attorneys formed the Women Jurists Association, an association whose purpose is to provide free legal assistance to women throughout the country suffering from social abuse (both violence and discrimination) and spousal abuse.

Children.—In 2000 the Government updated its studies of social policy priorities and legal rights for children and adolescents and restructured the Cape Verdean Institute for Children in accordance with norms in the Convention on the Rights of the Child. The Government provides free, mandatory education for 6 years of primary school for all children. Normally this benefit covers children from age 6 to age 12. Education is compulsory until age 16; however, secondary education is free only for children whose families have an annual income below approximately \$1,700 (160,000 Cape Verdean escudos). According to 1998 UNICEF statistics, primary school attendance is approximately 97 percent. Attendance rates by boys and girls differ by less than 1 percent. The Government also seeks to reduce infant mortality and disease, combat drug and alcohol abuse, and discourage teenage pregnancy; however, progress continued to be slow.

In September the Education Minister announced that pregnant students would be suspended from classes during pregnancy or nursing; however, no such action occurred by year's end. The decision, which was intended to protect mother and child and to discourage early pregnancy, was very controversial. The measure seeks to enable such students to resume their studies at later date because students who drop out because of pregnancy or nursing usually remain out too long to be readmitted into the age group that the law permits to receive free education. Some observers see this measure as discriminatory, and therefore a violation of the Constitution.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution are problems, exacerbated by chronic poverty, large unplanned families, and traditionally high levels of emigration of adult men. The media reported cases of sexual abuse against children and adolescents. The inefficiencies of the judicial system made it difficult for government institutions to address the problem.

Persons with Disabilities.—There is no discrimination against persons with disabilities in employment and education; however, although the Constitution mandates “special protection” for the aged and persons with disabilities, the Government does not require access to public buildings or services for persons with disabilities. There are no official schools or trained teachers for persons with disabilities, which disadvantages children with disabilities; however, several NGO's, including an association for the blind, are active.

Religious Minorities.—More than 20 cases involving the desecration of Catholic churches have been reported to the police over the years. While some cases date from 1975, after 1990 the rate of incidence increased; however, in contrast to previous years, there were no incidents during the year. The persons responsible for the desecrations never were identified, and the topic has remained a controversial electoral issue since the MPD accused supporters of the PAICV of involvement in the crimes; however, the courts have dismissed every formal accusation that has been brought against PAICV members, usually for lack of evidence. In 1999 the Attorney General rejected a local prosecutor's dismissal of the case against the four individuals of the “Sao Domingos Group,” who were accused of desecrating a Catholic church in 1996 (see Section 1.e.). In November the trial of the four began; however, a decision still was pending at year's end.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers are legally free to form and join unions without government authorization or restriction. There are two umbrella union associations: The Council of Free Labor Unions, composed of 11 unions with approximately 14,000 members; and the National Union of Cape Verde Workers, formed by the former ruling party but operating independently, composed of 14 unions with approximately 16,000 members. The Government does not interfere with the activities of these organizations, but the National Union of Cape Verde Workers claims that it received less than its share of funds for unions. Both unions suffer from a shortage of funds. There are no prohibitions against forming or joining unions.

The Constitution provides union members with the right to strike, and the Government generally respects this right. However, in July and August 1999, the workers of the shipping company Arca Verde made two attempts to strike. The Government invoked a civil request, under which it has the power, in an emergency or if a strike threatens coverage of basic needs, to name a list of minimum services that a union must continue to provide during any strike. Because of the Government's “civil request,” the crew and workers of four of the five ships in the fleet were required to continue working. According to the National Union of Cape Verde Workers, the Government's decision violated the law, since there was no emergency. The union claimed that, under such circumstances, the “minimum services list” that it presented to the Government would have ensured the continuation of essential services of public interest. The union presented the case to the International Confederation of Free Trade Unions, which in 1999 filed a complaint against the Government with the International Labor Organization (ILO). The complaint remained unresolved at year's end.

In its 2000 report, the ILO Committee on Freedom of Association (CFA) noted that the Government amended legislation in 1999 so that organizations of workers may enjoy the right to peaceful demonstration without unreasonable restrictions, in particular with regard to time. The CFA also reported that the Government began to take measures to amend its legislation so that in the event of disagreement between the parties on the minimum services to be provided during strikes, this difference of opinion is resolved by an independent body. However, at year's end, the Government had not created an independent body to resolve such differences.

The law provides that if an employer fires a worker without a "just cause" as defined by the law, such as for union activity, the employer must either reinstate the worker or provide financial compensation to the worker.

There was one legal strike and no illegal strikes during the year. In September a group of private guards went on a 1-day strike, following their employer's threat that they would be fired because of the Government's failure to pay the company for services provided. The strikers invaded the Ministry of Finance's Treasury Department and only left after the payment issue was settled. No action was taken against the strikers. Unlike in the previous year, the Government did not requisition workers to end a strike.

Unions are free to affiliate internationally and have ties with African and international trade union organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize, to operate without hindrance, and to sign collective work contracts; however, there has been very little collective bargaining. There are no signed collective bargaining agreements.

Workers and management in the small private sector, as well as in the public sector, normally reach agreement through negotiations. Although there are no collective labor contracts, workers succeeded in negotiating important issues such as salary increases. However, as the country's largest employer, the Government continued to play the dominant role in setting wages. It does not fix wages for the private sector, but salary levels for civil servants provide the basis for wage negotiations in the private sector.

The law bans antiunion discrimination by employers with fines for offenders. No cases were brought to court during the year.

Praia has a 30-acre export processing zone (EPZ), which houses two Portuguese companies and a Cape Verdean-Sengalese joint venture. There are no special laws or exemptions from regular labor laws for EPZ's.

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

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

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 14 years. The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products are produced; however, the Government rarely enforces the law, and child labor occurs. In practice the Ministry of Justice and Labor enforces minimum age laws with limited success, and then only in the urban, formal sectors of the economy.

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

e. Acceptable Conditions of Work.—There are no established minimum wage rates in the private sector. Large urban private employers link their minimum wages to those paid to civil servants. For an entry-level worker, this wage is approximately \$120 (11,193 Cape Verdean escudos) per month. The majority of jobs pay wages insufficient to provide a worker and family with a decent standard of living; most workers also rely on second jobs, extended family help, and subsistence agriculture.

The maximum legal workweek for adults is 44 hours. While large employers generally respect these regulations, many domestic servants and agricultural laborers work longer hours.

The Director General of Labor conducts periodic inspections to enforce proper labor practices and imposes fines on private enterprises that are not in conformity with the law. However, the Government does not enforce labor laws systematically, and much of the labor force does not enjoy their protection. Few industries employ heavy or dangerous equipment, and work-related accidents are rare.

There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardizing their continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and illegal trafficking in economic emigrants to various points in Europe is believed to be a thriving business. Visa and related fraud are involved in the trafficking of economic emigrants who are smuggled into Europe; however, there are no reports that these persons are trafficked into forced labor or debt bondage. The country is a transit point for traffickers, and trafficking has become a concern for local authorities. Several press reports noted that the police have arrested some persons, traffickers as well as victims. In 2000 such cases involved fewer than 30 persons. The Government was cooperating with European authorities, neighboring governments, and foreign embassies to deal with the problem.

CENTRAL AFRICAN REPUBLIC

The Central African Republic is a constitutional democracy with a multiparty legislature. Ange-Felix Patasse, leader of the Movement for the Liberation of the Central African People (MLPC), who first was elected President in 1993, was reelected with a narrow majority in September 1999. The Presidential election, like the National Assembly elections held in late 1998, generally was free but was controlled by the Government and was marred by irregularities that tended to favor the ruling party candidate. The Government is headed by a Prime Minister and Cabinet appointed by the President. Although the Constitution provides for separation of powers, the Legislature is vulnerable to manipulation by the President, who dominates the Government. The President can veto legislation, although two-thirds of the unicameral legislature can override his veto, and he can rule by decree under special conditions. On April 1, President Patasse replaced the Prime Minister, Anicet Georges Dologuele, with Martin Ziguele, a member of his MLPC party. On May 28, former President Andre Kolingba led a faction of the security forces in a coup attempt, which resulted in 10 days of fighting in Bangui between government forces and troops loyal to Kolingba. President Patasse retained power with the assistance of troops from Libya and rebel Congolese Liberation Front (FLC) soldiers from the Democratic Republic of the Congo (DRC) led by Jean-Pierre Bemba. On August 30, the President named a new Cabinet, most of whom are members of his MLPC party. The Constitution provides for an independent judiciary; however, it is subject to executive interference.

The National Police under the direction of the Ministry of Interior and Public Security, the military forces, the National Gendarmerie, and the Special Presidential Unit (USP) under the Ministry of Defense and responsible for presidential security share responsibility for internal security. The civilian authorities do not maintain effective control of the security forces. Apart from the USP, the military, much of which mutinied in 1996 and 1997, is perceived widely to be of doubtful loyalty to the Patasse Government; the Government has not paid military salaries since October 2000. Members of the security forces were involved in the May coup attempt. On October 26, President Patasse removed General Francois Bozize as Chief of Staff of the Armed Forces after accusing him of being part of the attempted coup. On November 2, an attempt to arrest Bozize resulted in fighting between government forces and soldiers loyal to Bozize. There were numerous reports that security forces committed serious human rights abuses during and following the coup attempt. Members of the security forces, and of the USP in particular, committed numerous, serious human rights abuses during the year.

The country's economy is dominated by subsistence agriculture, and its population is approximately 3.5 million. Principal exports are coffee, cotton, timber, tobacco, and diamonds. Foreign assistance is an important source of national income. Per capita gross domestic product for the year was approximately \$273 (206,388 CFA francs). Salary arrears owed to civilian employees and the military and resulting strikes continued to impair the functioning of the Government and the authority of the state to enforce the rule of law. The misappropriation of public funds and corruption in the Government continued to decrease, but remained widespread. The large displacement of persons during and following the attempted coup adversely affected economic productivity during the year. While the civil war in the DRC prevented shipping on the Ubangui River in 2000, barge traffic from Kinshasa, DRC, resumed in September.

The Government's poor human rights record worsened in some areas, particularly after the May 28 attempted coup, and serious problems remained in many areas. Citizens generally were able to choose their national government; however, the Government controls the electoral process. Security forces continued to commit extrajudicial killings, including government-approved executions of suspected bandits and killings reportedly committed for political reasons by members of the USP, particularly during and following the May 28 attempted coup. Following the coup attempt, security forces targeted members of the Yakoma ethnic group for killings and abuse and used rocket launchers indiscriminately in civilian neighborhoods. There also were credible reports of deaths of prisoners due to police abuse. Police continued to torture, beat, and otherwise abuse suspects and prisoners. Other human rights abuses included harsh prison conditions, arbitrary arrest and detention, prolonged detention without trial, limits on judicial independence, and infringements on citizens' right to privacy. The Government restricted freedom of the press and freedom of assembly and association. There were some limits on freedom of religion and some limits on freedom of movement. Violence and discrimination against women, female genital mutilation (FGM), child prostitution, discrimination

against indigenous people (Pygmies), and child labor, including instances of forced child labor, continued to be problems. Trafficking in persons occurs.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces continued to commit extrajudicial killings, including government-approved executions of suspected bandits and killings reportedly committed for political reasons by members of the USP. In the days following the May 28 attempted coup, government forces engaged in military reprisals, open executions, and door-to-door “search and destroy” missions to eliminate suspected rebel sympathizers, particularly members of Kolingba’s Yakoma ethnic group. Unlike in the previous year, there were no reports of deaths of prisoners due to police abuse. Police and security forces are immune from prosecution for extrajudicial killings.

During and following the May 28 coup attempt, security forces committed with impunity numerous extrajudicial killings. Members of the security forces particularly targeted members of the Yakoma ethnic group, of which Kolingba is a member. On May 28, USP forces reportedly arrested, tortured, and killed Colonel Alphonse Konzy of the Gendarmerie for allegedly deserting his post during the coup; however, other reports claimed that Konzy was killed because he was a Yakoma. On May 28, USP guards killed Leon Banganzoni, a retired civil servant, his son, and his nephew. On May 29, USP guards tortured and killed Sergeant Emery Konguende, a Yakoma who was returning to his military unit after being on leave during the coup. On May 31, the USP arrested Theophile Touba, the Yakoma opposition leader in the National Assembly, for alleged involvement with the coup attempt. On June 1, Touba’s body was found in front of President Patasse’s official residence; Touba’s 9-year-old son and two other relatives were killed on May 31. On May 31 or June 1, USP guards shot and killed Sylvestre Omissis, a Constitutional Court Magistrate. On June 6, USP guards shot to death Wanguia-Bickot Evrard, a Yakoma teacher at the University of Bangui; his 18-year-old son, Wangu-Bickot Romaric; and his cousin, Kongbeya Olivier. On June 12, USP guards killed three Yakoma gendarmes as they returned to work. On July 9, USP guards interrogated and reportedly killed Corporal Chef Alfred Kokassa, also a Yakoma. No action was taken against the responsible security force officers for any of these killings by year’s end, and such action is unlikely. The Government acknowledged that extrajudicial killings following the coup attempt occurred, but claims they were carried out by “uncontrollable members” of the security forces.

There were credible reports that USP troops killed Rwandan refugees and nationals on suspicion that they assisted in the attempted coup (see Sections 1.c. and 2.d.).

The special police Squad for the Repression of Banditry (OCRB) continued to operate and reportedly engaged in torture (see Section 1.c.). There were no figures available on the number of extrajudicial killings by the OCRB during the year. In the previous year, police officials repeatedly publicized on radio and television the crimes of criminals apprehended by this squad, and the OCRB executed these criminals the following day without a trial; however, there were no public reports of such incidents during the year. Medical staff have confirmed that members of the OCRB often took the bodies of persons they have executed to the hospital and left them for the family to pick up. The OCRB’s use of extrajudicial killing had both official government and popular support and was seen as an effective means of reducing crime and increasing public security. The Government tacitly approved the actions taken by the police squad to reduce armed robbery; no OCRB member has been prosecuted for extrajudicial killings or other abuses committed while on duty. Officials justify the unit’s actions as a consequence of nonexistent prison facilities in Bangui. In September the OCRB took Aristide Ndakala-Mandapy to the government television station to record his confessions of committing several robberies. On September 19, the station broadcast the tape. On September 22, the OCRB shot and killed Ndakala-Mandapy and left his body at the hospital. No action was taken against the responsible OCRB officers by year’s end. There reportedly were other OCRB extrajudicial killings during the year; however, details were unavailable. Unlike in the previous year, no detainees died as a result of torture (see Section 1.c.).

On December 17, at a Tax Division roadblock in Bangui, a police trainee shot and killed taxi driver Paul Medard Yamboka after Yamboka drove around the roadblock (see Section 2.d.). Yamboka’s brother, who was with him in the taxi, was injured. The police trainee was arrested; there was no further information available at year’s end.

On April 27, the Central African Criminal Court sentenced to death Ngoakossi Juvenal, a private detective, and Mafouta Jeannot, a former senior corporal in the

army, for the killing and carjacking of the Libyan Ambassador in August 2000. A third suspect was sentenced to 1 year in prison.

No action was taken during the year, and no further action is likely to occur, against the members of the OCB who committed six extrajudicial killings in 2000.

The Government conducted a full investigation into the February 2000 case in which armed bandits attacked a vehicle transporting religious personnel, killing one nun and injuring another; however, no further action was taken during the year, and the results were not released publicly.

The prosecutor general did not release during the year the results of his investigation into the 1999 killing of former Army Lieutenant Antoine Gbodo and four others.

On July 5 in Bangui, four unknown persons shot and killed Colonel Jean-Pierre L'Hommee, Field Security Officer for the U.N. Development Program (UNDP). L'Hommee was shot at point-blank range in the chest as he left his car to respond to a request for assistance from a local UNDP employee whose residence reportedly was under siege by criminal elements. According to eyewitnesses, the attackers were armed with military weapons and previously had threatened the local employee, whose husband is a Yakoma businessman who was in hiding for fear of being attacked by government forces. L'Hommee went to the scene with another local UNDP senior officer and three patrol vehicles belonging to the security forces. On July 10, a U.N. special team arrived to investigate the shooting; the investigation was pending at year's end.

There also were numerous, credible reports that Congolese FLC troops killed numerous persons and also targeted members of the Yakoma ethnic group (see Sections 1.f. and 5). There were no reports that Libyan forces killed persons.

There also were credible reports that Kolingba's rebel forces killed numerous persons during and following the coup attempt.

Le Citoyen newspaper reported that on July 14, an angry mob killed two elderly women suspected of practicing witchcraft (see Section 2.c.). No action was taken in the case by year's end. There was no progress in the trial of those alleged to be involved in the February 1999 mob killing of three men suspected of witchcraft.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances; however, after the coup attempt, thousands of persons went into hiding, making it difficult to determine whether security forces were responsible for any disappearances during that time.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse, police continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners. Family members and human rights groups, including the Human Rights League (HRL) Executive Committee, pursued court complaints filed in previous years with the prosecutor, Joseph Bindoumi, regarding the deaths of several prisoners due to police abuse; however, government authorities continued not to take action on any of the cases. The HRL did not file any court complaints of police abuse during the year.

The USP frequently used excessive force in its operations; it reportedly also was responsible for other serious human rights abuses. There were numerous cases during the year in which the USP physically abused detainees and tortured before killing some individuals suspected of supporting the attempted coup (see Section 1.a.). On February 14, USP soldiers arrested and tortured until he fell into a coma Abdoulaye Aboukary Tembeley, a journalist and the President of the Movement for the Defense of Human Rights (MDDH) following a poll he conducted on whether President Patasse should resign or remain in power (see Section 1.d.). The results of the poll were unfavorable to the President. Medical reports revealed that Tembeley suffered cranial trauma, contusions, serious hematomas, and possibly broken ribs. Tembeley was sentenced to 2 years in prison and a fine of \$210 (150,000 CFA francs); however, on March 8, President Patasse pardoned Tembeley. Although local and international human rights groups called for an investigation into Tembeley's case, there was no investigation by year's end. On May 29, USP guards tortured and killed Sergeant Emery Konguende, a Yakoma who was returning to his military unit after being on leave during the coup. There was no investigation into the case by year's end. There were credible reports that USP troops harassed, beat, and tortured Rwandan refugees and nationals on suspicion that they assisted in the coup attempt (see Sections 1.a. and 2.d.).

On September 26, gendarmes beat, kicked, and arrested Assingambi Zarambaud, a prominent attorney who had published a series of articles critical of the Government (see Sections 1.d. and 2.a.). On October 1, the Bar Association began a strike to protest Zarambaud's detention, and leaders of several political parties and officials of human rights organizations signed a petition for his release. On December

11, Zarambaud was released. No investigation had been conducted in the case by year's end.

Following the May 28 coup attempt, members of the security forces targeted members of the Yakoma ethnic group for abuse (see Sections 1.a., 1.f., and 5).

Government forces launched rockets indiscriminately into neighborhoods suspected of harboring rebels; there were no reliable information whether deaths and injuries in those neighborhoods were caused by rocket fire, firearms, or other action. Unlike in the previous year, the police did not disperse forcibly any demonstrations.

Trafficking in persons is a problem, and government authorities reportedly may have been involved in one case during the year (see Section 6.f.).

No action was taken during the year against the security force officers who used excessive force to disperse forcibly demonstrations on the following dates in 2000: December 19; November 14; and January 23. The Government has not taken legal action against members of the presidential guard who tortured and beat trade union leader Sonny Cole in 1999.

On October 25, highway bandits stopped a vehicle near Grimari carrying several missionaries. The bandits assaulted and injured one of the missionaries, and looted the vehicle; government soldiers arrived 2 hours later, shot at and dispersed the bandits. The Government conducted a full investigation into the February 2000 cases in which armed bandits attacked vehicles transporting religious personnel; however, it did not result in any arrests by year's end.

There were no developments, and there are unlikely to be any, in the case of the six armed men, alleged to be DRC soldiers, who in 1999 allegedly raped three foreign nuns at their residence in Bangassou, near the border with the DRC, and beat a local priest.

Prison conditions are extremely harsh. In October the Government began renovating Ngaragba, Bangui's main prison that was destroyed during the 1996 mutinies. A number of detainees still were being kept in 10 police stations around Bangui; however, the number remaining in detention at year's end was unknown. Police station cells are overcrowded, and the basic necessities of life, including food, clothing, and medicine, are in short supply and often are confiscated by prison officials for their personal use. Prisoners frequently were forced to perform uncompensated labor at the residences of government officials and magistrates (see Section 6.c.). Male and female prisoners were confined in separate facilities in Bangui but housed together elsewhere. There were no separate detention facilities for juvenile prisoners who routinely were housed with adults and often subjected to physical abuse. Pretrial detainees were not held separately from convicted prisoners.

The Government permits prison visits by human rights monitors. The International Committee for the Red Cross (ICRC) and religious groups routinely provide supplies, food, and clothes to prisoners. The ICRC has unrestricted access to prisoners.

A representative of the African Commission on Human and Peoples' Rights, responsible for monitoring prison conditions in Africa, visited prisons and detention facilities throughout the country, including those located in Bangui in 2000 and concluded that prison conditions in the country did not meet international standards.

d. Arbitrary Arrest, Detention, or Exile.—The law provides protection against arbitrary arrest and detention and accords the right to a judicial determination of the legality of detention; however, the security forces frequently ignored such provisions. Judicial warrants are not required for arrest. The law stipulates that persons detained in cases other than those involving national security must be brought before a magistrate within 96 hours. In practice authorities often do not respect this deadline, in part due to inefficient judicial procedures. By law national security detainees are defined as "those held for crimes against the security of the state" and may be held without charge for up to 2 months. The law allows detainees to have access to their family and to legal counsel; however, in cases involving state security, the Government prohibits detainees from consulting legal counsel pending an investigation. If indigent, detainees may request a lawyer provided by the Government. Detainees are allowed to post bail or have family members post bail for them. Prolonged pretrial detention was a serious problem; however, the number of pretrial detainees was unknown at year's end. Some of those detained following the coup attempt may be political detainees.

On January 15, gendarmes invaded the house of opposition leader Jean-Paul Ngoupande despite his immunity as a deputy in the National Assembly. Ngoupande escaped and went into hiding; supporters who were at Ngoupande's home were arrested and released 2 days later.

On January 19, gendarmes detained two of the French Ambassador's bodyguards, who had accompanied the Ambassador to the Ministry of Justice; the bodyguards were released without charge the same day.

In June the General Secretary of the USTC was arrested, questioned, and subsequently released after attending a meeting of the ICFTU-AFRO Congress in Nairobi.

Several journalists were arrested during the year (see Section 2.a.). On February 14, USP soldiers arrested, detained, and tortured journalist Abdoulaye Aboukary Tembeley (see Sections 1.c. and 2.a.). Tembeley reportedly was denied access to his family while he was in detention. Tembeley was charged with "inciting the population to hatred and violence." In late February, Tembeley was released pending trial, which began on February 26; the trial had been delayed three times because of the injuries Tembeley received when he was tortured. Tembeley was sentenced to 2 years in jail and a fine of \$210 (150,000 CFA francs); however, on March 8, President Patasse pardoned Tembeley.

Following the May 28 attempted coup, security forces arrested numerous persons on suspicion of complicity in the attempt. On August 25, Jean-Jacques Demafouth, the Minister of Defense, was arrested on suspicion of complicity in the attempted coup. Demafouth still was in detention without charge at year's end. On September 26, gendarmes arrested attorney Assingambi Zarambaud on charges of involvement in the coup attempt; however, numerous human rights organizations charged that Zarambaud's arrest followed the publication of a series of articles that were critical of the Government (see Sections 1.c., 2.a., and 2.b.). In December 2000, police had issued an arrest warrant for Zarambaud in connection with a December 19, 2000 rally. Zarambaud went into hiding after the rally but came out of hiding during the year.

On June 8, the Government established a Mixed Commission of Judicial Inquiry to investigate the causes of the May 28 attempted coup and to bring those responsible to justice. Following the establishment of the Commission, the Government arrested and detained more than 100 civilian and military personnel in connection with the coup attempt. There were numerous reports that the Government used the Mixed Commission to target political opponents. In October in Bangui, the Mixed Commission arrested Father Tonino Falagoista, director of the Catholic radio station Radio Notre Dame, after the station criticized the killing of members of the Yakoma ethnic group (see Section 2.a.). Some of the persons detained by the Commission were released; however, there was no information available on the number of detainees who still were in detention at year's end. On October 9, Commission President Joseph Bindoumi presented a preliminary report to the President in a public ceremony; however, the Commission did not issue a final report by year's end. The Commission's mandate expired on December 11.

On December 19, 2000, security forces arrested 73 persons, including 4 members of the National Assembly and several children, following a demonstration in Bangui that had been banned previously by the Government (see Section 2.b.); 8 of the detainees, including the children, subsequently were released; however, 65 of the detainees remained in custody until January 8, when a civil court ruled that the Government's ban on the meeting was flawed procedurally. The court found the four National Assembly deputies and the president of a political party guilty of resisting arrest and sentenced them to 15 days in jail (which they already had served) and a fine. All 65 remaining detainees were released on the day of the trial. The Government did not appeal the decision.

The law does not permit the use of exile, and the Government does not employ it in practice. The Government has stated repeatedly that any person in exile for strictly political, rather than criminal, reasons may return without fear of persecution. Thousands of persons fled their homes or went into hiding following the attempted coup in May, including many Yakomas and Rwandan refugees. Many of the internally displaced persons (IDP's) returned home before year's end; however, most of the refugees remained abroad (see Sections 1.b. and 2.d.).

e. Denial of a Fair Public Trial.—The Constitution provides for an independent judiciary; however, it is subject to executive interference. The judiciary consists of regular and military courts. The highest court is the Constitutional Court, which determines whether laws passed by the National Assembly conform to the Constitution. The Constitutional Court also receives appeals from the Court of Cassation and the Court of Appeals. Lower courts hear criminal and civil cases and send appeals to the Court of Appeals. The sole operating Criminal Court only met once for a period of 2 months during the year due to a lack of funds. As a result, there was a large backlog of criminal cases. The courts of justice and the juvenile court barely functioned during the year, and are unlikely to function properly due to inefficient

administration, shortage of trained personnel, growing salary arrears, and a lack of material resources.

In general trial procedures, an officer of the judicial police writes a report of the investigation and sends it to the public prosecutor's office. If the prosecutor believes there is sufficient evidence that an offense has occurred and that the accused committed it, he places the accused under an arrest warrant. If there is insufficient evidence, the case is dropped. Trials are held publicly, and defendants have the right to be present and to consult a public defender. Defendants also have the right to question witnesses, to present witnesses and evidence on their own behalf, and to have access to government-held evidence relevant to their case. There is the presumption of innocence until proven guilty, and if convicted, defendants have the right to appeal. No groups are barred from testifying; relatives of the accused may testify. The Government generally complies with these legal requirements; however, the judiciary does not enforce consistently the right to a fair trial, and there were many credible reports of corruption within the court system. A number of persons were subjected to prolonged detention without trial or were killed summarily and extrajudicially by the OCRB (see Sections 1.a. and 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits invasion of homes without a warrant in civil and criminal cases; however, on occasion police used provisions of the Penal Code governing certain political and security cases that allow them to search private property without a warrant. Security forces continued to carry out warrantless searches for guns and ammunition in private homes. The increase of banditry in Bangui has become a pretext for the police to carry out warrantless house searches. The Government continued to monitor the telephones of some opposition figures and to engage in wiretapping without judicial authority.

On January 15, gendarmes invaded the house of opposition leader Jean-Paul Ngoupande despite his immunity as a deputy in the National Assembly. Ngoupande escaped and went into hiding. The gendarmes arrested supporters who were at his home at the time but released them 2 days later.

For several months after the May 28 coup attempt, security forces, particularly the USP, carried out warrantless searches of entire neighborhoods and seized vehicles, electronic goods, appliances, and other items for which residents could not produce sales receipts, alleging that the property was stolen. Few of these items were returned to the owners. Security forces targeted members of the Yakoma ethnic group and persons suspected of collaborating with the coup attempt (see Sections 1.a., 1.c., 1.d., 3, and 5). There also were numerous, credible reports that Congolese FLC troops—in the country to support President Patasse—and rebel forces participated in the looting. Among the many private homes that were looted were those of Deputy Theophile Touba, Constitutional Court Magistrate Sylvestre Omissse (see Section 1.a.), the Nigerian Ambassador, and the director of the Air France office in Bangui. Government forces also reportedly destroyed the residence of former President Kolingba.

During and following the attempted coup, the Government interfered with private communication. USP forces controlled the national radio station and monitored radio transmissions and telephone conversations. Some cell phone conversations were broadcast over national radio.

The Government does not prohibit membership in any political organization; however, following the attempted coup in May, it suspended the activities of Kolingba's Central African Democratic Rally (RDC) opposition party for a period of three months (see Section 2.b.). Several RDC deputies continued to sit in the National Assembly during the suspension, and the party resumed its activities in late September.

There were reports that family members were detained in an effort to compel suspects to turn themselves in. During its November General Assembly, the Association of Women Lawyers of Central Africa criticized "arbitrary detentions including those of numerous women in place of their absent husbands."

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 frequently restricted the freedom of the print media to criticize the Government. The law prohibits the Government from censoring the press and defines the rights and responsibilities of private media. In 2000 President Patasse dissolved the High Broadcast Council, which was created to regulate the media. The Government continued to dominate domestic broadcast media. Libel cases are addressed in civil rather than criminal courts.

Opposition leaders in particular used press statements, manifestos, and copies of open correspondence to the Government to circulate their views; however, citizens continued to criticize the Government and political parties at some risk to themselves (see Sections 1.c. and 1.d.). Many journalists fled the country after the attempted coup for fear of reprisals. Some journalists returned to the country by year's end.

The Government owns and controls three newspapers, the *Centrafrique Presse*, which the Government created in March and reflects the views of the ruling MLPC, the *Agence Centrafricaine de Presse (ACAP)* bulletin, which appears sporadically, and *Be Africa Sango*, which was not published during the year due to lack of finances. *Echo de Centrafrique*, a private daily newspaper, is close to the ruling party. More than a dozen private newspapers were published over varying intervals; eight were published on a regular basis during the year. These newspapers often were outspoken in their criticism of the President, the Government's economic policies, and official corruption. *Le Citoyen*, *Be Afrika*, and *Le Democrate* are the most widely read private newspapers. In 2000 both the President and Prime Minister threatened local journalists with sanctions if any newspaper transgressed the media code and went beyond journalistic propriety.

In July security forces seized the printing equipment and documents of a private press group, *Groupement des Editeurs de la Presse Privee et Independente de Centrafrique (GEPPIC)*, which had criticized USP actions against civilians during the attempted coup. The editor of daily newspaper *Le Citoyen*, one of the periodicals using GEPPIC equipment, received death threats and was accused by the Government of "fueling hatred among the population;" the editor went into hiding for several days. On July 24, three employees of *Le Citoyen* were arrested; they were released on July 28. Government authorities subsequently returned the equipment. Members of the Presidential Security Unit harassed the editor of *Le Citoyen* and his wife, and threatened them with death, after criticism of the Government appeared in the newspaper. On July 25, *Reporters Without Borders* sent a letter of protest to the Government regarding the death threats.

The authorities arrested and sometimes tortured journalists during the year; some were arrested following the attempted coup in May (see Sections 1.c. and 1.d.). For example, on September 26, gendarmes arrested Assingambi Zarambaud on charges of involvement in the coup attempt; however, numerous human rights organizations charged that Zarambaud's arrest resulted from his publishing of a series of articles in *Le Citoyen* newspaper that were critical of the Government's actions against the Yakoma following the attempted coup and of the creation of the Mixed Commission (see Sections 1.c., 1.d., and 2.b.). On October 1, a number of lawyers began a strike to protest his arrest. The president of the National Assembly criticized his arrest and leaders of several political parties and officials of human rights organizations signed a petition for Zarambaud's release.

Radio is the most important medium of mass communication because literacy is not universal, and newspapers and television are relatively expensive and rarely are found outside urban areas. The Government owns and operates a radio station and a television station. Programming is dominated by reporting on the activities of the President and other senior government officials. Political observers complain that the ruling MLPC received more coverage of its activities or meetings than did opposition parties. The directors of the national TV and radio stations are members of the ruling MLPC party; broadcasts by both stations favor the ruling party. In 1999 some programs, such as a popular call-in show, whose listeners often expressed opinions critical of the Government, were taken off the air.

During and following the May attempted coup, USP forces controlled the national radio station (see Section 1.f.).

A private radio station, *Africa Number One*, part of a French-owned network based in Libreville, Gabon, broadcasts in Bangui. Its programming includes national news coverage by a correspondent based in the country. *Radio Notre Dame*, which is owned and operated by the Catholic Church, also broadcasts; it receives funding from the Vatican. Its programming includes national news, debates, legal counseling, and human rights education. *Radio France International (RFI)* also broadcasts domestically; its programming includes some national news coverage by a correspondent based in the country. The private radio station, "N'Deke Luka," broadcasts from Bangui on FM and shortwave frequencies with assistance from foreign governments and development organizations. One of N'deke Luka's objectives is to promote peace and development by publicizing programs of the U.N. agencies and NGO's working in the region. In May the Baptist Church "Les Freres" opened a religious FM radio station called "Voix de la Grace: L'Eternel Sauve le Coeur de l'Afrique." There are no privately owned stations that broadcast domestically produced national news or political commentary.

In October in Bangui, the Mixed Commission arrested Father Tonino Falagoista, director of the Catholic radio station Radio Notre Dame. After the May 28 coup attempt, Radio Notre Dame broadcast a report that criticized the killing of members of the Yakoma ethnic group during and following the May 28 coup attempt (see Section 1.a.) and alleged that there were three mass graves of victims of the security forces in Bangui. Falagoista, who reportedly was arrested because he had failed to send the Commission a written denial that he had authored or approved the broadcast, was released in December.

The Government continued to monopolize domestic television broadcasting. Private television broadcasting is allowed by law; the High Council of Communication is responsible for authorizing private television as well as radio stations. No applications to establish a private television station have been received. The Government does not restrict domestic receipt or distribution of satellite or cable television, but few citizens can afford it, and it is not widespread, even in the capital.

Government television and radio broadcasts included weekly programs that provided an opportunity for political parties to present their views and discuss their programs. Although the opposition originally welcomed this promised access to the public media, in practice such access did not materialize. During the 1998 legislative and 1999 presidential elections, political parties had access to the public media according to a schedule established by the High Council of Communication; opposition candidates received equal coverage and had equal access to state-owned media.

A private telecommunications company operates a domestic Internet and e-mail service provider as well as one cyber-cafe called Bangui 2000. Few citizens can afford home access to the Internet, but many urban residents rent brief access at Bangui 2000. The Government does not limit Internet access.

The Government does not restrict academic freedom. University faculty and students belong to many political parties and generally express their views without fear of reprisal. There were reports of several student demonstrations at the University of Bangui to protest the nonreceipt of scholarship payments promised to them by the Government.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government at times restricts this right. In addition there are some legal restrictions on freedom of assembly. Organizers of demonstrations and public meetings are required to register with the Government 48 hours in advance, and political meetings in schools or churches are prohibited. The Government granted approval for public demonstrations more frequently during the year than in the previous year. There were several incidents of government interference with opposition meetings during the year. However, unlike in the previous year, the police did not disperse forcibly any demonstrations.

On January 3, the Government banned a sit-in protest planned by striking civil servants in Bangui, and it did not occur. A spokesman for the Interior Ministry said the sit-in would have posed a grave threat to public order.

On October 4, lawyers from the country's Bar Association attempted to hold a press conference at a local hotel in defense of Assingambi Zarambaud, who was arrested after he published a series of articles critical of the Government (see Sections 1.c., 1.d., and 2.a.). Gendarmes blocked the entrance to the hotel and prevented the press conference from taking place; however, the Bar Association subsequently held a press conference and a sit-in at other locations.

There were reports of several student demonstrations at the University of Bangui to protest the nonreceipt of scholarship payments promised to them by the Government.

On January 8, a civil court ruled that the Government's ban on a December 2000 demonstration by opposition parties and civil servants over wage arrears was deficient procedurally; four persons were convicted of resisting arrest (see Sections 1.d. and 4).

No action was taken during the year against the security force officers who used excessive force to disperse demonstrations on the following dates in 2000: December 19; November 14; and January 23.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. All associations including political parties must register with the Ministry of Interior in order to enjoy legal status. The Government usually has granted registration expeditiously. A variety of associations have registered with the Government following a 3-month background investigation; there were more than 35 registered political parties and a variety of nonpolitical associations. The Government normally allowed them to hold congresses, elect officials, and publicly debate policy issues without interference, except when they advocated sectarianism or tribalism.

On June 20, the Government suspended the activities of the RDC for 3 months on the grounds of serious state security and public order offenses (see Section 1.f.). The decree forbade the RDC from holding public meetings or advertising on the radio during the suspension. Several RDC deputies continued to sit in the National Assembly during the suspension, and the party resumed its normal activities in late September. The RDC was the only party in the country during the Kolingba regime.

The law prohibiting nonpolitical organizations from coalescing for political purposes remains in place; no significant reports of enforcement of this law were reported during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion but establishes fixed legal conditions and prohibits what the Government considers religious fundamentalism or intolerance. The constitutional provision prohibiting religious fundamentalism is understood widely to be aimed at Muslims. In practice the Government permits adherents of all religions to worship without interference. There is no state religion. Religious organizations and missionary groups are free to proselytize, worship, and construct places of worship.

Religious groups (except for traditional indigenous religious groups) are required by law to register with the Ministry of Interior. This registration is free and confers official recognition and certain limited benefits, such as customs duty exemption for the importation of vehicles or equipment, but does not confer a general tax exemption. The Ministry's administrative police keep track of groups that have failed to register; however, the police have not attempted to impose any penalty on such groups. Any religious or nonreligious group that the Government considers subversive is subject to sanctions. The Ministry may decline to register, suspend the operations of, or ban any organization that it deems offensive to public morals or likely to disturb the peace. The Ministry of Interior also may intervene to resolve internal conflicts about property, finances, or leadership within religious groups. The Government has banned the Unification Church since the mid-1980's as a subversive organization likely to disturb the peace, specifically in connection with alleged paramilitary training of young church members. However, the Government imposed no new sanctions on any religious group during the year.

On October 26, President Patasse removed General Bozize as Chief of Staff of the Armed Forces; the following week, Government forces closed Bozize's church without presenting the necessary legal documents (see Section 3). The church remained closed at year's end.

Unlike in previous years, there were no reports that Muslims, particularly Mbororo, were singled out for harassment by authorities, including extortion by police, due to popular resentment of their presumed affluence. Muslims play a preponderant role in the economy. There were reports during the year that Muslim Chadian commercial traders were attacked in a commercial section near the center of Bangui. Although these attacks are motivated commercially, they seem to be aggravated and tolerated because the Chadians are Muslims. On one occasion, a Chadian was attacked in the presence of the Interior Minister. It was unclear if the attack was perpetrated by police or private citizens.

The practice of witchcraft is a criminal offense under the penal code; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder (see Section 1.a.).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right to move freely throughout the country; however, police, security forces, customs officers, and other officials harass travelers unwilling or unable to pay bribes or "taxes" at checkpoints along major intercity roads and at major intersections in Bangui (see Section 1.a.). Attacks by bandits on major routes to the north and east sometimes occurred, even though some travelers moved in convoys with military escorts. On October 25, highway bandits stopped a vehicle near Grimari carrying several missionaries. The bandits assaulted and injured one of the missionaries and looted the vehicle; government soldiers arrived 2 hours later and shot at and dispersed the bandits. The Government also established military bases in East Zemio, Bambari, Bria, Kaga-Bandoro, and Bossangoa in an effort to curb highway banditry.

Until late November, USP forces continued to be stationed at the airport to control travelers. The Government generally allows opposition leaders to travel abroad or inside the country without restrictions; however, in early January, former President David Dacko was stopped at Mpoko Airport and prevented from traveling to Libya; on January 25, Dacko was prevented from traveling abroad for a conference of the Summit Council for World Peace. On February 8, authorities prevented three trade union leaders from leaving Bangui to attend a seminar in Kenya (see Section 6.a.); however, the three traveled later in the year without restriction. On February 28, the Central African Human Rights League (LCDH) issued a report criticizing

the Government for its travel restrictions against Dacko and the trade union leaders.

After the May 28 attempted coup, the Government closed Mpoko Airport, set up roadblocks, instituted a nightly curfew from 9 p.m. to 5 a.m. (modified in December to be from midnight to 5 a.m.), and required that anyone wishing to travel outside the country show signed authorization from Joseph Bindoumi, the General Prosecutor and President of the Mixed Commission. Security forces initially strictly enforced the requirement for signed authorization for foreign travel; enforcement subsequently was lessened and ceased completely in December. On May 29, the Government closed its border with the DRC; however, a ferry and dugout canoes continued to cross the river frequently between the two countries. In November after government troops removed roadblocks that had been installed in northern Bangui by Bozize supporters, the Minister of Transport stated on November 9 that the country's borders never had been closed.

With the exception of diplomats, the Government requires that all third-country nationals who desire to leave the country must obtain an exit visa from the headquarters of the National Police. Travelers can be required to obtain affidavits that they owe no money to the Government or to parastatal companies.

Approximately 80,000 citizens, including half of the country's ethnic Yakoma population, fled during and following the May coup attempt, mostly to the forests and small village areas southwest of Bangui. Approximately 50,000 were displaced internally; an estimated 24,000 fled to the DRC border town of Zongo, and approximately 2,000 fled to the Republic of Congo. By mid-July approximately 10,000 to 40,000 persons had returned to their homes; however, smaller numbers continued to flee because of continued targeting of the Yakoma population by the Government (see Sections 1.a., 1.c., and 1.d.).

The Italian NGO COOPI, along with the UNDP office in Bangui, Medecins Sans Frontieres (MSF), UNICEF, and other international NGO's provided immediate humanitarian relief to IDP's. NGO's also negotiated with the Government to assure the safety of IDP's who wished to return to their homes in Bangui. Although the Government urged IDP's to return to Bangui, it did not take any concrete steps to provide for their safety and physical security by year's end. Many IDP's were not convinced of the Government's sincerity, while others who returned discovered that their homes were pillaged and destroyed. COOPI estimated that at year's end, there still were between 1,500 and 2,000 IDP's in the southwestern part of the country and an undetermined number of IDP's in the rest of the country.

At year's end, there were an estimated 23,000 refugees in Zongo. Most of those who remained were believed to be Yakoma who feared retribution if they returned home. In December in cooperation with U.N. agencies, the Government formed a Committee of Reception and Welcome to persuade the civilian refugees in the DRC to return to the country. The program ended when a group of the refugees demanded amnesty, the release of prisoners, and other actions as a condition of their return; the Government refused their demands. In November the UNHCR completed the separation of former combatants from the civilian refugee population in the DRC. For their protection, the civilian refugees from Zongo were scheduled to begin moving in January 2002 to a camp near Mole, DRC, approximately 22 miles from the border. In November the Congolese FLC moved the former combatants to a camp near Bokilio, DRC, 93 miles from the border. While the Government has made numerous assurances that the refugees will not face reprisals, it has taken no actions to ensure their safety. However, the Government worked with the UNHCR office in Kinshasa, DRC, to assist the thousands of refugees.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government respects these provisions in practice. The Government continued to work with the U.N. High Commissioner for Refugees (UNHCR) and provided first asylum to Chadian, Sudanese, Rwandan, and Congolese refugees. Applicants for asylum often were accepted. Almost all refugees were registered with the National Commission for Refugees. According to the UNHCR, there are 49,179 refugees in the country, of which 10,452 are located in Bangui.

The UNHCR also reported that armed elements attacked a camp for DRC refugees in Bassangou in March, which led to the immediate closure of the camp and the transfer of the refugees; the camp remained closed at year's end.

There were credible reports that USP forces abused Rwandan refugees and nationals on suspicion that they assisted in the May 28 coup attempt (see Sections 1.a. and 1.c.). Many Rwandan refugees went into hiding after the Government claimed that Rwandan generals were assisting the coup plotters.

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 at the national level. This right was first exercised in free and fair elections in 1993 that were the culmination of a successful democratization movement led by President Patasse. Patasse's MLPC won both the Presidency and a majority of seats in the National Assembly. Citizens again exercised their constitutional right to change their government by democratic means through the National Assembly and presidential elections in 1998 and 1999, respectively. International observers deemed both elections generally free; however, the presidential elections were marred by irregularities in voter registration and distribution of electoral materials. Some of the registration irregularities tended to favor the ruling party.

On April 1, President Patasse replaced the Prime Minister, Anicet Georges Dologuele, with Martin Ziguéle, a member of the MLPC party. On May 28, former President Andre Kolingba led a faction of the armed forces in a coup attempt, which resulted in 10 days of fighting in Bangui between government forces and troops loyal to Kolingba. President Patasse retained power with the assistance of troops from Libya and rebel FLC soldiers from the DRC led by Jean-Pierre Bemba. Since 1996 members of the security forces, complaining of low wages and salary arrears, have rebelled repeatedly against Patasse (see Section 6.c.). Kolingba is a Yakoma from the south whose 12-year rule ended in 1993 when Patasse became the first northerner to rule the country. The May coup resulted in hundreds of deaths and injuries, numerous arrests, 80,000 IDP's, and numerous other abuses (see Sections 1.a., 1.c., 1.d., 1.f., 2.a., 2.b., and 2.d.).

In August the President dismissed the Minister of Defense, the Minister of the Interior, the Secretary of State for Interior, and the Secretary of State for Disarmament on charges of complicity in the attempted coup. On August 30, the President named a new Cabinet, most of whom are members of his MLPC party. On October 26, President Patasse removed General Bozize as Chief of Staff of the Armed Forces after accusing him of complicity in the attempted coup.

In the 1998 National Assembly elections, opposition parties won 55 seats, while the ruling MLPC party of President Patasse and its allies won 54 seats. However, the defection of one opposition National Assembly member in December 1998 gave the ruling party and its coalition a one-seat majority. The opposition parties and the UFAP strongly protested this defection and boycotted the inauguration of the new session of the legislature.

President Patasse's first term of office expired in 1999, but he constitutionally was eligible to seek a second consecutive term. In 1999 the Government established an Independent Electoral Commission (CEMI) to supervise the presidential election. Although the CEMI included representatives from many political parties on its board, persons loyal to the President controlled it. The Government explicitly rejected suggestions by elements of the international community, which provided material and financial support for the election, that the executive branch of the Government not involve itself in the management of the electoral process. In August 1999, President Patasse promulgated a decree that subordinated CEMI to the state Organ of Control (OCASPA), a state organization that he had created by decree in May 1999 to oversee the election process. Before the presidential election, there were credible reports of attempts to inflate sharply the number of registered voters in pro-MLPC northern areas, although this was corrected before the polling. The Government postponed the first round of the presidential election, first from August 29 to September 12, and then to September 19, after serious problems in ballot distribution became evident; however, the Government denied requests from opposition leaders for further delays to permit more complete resolution of the problems with the electoral process. Some provisions of the electoral code, requiring publication of voter lists at least 15 days before the election and distribution of voter identification cards at least 8 days before the election, were not respected. On election day, a shortage of ballots was reported in some largely pro-opposition districts. Opposition party poll-watchers reported the use of some falsified voter identification documents by voters, and there were several reports of ballot boxes being delivered to the CEMI without certified tally sheets, or from unofficial polling places.

Two weeks after the voting, the Constitutional Court announced the official results of the election and declared President Patasse reelected with 51.6 percent of the votes cast. Nine other candidates certified by the Constitutional Court had competed in the election. The Constitution required a second-round runoff election if no candidate received 50 percent of votes cast in the first round election. However, only one of the unsuccessful candidates filed a complaint with the Constitutional Court.

There was occasional violence during the presidential election campaign, including fighting in Bangui between supporters of President Patasse and former President

Kolingba, and attacks by some opposition supporters on foreign diplomats whose governments' were perceived to have supported Patasse.

The Constitution provides for multiple political parties. The state is highly centralized. The central Government appoints all subnational government officials, and subnational government entities have no significant fiscal autonomy. The Government has not held constitutionally required local elections in recent years, ostensibly due to budgetary restrictions. The Government has appointed four successive mayors, including the mayor of Bangui, the capital, a southern city well outside the ruling party's main political base in the north (see Section 5).

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of women in the political process. Only 8 members of the National Assembly are women, and only 2 of the 24 cabinet members are women. In 1999 the President appointed a woman to be the mayor of Bangui.

The percentage of minorities in government or politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of minorities in the political process. There is one Muslim in the Cabinet and at least five Muslims in the National Assembly.

President Patasse is a member of the Sara-Kaba ethnic group. Members of northern ethnic groups, including the Sara and Baya, continued to predominate among the President's advisors, in the leadership of the ruling party, and among ruling party members of the National Assembly.

Pygmies (Ba'Aka), the indigenous inhabitants of the southern part of the country, who represent from 1 to 2 percent of the population, are not represented in the Government and have little political power or influence (see Section 5).

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

Several domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials somewhat are responsive to their views. The Association of Central African Women Lawyers advises women of their legal rights (see Section 5). Several other NGO's, including the Movement for the Defense of Human Rights and Humanitarian Action, the Human Rights Observatory, and some religious groups actively monitor human rights problems. The LCDH publicizes human rights violations and pleads individual cases of human rights abuses before the courts. During the year, the LCDH continued to distribute pamphlets to prisons, police stations, courts, schools, and other NGO's describing human rights and information on judicial access. In February the LCDH published a report that criticized the Government for numerous violations of the freedoms of assembly, movement, and expression. The LCDH and several other NGO's also criticized the USP forces for human rights abuses committed during and following the May 28 coup attempt (see Sections 1.a., 1.c., 1.d., 1.f., and 2.d.). Most of them also criticized the coup attempt and the USP for the human rights abuses during the attempted coup.

A delegation of the International Federation of Human Rights Leagues (FIDH) visited Bangui between July 15 and 22 and met with persons arrested at police stations and detention facilities, including the National Gendarmerie (see Section 1.c.).

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

The Constitution stipulates that all persons are equal before the law without regard to wealth, race, sex, or religion, but the Government does not enforce these provisions effectively, and significant discrimination exists.

Women.—Domestic violence against women, including wife beating, reportedly is common; however, inadequate data make it impossible to quantify. Spousal abuse is considered a civil matter unless the injury is severe. Victims seldom report incidents. The courts try very few cases of spousal abuse, although litigants cite these abuses during divorce trials and civil suits. Some women reportedly tolerate abuse to retain a measure of financial security for themselves and their children. The Government did not address this problem during the year.

The law prohibits female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health; however, girls continued to be subjected to this traditional practice in certain rural areas, and to a lesser degree in Bangui. Approximately 45 to 50 percent of adult females have undergone FGM. In 2000 the International Committee of African Women for Development (CIFAD), a central African-based women's rights organization, began a national campaign against FGM with financial assistance from a for-

eign donor. During the year, a Government-NGO campaign continued to reduce incidence of FGM in rural areas.

Women are treated as inferior to men both economically and socially. Single, divorced, or widowed women, even with children, are not considered socially to be heads of households. Only men are entitled to family subsidies from the Government. Women in rural areas generally suffer more discrimination than do women in urban areas. There are no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at upper levels in the professions or in government service, traditionally has been limited.

Polygyny is legal, although this practice faces growing resistance among educated women. The law authorizes a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. In practice many couples never marry formally because men cannot afford the traditional bride payment. Women who are educated and financially independent tend to seek monogamous marriages. Divorce is legal and may be initiated by either partner.

The law does not discriminate against women in inheritance and property rights, but a number of conflicting customary laws often prevail. A family code designed to strengthen women's rights was enacted in 1998; it has had a positive effect in strengthening women's rights, particularly in the courts. The Association of Central African Women Lawyers advises women of their legal rights. The organization also publishes pamphlets in conjunction with the Ministry of Social Affairs on the dangers of FGM. In 2000 several active women's groups organized workshops and seminars to promote women's and children's rights and to fully participate in the political process; at least one such event was held during the year.

Children.—Although there is no official discrimination against children, the Government spends little money on programs for them. Churches and NGO's have relatively few programs for youths. The failure of the education system, caused by a meager budget and salary arrears, has resulted in a shortage of teachers and an increase in street children. Education is compulsory from ages 6 to 14; however, parents rarely are prosecuted for their children's nonattendance. Moreover, in practice, the age that a child starts school often varies by 2 to 3 years in rural areas. At the primary level, girls and boys enjoy equal access to education, but the majority of young women drop out at age 14 or 15 due to social pressure to marry and bear children. Approximately 60 to 70 percent of urban women have attended primary school, whereas only 10 to 20 percent of their rural counterparts have done so. Only 20 percent of the students at the University of Bangui are women.

Many children beg and steal. Several charitable organizations strive to assist them. In some rural areas, teachers or principals use their pupils as farm laborers (see Section 6.c.). According to numerous credible reports, male teachers in primary and secondary schools as well as at the University level routinely pressure their female students into having a sexual relationship in exchange for passing grades; the spread of HIV/AIDS is extremely prevalent between teachers and their female students.

The Government does not provide medical coverage for uninsured children.

The Penal Code forbids parental abuse of children under the age of 15 years. The Family Code was designed to strengthen children's rights. Illegitimate children have the same rights as those born in wedlock. A juvenile court was set up in 1998 and provided counseling services to parents and juveniles during the year.

Juvenile prisoners routinely were housed with adults and often subject to physical abuse (see Section 1.c.).

FGM is performed primarily on young girls (see Section 5, Women).

Some girls enter prostitution to earn money for their families. In previous years, the presence of international peacekeeping forces in the capital aggravated the problem of teenage prostitution. The Government did not address this problem during the year; however, between August 10 and 19, it organized a 1-week sensitization campaign for prostitutes and street children in preparation for the U.N. World Child Summit.

Trafficking in children, and child labor, including forced child labor, occur (see Sections 6.c., 6.d., and 6.f.).

Persons with Disabilities.—There is no codified or societal discrimination against persons with disabilities; however, there are no legislated or mandated accessibility provisions for persons with disabilities. There are several government and NGO-initiated programs designed to assist persons with disabilities, including handicraft training for the blind and the distribution of wheelchairs and carts by the Ministry of Social Services.

Indigenous People.—Despite Constitutional protection, there is societal discrimination against Pygmies (Ba'Aka), the earliest known inhabitants of the rain forest in the southern part of the country, who make up approximately 1 to 2 percent of the country's population. In general Pygmies have little input in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Indigenous forest-dwelling Pygmies, in particular, are subject to social and economic discrimination and exploitation, which the Government has done little to prevent. Pygmies often work for villagers at wages lower than those paid to members of other groups.

Religious Minorities.—Although in general there is religious tolerance among members of different religious groups, there have been occasional reports that some villagers who were believed to be witches were harassed, beaten, or sometimes killed by neighbors (see Section 1.a.). Witchcraft traditionally has been a common explanation for diseases for which the causes were unknown. The practice of witchcraft is understood widely to encompass attempts to harm others not only by magic, but also by covert means of established efficacy such as poisons. Courts have tried, convicted, and sentenced some persons for crimes of violence against suspected witches.

There were reports of Muslim Chadian commercial traders being attacked in a commercial section near the center of Bangui. Although these attacks are motivated commercially, they seem to be aggravated and tolerated because the Chadians are Muslims. On one occasion, a Chadian was attacked in the presence of the Interior Minister. It was unclear if the attack was perpetrated by the police or private citizens.

When serious social or political conflicts have arisen, simultaneous prayer ceremonies have been held in churches, temples, and mosques to ask for divine assistance. The Catholic Commission for Justice and Peace often conducts developmental and educational programs and seminars throughout the country. The members work closely with other church groups and social organizations on social issues. On February 24, thousands of worshippers of different religious faiths took part in a Mass at the national stadium that was dedicated to peace in the country. President Patasse, who organized the Mass in the wake of widespread strikes by civil servants demanding payment of salary arrears, urged the congregation of Catholics, Protestants, and Muslims not to allow the strike to affect peace adversely (see Section 6.a.).

On October 25, highway bandits attacked a vehicle near Grimari carrying several missionaries (see Sections 1.c. and 2.c.).

National/Racial/Ethnic Minorities.—The population includes approximately 90 ethnic groups; many of these groups speak distinct primary languages and are concentrated regionally outside urban areas. The largest ethnic groups are the Baya (more than 30 percent), the Banda (more than 25 percent), the Mandja (more than 20 percent), the Sara (approximately 10 percent), and the Yakoma (approximately 3 percent). The Mbororo make up approximately 5 percent of the population but play a preponderant role in the economy; they are involved in mining development and remain the most important cattle breeders in the country.

Until 1993 members of Kolingba's ethnic group, the Yakoma subgroup of the Ngbandi, held a disproportionate number of senior positions in government, the armed forces, and state-owned firms. As a result of hirings and firings following President Patasse's 1993 election, Yakomas no longer hold a disproportionate number of positions in the civil service, but the armed forces still are being restructured to achieve greater ethnic balance. Approximately 80 percent of USP members are native to the President's northern region; many belong to the President's Kaba ethnic group or closely related groups.

Major political parties tend to have readily identifiable ethnic or ethnic-regional bases. The results of the 1998 legislative elections and the 1999 presidential election confirmed that the MLPC Party of President Patasse has strong support in the north, especially among the Sara and Baya ethnic groups, but that it also has strengthened its support in the capital (see Section 3). The MDD party of former President Dacko is strong in the southwestern part of the country; the RDC Party of Kolingba is popular in the southeast, in the Oubangui River basin, especially among the Yakoma.

Section 6. Worker Rights

a. The Right of Association.—Under the Labor Code, all workers are free to form or join unions without prior authorization. A relatively small part of the workforce has exercised this right, chiefly wage earners such as civil servants. There are five recognized labor federations. The two most important are the Organization of Free Public Sector Unions and the Labor Union of Central African Workers (USTC), which are independent of the Government.

Unions have the right to strike in both the public and private sectors. To be legal, strikes must be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that union and employer failed to reach agreement on valid demands. The union also must provide 8 days' advance written notification of a planned strike. The Labor Code states that if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. However, the Government has the authority to end strikes because of public interest. Other than this, the code makes no provisions regarding sanctions on employers for acting against strikers. There were no reports of employer actions against strikers.

Health workers and teachers went on separate strikes on several occasions to protest unpaid salaries and poor working conditions. On March 5, the unions and the Government signed an agreement, which applied to both groups of workers and ended a 5-month series of strikes over salary arrears. The Government agreed to make regular salary payments during the year. As a result, the unions suspended their strikes for 2 months pending implementation of the agreement and civil servants returned to work; however, the Government did not make regular payments. Despite the nonpayment, union leaders encouraged their colleagues to keep working following the coup attempt. Since October 2000, the major labor federations have mobilized all striking civil servants to demand that the Government pay at least 12 months worth of salary arrears. Some salaries were paid during the year; however, the Government still owes 14 months of salary arrears to military personnel and 16 months of salary arrears to civilian employees.

On February 8, authorities prevented three trade union leaders from leaving Bangui to attend a seminar in Kenya; however, the three traveled later in the year without restriction (see Section 2.d.). In June the General Secretary of the USTC was arrested, questioned, and subsequently released after attending a meeting of the ICFTU-AFRO Congress in Nairobi.

Labor federations are free to affiliate internationally. The USTC is affiliated with the ICFTU.

b. The Right to Organize and Bargain Collectively.—The Labor Code grants trade unions full legal status, including the right to sue in court. It requires that union officials be full-time wage-earning employees in their occupation, but they may conduct union business during working hours. The Code does not provide specifically that unions may bargain collectively; however, the law protects workers from employer interference in their right to organize and administer their unions. The Government usually is involved in the collective bargaining process. While collective bargaining has taken place in some instances, no collective bargaining occurred during the year.

The Ministry of Labor and Civil Service sets wage scales. Collective bargaining plays a role in setting wages in private industry. Salary arrears continued during the year for both civilian (16 months) and military (14 months) personnel; the arrears continued to be a major complaint of the unions, but with minimal results.

The law expressly forbids discrimination against employees on the basis of union membership or union activity. Employees can have their cases heard in the labor court. The Labor Code does not state whether employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities; however, employers legally are required to pay damages, including back pay and lost wages. There are no export processing zones.

c. Prohibition on Forced or Compulsory Labor.—The Labor Code specifically prohibits forced or compulsory labor; however, prisoners were forced to work without compensation for government officials or magistrates (see Section 1.c.). The Ba'Aka often are coerced into agricultural, domestic, and other types of labor for different ethnic groups.

Trafficking in persons, particularly children, is a problem (see Section 6.f.).

The Labor Code prohibition of forced or compulsory labor applies to children, although they are not mentioned specifically; however, forced child labor occurs. The Government does not have sufficient resources to enforce the prohibition effectively. Some parents force their daughters into prostitution to help support the family, and children frequently work on farms at rural schools (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code forbids the employment of children under 14 years of age; however, the Ministry of Labor and Civil Service enforces the provision only loosely. In practice child labor is common in many sectors of the economy, especially in rural areas. In some rural areas, teachers or principals use school children as labor on farms, ostensibly to teach them how to work the land since many students do not further their education beyond secondary school (see Section 5). The schools use the proceeds

from the sale of the farm produce to purchase school supplies and equipment and to fund school-related activities. The Labor Code generally covers all labor sectors, although specific regulations cover specific sectors. In some cases, the Labor Code provides that the minimum age for employment could be reduced to 12 years for some types of light work in traditional agricultural activities or home services. An international agency reported that children worked in the diamond fields alongside adult relatives.

Child prostitution is a problem (see Section 5).

The Labor Code prohibition of forced or compulsory labor applies to children, although they are not mentioned specifically; however, there were reports of forced labor, including prostitution, by children (see Sections 5 and 6.c.).

Trafficking in children occurs (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code states that the Minister of Labor must set minimum wages by decree. The minimum wage varies by sector and by kind of work. For example, the monthly minimum wage is equivalent to approximately \$12 (7,800 CFA francs) for agricultural workers but approximately \$28 (18,000 CFA francs) for office workers. The minimum wage does not provide a worker and family a decent standard of living. Most labor is performed outside the wage and social security system, especially by farmers in the large subsistence agricultural sector. The Government owes at least 16 months worth of salary arrears to civil servants and 14 months of salary arrears to the military (see Sections 1.c., 1.d., 2.b., and 6.a.). The law sets a standard workweek of 40 hours for government employees and most private sector employees. Household employees may work up to 55 hours per week. The law also requires a minimum rest period of 48 hours a week.

There also are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defines nor actively enforces them, a matter about which the ILO has expressed concern to the Government for many years. The Labor Code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment.

The Labor Code protects both legal and illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons, particularly children, were trafficked to and possibly within the country. The Government has recognized that trafficking in persons occurs; however, statistics and specific examples of trafficking are not available. Trafficking is confined primarily to children who are brought in by the foreign Muslim community from Nigeria, Sudan, and Chad to be used as domestic servants, shop helpers, and agricultural workers (see Section 5). Merchants, herders, and other foreigners doing business in and transiting the country also bring girls and boys into the country. Such children, who may or may not be related to their caretakers, are not afforded the benefit of a formal education, even though of mandatory school age, and work without remuneration for their labor. There is no evidence or indication of sexual exploitation, but there were reports that children were beaten publicly.

The indigenous Ba'Aka often are coerced into agricultural, domestic, and other types of labor within the country. The Ba'Aka often are considered to be the slaves of other local ethnic groups, and subjected to wages far below those prescribed by the labor code. Additionally there have been credible reports of three cases in which persons obtained a Ba'Aka child by deception and subsequently sent the child to Europe for adoption. One of the cases reportedly involved the implicit cooperation of government authorities.

The law does not prohibit specifically trafficking in persons; however, traffickers can be prosecuted under laws against slavery, labor code violations, mandatory school age laws, and laws against the exploitation of prostitution by means of coercion or fraud. Specific laws address the crime of prostitution and punish those who traffic women for the purposes of prostitution. The Government does not investigate actively cases of trafficking, nor does it use or have access to special investigative techniques in trafficking investigations. In 2000 the Government established a commission to study the extent of the trafficking problem, to identify those responsible, and to devise a plan to combat the problem; however, few resources have been devoted to the problem. The Ministries of Social Affairs, Interior, Labor, Rural Development, Justice, and Defense are involved in anti-trafficking efforts and are part of the commission. There are no known NGO's specifically working on the issue.

CHAD

Chad is a centralized republic dominated by a strong presidency. President Idriss Deby, leader of the Patriotic Salvation Movement (MPS), has ruled since taking power in a 1990 rebellion. The Sovereign National Conference (CNS) confirmed Deby in 1993 as Chief of State; he was elected President in 1996 under a Constitution adopted in a referendum earlier that year. On May 10, he was reelected; according to credible reports, fraud, widespread vote rigging, and local irregularities marred both the May presidential elections and the 1997 legislative elections in which members of the MPS won 65 of 125 seats in the National Assembly. The Government remained unable to exert effective control over the Tibesti Massif in the northwestern region of the country where former Defense Minister Youssouf Togoimi began a rebellion in 1998. In May 2000, the President and the National Assembly appointed 15 members of the High Court of Justice, despite a law providing for their election. The Supreme Court began full operations in October 2000. The Constitution mandates an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, and subject to executive interference.

The army, Gendarmerie (State Police Force), police, National and Nomadic Guard (NNG), and intelligence services are responsible for internal security. Officers from President Deby's ethnic group dominate the Rapid Intervention Force (FIR) and the National Security Agency (ANS), a counterintelligence organization that has acted as an internal political police force. The National Army, Gendarmerie, the NNG, and the Republican Guard (the Presidential Security Force) were deployed to fight the rebels. The various military and security forces generally are responsive to the civilian control of the Ministry of Defense (ANS and FIR), Ministry of the Interior (Gendarmerie and NNG), and the Presidency (Republican Guard and the Presidential Security Force). The security forces continued to commit serious human rights abuses.

The country's population is approximately 8.4 million, and the economy is based on subsistence agriculture, herding, and fishing, with more than 80 percent of the workforce is involved in these activities. The country's nominal gross domestic product is estimated at just over \$1.43 billion (approximately 1 trillion CFA francs) with per capita income at approximately \$188 per year (approximately 134,000 CFA francs). The country has little industry, but exports cotton, cattle, and gum arabic. The country's economy remained vulnerable to fluctuations in prices and production levels of its principal export products, and development of other sectors is hindered by particularly high energy costs and poor transportation infrastructure. Other impediments to sustainable economic growth were corruption and a thriving informal sector outside of government taxation policies. The Chad-Cameroon oil pipeline project officially started in October 2000, and the construction of infrastructure for the project continued during the year. The Government remained heavily dependent on assistance from external donors and international financial institutions.

The Government's human rights record remained poor, and serious problems continued. The Government limited citizens' right to change their government. State security forces committed extrajudicial killings and disappearances, and they continued to torture, beat, and abuse persons; however, there were no reports that security forces committed any rapes. The authorities beat members of the opposition. Prison conditions remained harsh and life threatening. Security forces continued to use arbitrary arrest and detention; the authorities arrested opposition leaders. Although the Government detained and convicted some members of the its security forces implicated or accused of criminal acts, it rarely prosecuted or punished members of the security forces who committed human rights abuses. The Government also did not prosecute or punish security force personnel accused in previous years of killings, rape, torture, arbitrary arrest and detention. Lengthy pretrial detention remained a problem. The judiciary remained subject to executive interference and was unable to provide citizens with prompt trials. The Government held political detainees. Security forces used illegal searches and wiretaps and monitored the contents of private mail. The Government generally respected freedom of speech; however, the Government at times limited freedom of the press in practice. The Government took judicial action against independent newspapers for publishing material, which it deemed prejudicial to the Government, on the rebellion in the north and actions of senior officials. The Government limited freedom of assembly. At times the Government limited freedom of religion and movement. Local authorities arrested and beat election observers. Violence and societal discrimination against women remained common. Female genital mutilation (FGM) remained widespread, although public opinion in support of the practice has diminished somewhat. Both official and societal ethnic and regional discrimination remained widespread; north-

erners, in particular members of President Deby's Zaghawa ethnic minority, continued to dominate key positions in the public sector. There also were reports of forced labor, including forced child labor. Child labor is a problem. Intermittent armed conflict between the Government and rebels in the Tibesti continued.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Officially sanctioned extrajudicial killings of suspected criminals by police, customs officers, and gendarmes continued, although some members of the security forces who committed such acts were taken into custody for judicial adjudication. Units of the armed forces were responsible for the extrajudicial killings of suspected members of the northwestern rebellion in the Tibesti. The extrajudicial killings rarely were directed centrally; they usually occurred outside the capital, where there is less control over local armed forces.

On May 19, two soldiers killed Jean Paul Kimtolnan, a sentry working for the nongovernmental organization (NGO) World Vision, in the southern city of Doba. Although the authorities promised to bring the soldiers to justice, no action was taken by year's end.

On May 30, following the presidential elections, security forces shot and killed 20-year-old Brahim Selguet, who was participating in a gathering outside the home of Saleh Kebzabo, one of the defeated opposition candidates (see Sections 2.b. and 3).

In July one person died after being arrested and tortured (see Section 1.c.).

Armed bandits operated on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters (see Section 2.d.).

In late 2000, presidential security forces reportedly executed nine prisoners of war from the northern Movement for Democracy and Justice in Chad (MDJT) rebel group, including agronomist Yaya Labadri, who had been taken prisoner during an engagement with government forces.

There is unlikely to be any action taken in several past extrajudicial killings. Cases involving rebels killed by government forces remain unresolved, including the January 2000 murder of 25 Toubou men related to rebel leader Togoimi (see Section 1.c.). Likewise, no action was taken against the Republican Guards who in May 2000 kidnaped and beat several civilians in a N'Djamena park, killing one; against officials in Bol who beat to death three men in 1999; against police in Tan'djile after two businessmen died while in their custody in 1999; against the security forces who killed seven presumed thieves in the Mayo Kebbi and Bongor areas in January 1999; or Hemchi Dogori, a gendarme who in 1999 fired on a group of villagers in Gourma and injured nine persons and killed one.

In 2000 approximately 10,000 government armed forces engaged in sporadic battles with 1,000 to 2,000 insurgents in the Tibesti region in the northwest part of the country. Both government and insurgent forces suffered heavy casualties, including members of the leadership. Fighting continued in 2000, and in July the Government suffered heavy casualties when the insurgents seized a major base. Toward the end of 2000, the fighting intensified, and there were heavy casualties on both sides. There were sporadic reports of rebel-government clashes during the year.

On October 31, two family members of Mahamat Abakar stabbed and killed Maxime Mbailaou in front of an N'Djamena bank. According to eyewitnesses, police standing nearby did not intervene to stop the killing. Mbailaou had been in protective custody since May when Abakar, a partisan of the ruling MPS party, had been stabbed by supporters of another party and had fled to Mbailaou's bar for protection; he died outside the bar. Although Mbailaou was not involved in the killing, Abakar's family held him responsible. Mbailaou had received permission to visit the bank under armed escort; however, when seen by Abakar's family, they attacked and killed him. Despite a positive identification of the two attackers, no one was arrested until December when Hassane Abakar was indicted; although the prosecutor's office objected, the trial judge released Abakar on bail in contravention of the law.

Throughout the year, members of the Tibesti rebellion reported that members of the army committed human rights abuses and killed suspected collaborators among the civilian population.

Landmines laid by government, foreign, and rebel forces in previous years caused numerous deaths during the year (see Section 5).

On December 29 and 30, according to press reports, four herders were killed in a cross-border raid into the country by Central African Republic (CAR) troops led by the Chadian rebel, Abdoulaye Miskine. Miskine, according to an interview with the Interior Minister, had taken refuge in the CAR several years ago; however, this was his first known cross-border attack. It is unclear if CAR security forces were

involved. In the interview, the Interior Minister said that Chadian troops did not follow the raiders back across the border.

b. Disappearances.—Unlike in the previous year, there were no reports of politically motivated disappearances.

In May 2000, soldiers in Tibesti followed and shot businessman Souleyman Toke and a friend who were returning from Libya by car. Souleyman's friend was injured seriously and evacuated to Faya hospital. Toke was accused of supporting the Togoimi rebellion and sent to N'Djamena; he has not been seen since that time.

Cases of disappearances from 1998, including that of Kibel Justin, are unlikely to be solved.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically prohibits such practices; however, members of the security forces tortured, beat, abused, and raped citizens. Unlike in the previous year, there were no reports that security forces committed any rapes during the year. Local authorities in several areas arrested and beat election monitors (see Section 3). Impunity for those who commit human rights abuses remained widespread.

On January 13, a member of the armed forces beat Juliette Denemadji Abdelkader, a teacher in the southern city of Sarh. The attack on Abdelkader, which occurred while the military allegedly was chasing a suspected thief through the school grounds, was unprovoked. She subsequently filed a complaint, but no action was taken despite several demonstrations, organized by other female teachers, in front of the local Ministry of Education representative's office and in front of the local prefecture's offices.

On May 12, the central police captain in Sarh shot five agronomy students in the legs. The most critically injured had to be evacuated for medical care. No action was taken against the responsible officer by year's end.

Following the May presidential elections, security forces in N'Djamena physically mistreated Member of Parliament (M.P.) and presidential candidate Ngarlji Yorongar. Police beat the spokesman for the opposition collective known as the Forces Vives, Djasnabaye, at a different police station (see Sections 1.d. and 3). No action was taken against the responsible officers by year's end.

On June 11, approximately 100 women gathered outside the French Embassy to present a petition protesting the election results to the French ambassador. There was a violent confrontation between riot police and the women in which 14 women were injured seriously and subsequently hospitalized (see Section 2.b.).

On June 23, police found Moustapha Tahir, an accused drug trafficker, and brought him to the central police station in Abeche, where he was beaten by four policemen. There was no investigation in this case by year's end.

In July security forces arrested and tortured four persons, including one woman, in the eastern city of Abeche; one later died. No action was taken against the responsible officers by year's end.

According to human rights groups, also in July, nine army officers were arrested in the southern province of Barh Koh, and accused of plotting a rebellion. They were tied up and tortured using "arbatachar" (in which the victim's arms and legs are tied behind his back, cutting off circulation and sometimes resulting in paralysis) and transferred to N'Djamena, where seven remained in custody at year's end. The Government released two of the officers, who received medical treatment for the torture that they sustained.

In September security forces raided the home of Dobian Assingar, president of the Chadian League for Human Rights, in the middle of the night. When they did not find Assingar at home, the forces beat his children and left. Those responsible for the beatings later were arrested and questioned by the judiciary police, but subsequently vanished. No further action was taken by year's end.

Following an intercommunal killing in September, local security forces in Bongor intervened, favoring one group and providing weapons and support. In the ensuing violence, several persons were killed and injured. Once central authorities became aware of the incident, the central Government tried to restore peace. At year's end, following intervention by the National Mediator, there was an uneasy truce between the two communities.

In 1999 the Government disbanded the Special Weapons and Tactics Unit (RAID), a specialized police unit under the Ministry of Interior's authority, which had committed numerous human rights abuses in previous years. In 2000 a new chief of the Police Rapid Action Company (CARP) dismissed corrupt members of the unit; however, during the year, there were no similar actions taken. During the year, members of the CARP tortured, beat, and raped detainees (see Section 1.d.).

After obtaining authorization from President Deby, in January 2000, victims filed a class action suit against torturers in the regime of Hissein Habre, who ruled from

1981 to 1990; however, a court in Senegal (where Habre resides) ruled that it had no jurisdiction over the case. The matter remained unresolved at year's end.

Throughout 2000 security forces harassed rebel leader Youssouf Togoimi's family, and government security agents closely observed their movements; however, such actions did not occur during the year.

There were no reports of any investigation or action taken against the members of the security forces responsible for the following incidents in 2000: The October reported beating and abuse of a Zaghawa tribesman who was acting erratically near an embassy and died 3 days after his release from the National Security prison; the June severe beating, torturing, raping, and robbing with impunity of the residents of several villages in the south—Bessokoyan, Bekolo, Bembaitada, and Bamadja—that the army accused of supporting the rebel chief Kette Nodji Moise; the May beating of Armel Ramadji, a high school student; the May severe beating of a civilian, Abdoulaye Absakine.

Landmines laid by government, foreign, and rebel forces in previous years caused numerous injuries during the year (see Section 5).

On May 19, the car carrying opposition leader Valentin Bidi from a campaign event supporting one of President Deby's opponents was attacked. The eight unknown attackers, armed with arrows, batons, and machetes, injured three passengers (one seriously), including Bidi.

On September 28, supporters of the MPS beat five party members in opposition candidate Yorongar's escort car near the presidential palace.

Prison conditions were harsh and life threatening. Prisons were characterized by serious overcrowding; poor sanitation; inadequate food, shelter, and medical facilities. The Government reported that there were more than 2,000 prisoners in 46 prisons throughout the country with nearly 700 in N'Djamena's Central Prison. The prison, built to hold 350 prisoners, was scheduled to be replaced during the year by a newer facility; however, construction of the new prison was behind schedule and only approximately 35-40 percent of the work was finished by year's end. The law provides that a doctor must visit each prison three times a week; however, there were credible reports that this was not done. The law authorizes forced labor in prison.

Female prisoners usually were separated from males; however juvenile males were held with adult male prisoners. Pretrial detainees and political prisoners are held with the general (criminal) prison population.

The Government permitted the International Committee of the Red Cross (ICRC) to visit all prisons, including some military prisons, although the Government insisted on advance notice. The ICRC conducted such visits during the year. Domestic NGO's, including human rights groups, may visit a prison only with authorization from a court or from the Director of Prisons. These groups reportedly were not allowed access to military prisons, and their access to civilian prisons depended greatly on the personal inclinations of judges and prison administrators.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the Penal Code prohibit arbitrary arrest; however, security forces continue to use arbitrary arrest and detention. A judicial official must sign arrest warrants; however, the Government often did not respect this requirement.

Local authorities in several areas arrested and beat election observers (see Section 3).

On May 22, regional military commanders ordered the arrest of Captains Abdallah Bahar and Abdoulaye Abderkerim for allegedly organizing a rebellion. They were transferred from the border town of Adre to Abeche on May 31, where they were held in a basement converted into prison. Although the prefect conducted an investigation and could not establish the captains' involvement in the rebellion, they remained in detention at year's end.

Following the May 20 presidential elections, police twice arrested all six opposition candidates, including three parliamentarians, thereby violating their parliamentary immunity. Several others associated with the candidates also were arrested (see Sections 2.b. and 3).

In July the authorities arrested nine army officers suspected of fomenting rebellion. Seven remained imprisoned at year's end despite a lack of evidence to support the charges; all were tortured (see Section 1.c.).

On September 3, security forces kidnaped and detained for 8 days Sabe Salam, World Vision's Chief of Donor Relations; the security forces presented no warrant or proof of judicial proceedings. They charged that he had used World Vision's resources to campaign on behalf of opposition candidates and to influence the local population in favor of these candidates; World Vision summarily denied these charges. Although the NGO reported that Salam appeared to have been tortured during his detention, he would not speak about it.

In March 2000, the police chief of Pala arrested and tortured a schoolteacher, Tignalou Mbaiky. He was detained without charge or trial, and a human rights organization reported that he was released by the end of 2000. There was no government response to the torture or arbitrary detention accusations by year's end.

In May 2000, the Sultan of Kanem arrested a large number of adherents of an Islamic group, Faydal Djarja (see Section 2.c.).

A relative of an advisor to the rebel Togoimi reported that the police arrested him and 25 other Toubou men in April 2000. The person was released, but he credibly reported to a human rights group that the other 25 men were killed (see Section 1.a.).

Members of the CARP were responsible for numerous cases of arbitrary arrest and detention; they beat, tortured, and raped detainees without sanction by government authorities (see Section 1.c.). Unlike in the previous year, there were no reports that security forces committed any rapes. In 2000 the CARP chief was replaced, and one officer was fired for abuses; however, authorities took no action against him by year's end.

Lengthy pretrial detention was a problem. Persons accused of crimes may endure up to several years of incarceration before being charged or tried, especially those arrested for felonies in the provinces, who must await remand to the overcrowded prison in N'Djamena (see Section 1.c.).

The Government continued to hold political detainees. Political detainees either eventually are released or they disappear (see Section 1.b.). On two occasions in May, authorities arrested and detained briefly six opposition candidates for political reasons (see Sections 2.b. and 3).

The Government does not practice forced exile; however, some family members of persons who have joined the northern rebellion choose to leave the country for security reasons.

e. Denial of a Fair Public Trial.—The Constitution mandates an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, and subject to executive interference. In practice government officials and other influential persons often enjoyed immunity from judicial sanction. In April 2000, the Chief Justice demoted two Supreme Court justices, Maki Adam and Ruth Romba, reportedly because they made a decision adversely affecting the interests of the Chief Justice.

In 1999 President Deby swore in 16 members of the Supreme Court as well as 9 members of the Constitutional Court. In May 2000, the National Assembly enacted legislation calling for the election of 15 members of the High Court of Justice; however, they were appointed by President Deby and the president of the National Assembly. The court began formal operations on May 24, 2000, after the justices were appointed. Although the establishment of these bodies fulfilled the Constitution's mandate for a judicial branch, some of the members of the Supreme Court and the Constitutional Court were appointed by the Government and not elected by citizens as required by the law, which weakened the independence of the courts. Also due to inadequate funding, the courts did not begin full operations until October 2000.

The Constitution mandates a Superior Council of Magistrates to act as a guarantor of judicial independence, and during the year, the Council sanctioned several judges for malfeasance. The national judicial system operates with courts located in provincial capitals. The N'Djamena Court of Appeals is supposed to conduct regular sessions in the provinces, but funding limitations did not permit the court to make periodic circuit visits.

Applicable law can be confusing, as courts often tend to blend the formal French-derived legal code with traditional practices. Residents of rural areas often lack effective access to formal judicial institutions. In most civil cases, they rely on traditional courts presided over by village chiefs, canton chiefs, or sultans. Decisions may be appealed to a formal court.

Official inaction and executive interference continued to plague the judiciary. Long delays in trials resulted in lengthy pretrial detention (see Section 1.d.). The 48-hour temporary police custody period after which a detainee should be released if not brought before a judge was not respected (see Section 1.d.). Detainees were not released but remained in jail due to lack of evidence, witnesses, or poor preparation of their cases.

The salaries of judicial officials often were low. Although the Government has stated that the strengthening and reform of the judiciary are top priorities, it made little progress in these areas by year's end.

The Government has not enforced the Military Code of Justice since the 1979–80 civil war, and courts-martial instituted early in the Deby regime to try security personnel for crimes against civilians no longer operated by year's end.

No action was taken, and none appears likely, against five soldiers who attacked and stoned a defendant at a session of N'Djamena's criminal court in August 2000.

There were no reliable figures concerning the number of political prisoners. During the year, the Government reported that there were no political prisoners. In June 2000, detainees implicated in Kette Moise's rebellion—Charles Mbairam, Padjia Ortingar, Mbairassem Elysee, Djikossem Nidja, Todjimbaye, and Michel Mbailemel—received public trials. However, other individuals arrested for suspicion of subversive activities against the Government in the Tibesti region simply were released or disappeared (see Sections 1.b. and 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, authorities used illegal searches and wiretaps and monitored the contents of private mail. The Penal Code requires authorities to conduct searches of homes only during daylight hours and with a legal warrant; however, in practice security forces ignored these provisions and conducted extrajudicial searches at any time.

In September security forces raided the home of Dobian Assinger and beat his children when they realized Assinger was not at home (see Section 1.c.).

The Government engaged in wiretapping without judicial authorization, monitored the contents of private mail through the postal service, and monitored private e-mail through the main post office server. In 2000 the president of the political party Mouvement pour la Democratie au Chad reported to human rights groups that his telephone line continued to be tapped. According to a local newspaper report in March 2000, the telephone lines of two embassies and opposition supporters also were tapped; however, unlike in the previous year, there were no reports of government wire tapping during the year. Officials of domestic human rights groups charged that their telephone lines are tapped.

The Government officially does not permit the use of minors in the military, and observers believe that most minors were demobilized in 1997; however, there were credible reports that the military conscripted teenage Zaghawa to fight in the Tibesti region of the country.

In 2000 the Government illegally and forcibly conscripted young men from eastern areas of the country and Sudan into the army where they were trained for fighting against rebel forces in northern areas of the country. During the year, as the rebellion subsided, forced conscription generally was confined to the northern regions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected freedom of speech; however, the Government at times limited freedom of the press in practice. Unlike in previous years, the Government did not detain journalists during the year. However, the Government continued to threaten journalists with legal retaliation for publishing material on the rebellion in the northern part of the country or about senior government officials accused of corruption or responsibility for attacks on Chadians in Libya. Unlike in past years, in late 2000 and early in the year, the Government retaliated against two opposition newspapers, N'Djamena Bi-Hebdo and Le Temps. In December 2000, Garonde Djarama, who had written a letter to the editor of N'Djamena Bi-Hebdo criticizing the killing of Chadian workers in Libya and the Government's subsequent inaction, received a 6-month suspended jail sentence and a \$68 (50,000 CFA francs) fine; the paper's director of publication was acquitted.

In November 2000, General Ali Abdallah, prefect of Logone Occidental province, sued Le Temps's Director of Publication, Michael Didama, over an article investigating Abdallah's role in a presidential assassination attempt. Didama was convicted, fined \$7,000 (5,025,000 CFA francs), and given a 6-month suspended jail sentence. At the same time, members of the Presidential Guard sued Didama for defamation after Le Temps printed a communique released by an armed rebel group, listing those killed in a December 2000 skirmish between rebels and loyalists in the Tibesti. On February 5, the authorities arrested Didama and detained him for 3 hours. When the prosecutor decided to close the case for lack of sufficient evidence, the soldiers threatened Didama.

The Government controls the newspapers Info Tchad and Victoire and influences Le Progres; however, it does not dominate the press. A number of private newspapers are published in the capital; most were extremely critical of government policies and leaders.

Due to widespread illiteracy and the relatively high cost of newspapers and television, radio is the most important medium of mass communication and information. The Catholic Church-owned La Voix du Paysan broadcasts locally produced programming including news coverage and political commentary in French and indigenous languages from Doba over a 140-mile range. The High Council on Communica-

tions (HCC), an independent institution, has set the licensing fee for a commercial radio station at a prohibitively high level: approximately \$9,000 (5 million CFA francs) per year, 10 times the fee for radio stations owned by nonprofit NGO's such as La Voix du Paysan. However, the number of private FM stations has increased, including station FM Liberte, owned by a group of human rights organizations, which began operations and programming in August 2000.

The Government placed limits on radio broadcasting. On April 18, the HCC limited private FM radio stations' coverage of the presidential elections (see Section 3). This ban included a prohibition on organizing and holding debates with the candidates or their representatives, and endorsements or editorials. Radio FM Liberte defied the prohibition and was threatened with closure, although they later worked out a compromise with the HCC that allowed FM Liberte to cover most events. The authorities in the southern city of Moissala also threatened the local station, Radio Brakos, with closure after it disclosed allegations of misconduct by local gendarmes.

The Government owns and operates the only domestic television station. A new private television station was registered during the year; however, demand for private television stations are limited by economic conditions, such as the lack of a sizeable audience with the required purchasing power. There is one privately owned cable television station service that distributes foreign-sourced programming in French and Arabic, but relatively few citizens can afford to subscribe to the service. A South African cable station also sells subscriptions.

The official media, consisting of a national radio network, a press agency, and N'Djamena's only national television station, were subject to both official and informal censorship; however, at times they were critical of the Government. The official media also gave top priority to government officials and events, while providing less attention to the opposition. The HCC acts as an arbiter whose main function is to promote free access to the media; however, it has no powers of enforcement.

The sole Internet access server is provided by the government-owned telecommunications monopoly. The Government does not restrict access to the Internet; however, the state-owned firm reportedly set prices and provided a quality of service that has discouraged the establishment of private domestic Internet service providers.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The law requires organizers of public demonstrations to notify local authorities 5 days in advance of the demonstration. Authorities banned demonstrations critical of the Government despite being notified in advance as required by law. In contrast, the authorities condoned peaceful demonstrations in support of the Government and its policies.

When the election commission's announced in late May that initial results indicated that President Deby had won reelection, the opposition candidates sought to organize a mass rally and march through N'Djamena, to protest what they viewed as a stolen election. The Government denied a parade permit, offering instead to allow the opposition to hold a mass meeting in the National Assembly building. The candidates refused, but agreed some weeks later to a rally in the somewhat larger National Stadium. However, on May 28, the six defeated candidates and their staffs held a meeting at the home of one, Saleh Kebzabo. Under the Interior Minister's instruction, police raided the meeting and arrested all six candidates (see Section 1.d.). They were released an hour later. That same day, members of the Presidential Guard fired at opposition supporters who were participating in a peaceful, spontaneous rally outside Kebzabo's home. Brahim Selguet died after the Presidential Guard shot him in the head and stomach (see Section 1.a.); four others were injured. The Government did permit a peaceful women's march to accompany Selguet's funeral.

On May 30, the police rearrested the six opposition candidates, their campaign directors, the president of the Union of Chadian Labor Unions (UST), and his secretary (see Sections 1.d. and 3). Police held them for more than 12 hours before releasing them. During that time one of the opposition candidates, Ngarlji Yorongar, was physically mistreated (see Section 1.c.).

On June 11, approximately 100 women gathered outside the French Embassy to present a petition protesting the election results to the French ambassador. There are conflicting reports about the ensuing events. According to human rights groups, riot police lobbed tear gas canisters at the women for no reason; a total of 14 women were injured seriously and were hospitalized. According to other observers, the women provoked the police by taking their clothing off, an extremely insulting act under local cultural standards. By year's end, no action had been taken against the police in any of these cases (see Section 1.c.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respects this right in practice; however, at times it limited this right. The Constitution also provides that the country shall be a secular state; however, despite the secular nature of the state, a large proportion of senior government officials, including President Deby, are Muslims, and some policies favor Islam in practice. For example, the Government sponsored annual Hajj trips to Mecca for certain government officials.

The Government requires religious groups, including both foreign missionary groups and domestic religious groups, to register with the Ministry of Interior's Department for Religious Affairs. Registration confers official recognition but not any tax preferences or other benefits. There are no specific legal penalties for failure to register, and there were no reports that any group had failed to apply for registration or that the registration process is unduly burdensome. The Government reportedly has denied official recognition to some groups of Arab Muslims in Ati, near the eastern border with Sudan, on the grounds that they have incorporated elements of traditional African religion, such as dancing and singing, into their worship.

According to a Protestant pastor in N'Djamena, while differing faiths or denominations are treated equally by the Government, Islamic congregations appear to have an easier time obtaining official permission for their activities. Non-Islamic religious leaders also claimed that Islamic officials and organizations received greater tax exemptions and unofficial financial support from the Government. State lands reportedly were accorded to Islamic leaders for the purpose of building mosques, while other religious denominations must purchase land at market rates to build churches. However, during the year, at least one Christian congregation was able to reclaim a former building that was being used by a Muslim congregation, because the Government found that the Christian church had a stronger legal claim to the building.

The Government has imprisoned and sanctioned fundamentalist Islamic imams believed to be promoting conflict among Muslims. In 1999 the Government arbitrarily arrested and detained Imam Sheikh Mahamat Marouf, the fundamentalist Islamic leader of the northeastern town of Abeche, and refused to allow his followers to meet and pray openly in their mosque. Sheikh Marouf was released from prison after nearly 1 year in jail. Sheikh Marouf may pray but is not permitted to lead prayers. His followers are allowed to pray in their mosques, but they are forbidden from debating religious beliefs in any way that might be considered proselytizing; however, the Tidjani followers throughout the country are allowed to proselytize. The Government claimed that the imam was responsible for inciting religious violence; however, the imam's followers rejected the Government's claim and cited religious differences with the Government.

On October 4, the Interior Minister formally banned the Fayda al-Jahria (also spelled Faydal Djarja), a Sufi group that adheres to a mystical form of Islam. The Sufi order originated in Nigeria and Senegal and incorporates singing and dancing into its religious ceremonies and activities. In the country, the group is found from the Kanem region around Lake Chad to neighboring Chari Baguirmi. The October ban was the latest in a series of government actions taken against the group. In May 2000, the Sultan of Kanem arrested a large number of Fayda al-Jahria adherents. The Chadian Superior Council of Islamic Affairs has long considered that the Faydal Djarja group does not conform to Islamic tenets and had requested the Ministry of Interior to arrest the group's spiritual leader, Ahmat Abdallah. The Minister of Interior previously had banned the group in January 1998; however, from the beginning of 2000, the group increasingly was active, which resulted in the arrests in the Kanem. The Director of Religious Affairs at the Ministry of Interior requested that the Superior Council of Islamic Affairs provide the specific sections of the Koran that support the ban of the group. However, the October ban was implemented on technical grounds, and the Government did not recognize the group's registration. There was an undetermined number of Faydal Djarja adherents in prison in Kanem at year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, there are some limits on them in practice. The Government did not require special permission for travel in areas that it effectively controls; however, elements of the security forces, rebels, and bandits continued to maintain many roadblocks throughout the country, extorting money from travelers. The Government did not officially condone such behavior on the part of members of security forces, but it did not discourage it effectively. In addition, armed bandits operated on many roads, assaulting, robbing, and

killing travelers; some bandits were identified as active duty soldiers or deserters (see Section 1.a.).

In March 2000, the Government refused to issue passports to the wife and children of rebel leader Togoimi. At the end of 2000, Togoimi's family limited their movements in response to government surveillance; they did not pursue their request for passports, despite the Ministry of Interior's statements indicating that the Government was disposed to reconsider favorably the Togoimi family's earlier request.

Some family members of persons who have joined the northern rebellion choose to leave the country for security reasons.

Chadian refugees legally are free to repatriate. On August 15–16, 610 Chadian refugees returned home from Yaounde, Cameroon, under the auspices of UNHCR; they followed a group of 288 that returned from Douala, Cameroon, in July. Over the course of 10 days in January, UNHCR repatriated the final 2,000 Chadian refugees resident in refugee camps in the CAR. This program, which began in 1995, repatriated a total of 14,000 citizens who had fled the civil war of the 1980's. In October 2000, at least 350 families were repatriated from Libya after clashes between Libyans and sub-Saharan Africans, which were described in the press as xenophobic reactions by the Libyans. Most Chadian refugees reside in the Niger, Libya, Sudan, Nigeria, and Cameroon. The World Refugee Survey stated that nearly 50,000 Chadians were refugees (more than 40,000 in Cameroon, 5,000 in the Sudan, an undetermined number in the CAR, and 3,000 in Nigeria as of the end of 2000).

The Government adheres to the principles of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, these principles are not incorporated into the law. An official national structure, the National Committee for Welcoming and Reinsertion, addresses domestic and foreign refugee affairs. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. Since 1993 the Government has registered refugees in N'Djamena and sent their applications for refugee status to UNHCR Central African headquarters in Kinshasa, the Democratic Republic of the Congo, or other regional UNHCR offices in Africa. A person whose application is accepted is eligible to enroll in a 6-month care maintenance program that includes a monthly subsistence allowance, medical care, and assistance in finding work; a local NGO funded this program. The Government provides first asylum for refugees and has done so in past years. The Government has granted refugee and asylum status informally to persons from Sudan and the Republic of the Congo and has allowed them to remain for resettlement. The World Refugee Survey stated that the country hosted 20,000 Sudanese refugees at the end of 2000.

In November General Francois Bozize of the CAR was accused of plotting a coup against the CAR Government and fled to southern Chad after fighting with loyalist CAR troops in northern CAR. The Chadian Government has refused to extradite him despite CAR government appeals.

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

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

The Constitution provides citizens with the right to change their government peacefully; however, the Government continued to limit this right in practice. The Government is headed by a prime minister who is nominated by the President and confirmed by the National Assembly. In 1999 President Deby appointed Nagoum Yamassoum as the Prime Minister.

During the period leading up to and following the May 20 presidential election, several cases of abuses against opposition supporters and candidates took place. For example, on April 19, members of the ruling MPS party attacked two opposition Federation Action for the Republic (FAR) party members during a campaign event in support of their candidate, Ngarlejo Yorongar. That same day, attackers injured and threatened with death another FAR supporter in a different neighborhood; the attackers shredded his party flag. Other opposition parties also were targeted, both in N'Djamena and outside the capital (see Sections 1.c. and 2.b.). On May 19, opposition leader Valentin Bidi was attacked (see Section 1.c.). The MPS in turn claimed that its campaign workers were intimidated in opposition strongholds.

According to several observers, President Deby's first-round victory was marked by irregularities, including voting by minors and unregistered voters, early and repeat voting by nomad groups, election day campaigning by the ruling party, and the presence of government officials and the military in polling stations during the voting. While monitoring the voting process, unofficial observers from local human rights and civil society groups were assaulted in polling stations. According to

human rights groups, local authorities in Abeche, Ati, Chokoyan and N'Djamena arrested and beat observers from the Chadian Human Rights Collective and from the Labor Union Collective. In Abeche and N'Djamena Bilala, the authorities threw the observers out of all polling stations. The authorities also denied opposition observers access to official tallies after the vote. When the election commission's announced in late May that initial result indicated that President Deby had won reelection, the opposition candidates sought to organize a mass rally and march through N'Djamena, to protest what they viewed as a stolen election. The Government denied a parade permit, and on May 28, police arrested all six opposition candidates during a meeting. Security forces deployed that day beat and injured numerous opposition supporters, and killed Brahim Selguet (see Sections 1.a., 1.d., and 2.b.). Two days later, security forces rearrested the six candidates and their top assistants; all later were released, although one (Yorongar) was mistreated physically. On June 13, the Constitutional Court threw out one-third of the provisional votes cast in favor of President Deby. Nevertheless, Deby still won reelection with 63 percent of the vote.

The Government restricted media coverage of the elections (see Section 2.a.).

The 1997 National Assembly elections, in which President Deby's MPS party won 65 of a total of 125 seats in the National Assembly, were compromised by widely reported fraud, including vote rigging and other irregularities committed by election officers, government officials, members of the ruling party, and others.

The State remains highly centralized. The national Government appoints all sub-national government officials, who also must rely on the central Government for most of their revenues and their administrative personnel. Using its parliamentary majority, the Government passed twin legislative bills in 1999 outlining the country's proposed decentralization structure for local government elections as required by the Constitution. Local elections have been delayed since the conclusion of the 1997 parliamentary elections and are not scheduled to occur until at least 2002. In September 1999, the Constitutional Court returned both legislative bills to the Parliament after finding that they violated the Constitution. In January 2000, the Constitutional Court rejected a decree redrawing provincial borders and separately rejected the bill on decentralization.

Many political parties objected to the Government's proposed decentralization plan and presidentially decreed internal territorial divisions, which appeared to be an attempt at gerrymandering. Opposition political leaders accused the Government of coopting their most popular local politicians to run as MPS members in upcoming local elections and also alleged intimidation by the military against those party members who refused.

The National Assembly created an Independent Elections Commission (CENI) in September 2000 to prepare for the presidential and National Assembly elections. The President's political party dominates the CENI. The CENI oversaw the May 20 presidential elections.

The percentage of women in government and politics does not correspond to their percentage in the population. Few women hold senior leadership positions. There are 2 women of cabinet rank, and there are 3 women who are members of the 125-seat National Assembly.

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

Human rights organizations generally operate with few overt restrictions, investigating and publishing their findings on human rights cases; however, the Government obstructed the work of human rights organizations during the year through arrest, detention, and intimidation (see Sections 1.c. and 1.d.). Government officials often are accessible to human rights advocates; however, they generally are unresponsive or hostile to their findings. Areas of particular difficulty between the Government and human rights organizations were the latter's attempts to mediate between the Government and rebel groups and their attempts to monitor the presidential election (see Section 3).

In September security forces raided the home of Dobian Assingar, president of the Chadian League for Human Rights and beat his children (see Section 1.c.).

Officials of domestic human rights groups charged that their telephone lines were tapped.

Human rights groups were outspoken, and often partisan, in publicizing the abuses through reports, press releases, and the print media; however, they only occasionally were able to intervene successfully with authorities. They often sent statements to diplomatic missions and international NGO's. Most human rights groups were composed of opponents of the Government, which impaired their credibility with the Government and also with international organizations.

NGO's have gained recognition under the Deby regime and play a role in political events. Human rights groups have assisted the Government in mediation efforts to reconcile the ancient conflict between herders and farmers over land and water rights.

At the end of 1999, the Collective of Human Rights Associations, consisting of five human rights organizations, issued a declaration urging the Government to respect human rights; there was no government response.

International human rights organizations were constrained. Since 1996 the Government has refused Amnesty International's request to investigate human rights abuses in the country. The Government permitted a representative of Human Rights Watch to visit the country, but only because the investigation centered around human rights problems of deposed dictator Hisssein Habre and not around existing human rights concerns.

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

The Constitution provides for equal rights for all citizens, regardless of origin, race, religion, political opinion, or social status. In practice cultural traditions maintain women in a status subordinate to men, and the Government favors its ethnic supporters and allies.

Women.—Domestic violence against women was believed to be common, although no statistics were available. By tradition wives are subject to the authority of their husbands, and they only had limited legal recourse against abuse. Family or traditional authorities may act in such cases; however, police rarely intervened.

Rape, prostitution, and sexual harassment were all problems. Rape and prostitution are prohibited by law; however, sexual harassment is not.

FGM, which is condemned widely by international health experts as damaging to both physical and psychological health, is widespread and deeply rooted in tradition. A 1995 U.N. study estimated that approximately 60 percent of all women have undergone FGM; the practice is especially prevalent among ethnic groups in the east and south, where it was introduced from Sudan. All three types of FGM are practiced; the least common but most dangerous and severe form of FGM, infibulation, is confined largely to the region on the eastern border with Sudan. FGM usually is performed prior to puberty as a rite of passage and an occasion during which many families profit from gifts from their communities.

Opposition to the elimination of FGM is strong; however, some progress has been made. Both the Government and the NGO community in the previous years have conducted active and sustained public education campaigns against this practice. During the year, one prominent NGO continued its anti-FGM education campaign at the canton level in six different prefectures. The Ministry of Social Action and the Family is responsible for coordinating activities to combat FGM. The law makes FGM theoretically a prosecutable offense as a form of assault, and charges can be brought against the parents of FGM victims, medical practitioners, or others involved in the action; however, no suits have been brought under the law. A law to criminalize the practice of FGM was passed by the Council of Ministers; however, by year's end, no action had been taken by the National Assembly.

Discrimination against women remained widespread. In practice women do not have equal opportunities for education and training, making it difficult for them to compete for the few formal sector jobs. Property and inheritance laws do not discriminate against women, but traditional practice favors men. The exploitation of women was pervasive especially in rural areas, where women do most of the agricultural labor and are discouraged from formal schooling. Illiteracy was estimated at 65 percent for women, but only 38 percent for men. Under the law, polygyny is sanctioned; however, spouses may opt for monogamy. If a monogamous relationship is violated, the marriage may be dissolved at the wife's request alone; however, she must repay the bride price and other expenses related to the marriage.

In 1999 the Government held meetings with representatives of religious groups and civil society to update the Family Code; however, no action was taken to amend the Family Code by year's end. In the absence of a comprehensive law governing women's rights, the Family Code sets the parameters of women's rights under the law. The various religious and ethnic communities could not reach any consensus. In a subsequent meeting with the national women's group during the year, the group called upon the Government and the rebels to cease the fighting in the Tibesti.

Children.—The Government took several actions to improve children's rights and welfare, but it has few resources to devote to them. Although the Government continued to increase modestly its assistance to the education sector, the Government does not have enough money to provide adequate funding to public education and

medical care. Government education policy for children and youth is focused on increasing classroom facilities and infrastructure.

The Government does not enforce compulsory education. The Constitution provides for compulsory education, but it does not specify until which particular age. The Constitution also provides for free education; however, parents complained that they must pay tuition to public schools. Educational opportunities for girls were limited, mainly because of tradition. Approximately as many girls as boys were enrolled in primary school, but the percentage of girls enrolled in secondary school was extremely low, primarily because of early marriage.

The law considers any citizen under the age of 18 years as a minor. Sexual relations, even with consent, before the age of 13 years are considered to be rape and the prescribed sentence is for hard labor in perpetuity; the age of consent is 14. Rape of children and child abuse were problems.

FGM is practiced commonly on young girls (see Section 5, Women).

Although the law prohibits sexual relations with a girl under the age of 14, even if married, this law rarely is enforced, and families arrange marriages for girls as young as the age of 12 or 13; the minimum age for engagements is 11 to 12. There were some forced marriages, for the financial gain of a dowry (see Section 6.c.). Many young wives then were forced to work long hours of physical labor for their husbands in fields or homes.

Children also work in agriculture and herding (see Section 6.d.).

Persons with Disabilities.—There is no official discrimination against persons with disabilities; however, the Government operated only a few therapy, education, or employment programs for persons with disabilities, and no laws mandate access to buildings for persons with disabilities. Several local NGO's provide skills training to the deaf and blind.

Religious Minorities.—Although the different religious communities generally coexisted without problems, there were reports of occasional tension between Christians and Muslims due to the proselytizing by evangelical Christians. In addition tensions and conflicts between government supporters from the politically dominant northern region and rebels from the politically subordinate southern region occasionally had religious overtones.

National/Racial/Ethnic Minorities.—There are approximately 200 ethnic groups, many of which are concentrated regionally and speak 128 distinct primary languages. Most ethnic groups are affiliated with one of two regional and cultural traditions: Arab and Saharan/Sahelian zone Muslims in the north, center, and east; and Sudanian zone Christian or animist groups in the south. However, recent migrations in response to urbanization and desertification made a north-south breakdown too simplistic.

Societal discrimination continued to be practiced routinely by members of virtually all ethnic groups and was evident in patterns of buying and employment, in patterns of de facto segregation in urban neighborhoods, and in the paucity of inter-ethnic marriages, especially across the north-south divide. The law prohibits state discrimination on the basis of ethnicity; however, in practice ethnicity continued to influence government appointments and political alliances. Northerners, in particular members of President Deby's Zaghawa ethnic group, continued to dominate the public sector and were overrepresented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff. Political parties and groups generally continued to have readily identifiable regional or ethnic bases.

In the army's struggle against the Tibesti rebels, hundreds of soldiers were killed or injured by landmines in 1998 and 1999; numerous deaths and injuries from landmines continued during the year. During the year, the Government exhibited a pattern of discrimination in selectively separating injured northerners, especially Zaghawa, from southerners for treatment, with the Zaghawa given preferential medical treatment, including evacuation abroad. Human rights groups in Faya Largeau charged that many untreated injured southerners were left to die as a result of the selective access to medical treatment based solely on ethnicity.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes freedom of association and union membership, as well as the right to strike, and the Government generally respected the right to organize in practice. All employees, except members of the armed forces, are free to join or form unions. However, few workers belong to unions, since most workers are unpaid subsistence cultivators or herders. The main labor organization is the UST. The Teacher's Union of Chad became independent in 1998. Neither union has a tie to the Government. A number of minor federations

and unions, including the Free Confederation of Chadian Workers, also operated, some with ties to government officials.

The Labor Code ended long-standing legal restrictions on trade union rights; however, there were reports that a 1962 ordinance requiring prior authorization from the Ministry of the Interior before an association can be formed still was in force. The ordinance also allowed for the immediate administrative dissolution of an association and permitted the authorities to oversee associations' funds. The Government allegedly has applied this law to unions on several occasions despite assurances that only the Labor Code would govern the unions, there were no reports of such action during the year. The International Labor Organization (ILO) Committee of Experts has cited the Government for its denial of the right to establish an organization without prior approval. The Committee noted that Ordinance No 27 regulating associations subjects the establishment of associations to the Ministry of the Interior who has extensive power to oversee the management under penalty of dissolution.

The Constitution recognizes the right to strike, and the Government generally respected this in practice. Ordinances of the law permitted forced labor imprisonment for participation in strikes; however, there was no such punishment during the year. During the year, there were strikes in various sectors, particularly petroleum and education.

The unions were supportive of the opposition and played an active role in the presidential election campaign. On May 30, the police arrested the President of the UST along with six opposition candidates (see Sections 1.d. and 2.b.). The Government applied some pressure on the unions after the election, urging them to go back to focusing on labor issues rather than politics.

Labor unions have the right to affiliate internationally. The UST affiliates with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Constitution contains only general provisions for the rights of the Government to set minimum wage standards and to permit unions to bargain collectively. The Labor Code has specific provisions on collective bargaining and workers' rights. The Labor Code empowers the Government to intervene in the bargaining process under certain circumstances.

The Labor Code protects unions against antiunion discrimination, but there is no formal mechanism for resolving such complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the Labor Code prohibit slavery and forced or compulsory labor by adults and children; however, there were reports of forced labor practices in the formal economy, and isolated instances of forced labor by both children and adults in the rural sector by local authorities as well as in military installations in the north. In 2000 a local newspaper reported that workers in the National Sugar Company of Chad (SONASUT), the sugar parastatal, were forced to work but were not paid. Some young girls were forced into marriages by their families; these girls then were forced to work in their husbands' fields or homes (see Section 5). There were reports that Zaghawas were conscripted forcibly into the armed forces throughout the year. In December 2000, security forces in N'Djamena reportedly rounded up army deserters and other individuals described as bandits, sent them to the northern military front, and forced them to fight alongside government troops. Ordinances of the law permitted forced labor imprisonment for participation in strikes, which the ILO has requested the Government to repeal; however, the ordinances were not repealed by year's end.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code stipulates that the minimum age for employment in the formal sector is 14 years; however, the Government did not enforce the law in practice. Children rarely were employed except in agriculture and herding due to the high unemployment rate; however, throughout the country, children worked in agriculture and herding during the year. Children rarely were employed in the commercial sector; however, some children worked on contract with herders, and other children worked as street vendors.

Abusive and exploitative child labor existed and affected an estimated 19 percent of children between the ages of 6 and 18 years of age. For example, in 2000 12-year-old Ngaryade Togyambaye and 16-year-old Nanguerimbaya Masrabaye were taken from school and delivered by their father, Ngaryade Victor, to Ahmat Izergue, a herder, for \$13 (6,600 CFA francs). Such practices were a consequence of parental resignation, dislocation of the family unit, endemic poverty, lack of appropriate legal protection, demographic and population explosion, and civil war. The instability resulting from civil wars contributed to the Government's limited ability to improve living conditions of children. Despite the ratification of international conventions on child labor, no government policies protecting child labor existed before the National

Assembly ratified the U.N. International Program on the Elimination of Child Labor in November 2000.

There were reports that in the southern part of the country, families contracted out their children to Arab nomadic herders to help care for their animals, and the children often were abused and returned with little financial compensation for their work. Some children worked as domestic servants in the households of relatives for little compensation.

Several human rights organization reported on the problem of the “mahadjir” children. These children, who attend certain religious schools, were forced by their teachers to beg for food and money.

The Government worked with UNICEF to increase public awareness of child labor. During the year, the Government cosponsored with UNICEF a number of workshops, seminars, and radio broadcasts to raise awareness of the abuses of child labor and to advocate elimination of the worst forms of child abuse. The labor law states anyone under the age of 18 is a minor, and, in accordance with ILO Convention 182, it prohibits children from undertaking “any work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

The Government prohibits forced and bonded child labor; however, forced child labor is a problem (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code applies to both foreign and domestic workers and requires the Government to set minimum wages. The minimum wage at year’s end was \$35 (25,480 CFA francs) per month. Most wages, including the minimum wage, were insufficient to provide a decent standard of living for a worker and family. Nearly all private sector and state-owned firms paid at least the minimum wage, but the lowest public sector wages remained below the minimum wage. The Government increased civil servant’s salaries by 5 percent in January 1999, but salaries were not increased subsequently. In 1999 the Government reduced wages paid to the armed forces, which already were well below the minimum wage.

The State, which owns businesses that dominate many sectors of the formal economy, remained the largest employer. The Government reduced significantly the large salary arrears owed to civil servants and military personnel, although some arrears remain. Nevertheless, wages remained low and many state employees continued to hold second jobs, raise their own food crops, or rely on family members for support.

The law limits most agricultural work to 39 hours per week, with overtime paid for supplementary hours. Agricultural work is limited to 2,400 hours per year. All workers are entitled to an unbroken period of 48 hours of rest per week, although in practice these rights rarely were enforced.

The Labor Code mandates occupational health and safety standards and inspectors with the authority to enforce them; however, these standards rarely were respected in practice in the private sector and were nonexistent in the civil service. The UST has alleged before the ILO that the labor inspection service is not allocated the resources necessary to perform its duties. In principle workers can remove themselves from dangerous working conditions; however, in practice they cannot leave without jeopardizing their employment.

All workers—foreign, citizen, legal, or illegal—are protected under the Labor Code.

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.

The Penal Code makes trafficking in persons a crime punishable by 5 to 20 years in prison; however, no governmental organization focused on the potential problem, and no economic or financial aid would be available unless a victim seeks damages in court. The Government has sponsored educational campaigns through the media to advise parents to instruct children about the danger of trusting strangers.

COMOROS

The Federal Islamic Republic of the Comoros is ruled by Colonel Azali Assoumani, who took power in a coup in April 1999. The country consists of three islands (Grande Comore, Anjouan, and Moheli) and claims a fourth, Mayotte, which is governed by France. Comoros has been prone to coups and political insurrection since its independence in 1975. In April 1999, army commander Colonel Azali staged a bloodless coup and overthrew President Tadjidine Ben Said Massoude, the Interim President who had held office since the death of democratically elected Presi-

dent Mohamed Taki Abdoukarim in November 1998. In May 1999, Azali decreed a constitution that gave him both executive and legislative powers. In December 1999, in response to international criticism, Azali appointed a civilian prime minister, Bianrifi Tarmidi; however, Azali remains the Head of State and army Commander in Chief. In December 2000, Azali named a new civilian Prime Minister, Hamada Madi, and formed a new civilian Cabinet. When he took power, Azali said that he would step down in April 2000 and relinquish power to a democratically elected president, but by year's end, he had not done so. In response to pressure to restore civilian rule, the Government organized several committees to draft a new constitution, including the August 2000 National Congress and November 2000 Tripartite Commission. The opposition parties initially refused to participate in the Tripartite Commission, but on February 17, representatives of the Government, the Anjouan separatists, the political opposition, and civil society organizations signed a "Framework Accord for Reconciliation in Comoros," brokered by the Organization for African Unity (OAU). The Accord called for the creation of a new Tripartite Commission for National Reconciliation to develop a "New Comorian Entity" with a new constitution. Although the Commission set June as its goal for completing the constitution and December for national elections, disagreements over procedure and goals delayed completion of the draft constitution. In August representatives from each island in August debated the first draft. On December 23, the draft Constitution, which calls for the reincorporation of Anjouan, Grand Comoros, and Moheli into a new federation that would grant the islands greater autonomy, was approved overwhelmingly in a referendum described by international observers as free and fair. Under the terms of the new Constitution, President Azali had 7 days to decide to either lead the transitional government until elections in March 2002 or to stand in the elections himself; however, by year's end, he had neither stepped down from office nor withdrawn from the March 2002 election. The new Constitution provides for the continuation of an independent judiciary. In the past, both the executive and other elites influenced the outcome of cases; however, there were no reports of interventions during the year.

The Anjouan secession crisis subsided after the August 2000 signing of the "Fomboni Declaration of National Unity" by Azali and separatist leader Lieutenant Colonel Said Abeid. The Fomboni Declaration provides for a loose confederation between the islands, giving each island the ability to maintain an army and conduct its own foreign relations. In August separatist soldiers, reportedly dissatisfied with pay and promotions, started protests that led to the overthrow of Abeid in Anjouan. A three-man military commission replaced him as leader of Anjouan; Abeid fled to Mayotte and was placed under house arrest. The new military commission pledged to support the reconciliation process begun by the February Accord. Between November 3 and 4, Abeid made an unsuccessful attempt to regain control of Anjouan by attacking forces loyal to the new military commission, but he quickly was defeated. The coup attempt did not appear to threaten the Fomboni Agreement. On December 19 on Moheli, 13 French mercenaries launched a coup attempt that the army defeated after several hours of fighting. Colonel Hassan Harouna, a defense official in the government of former President Abdoukarim, was arrested the same day and accused of organizing the coup in order to prevent the December 23 referendum.

The Comorian Defense Force (FCD) and the Gendarmerie are responsible for internal security and are under Azali's direct control. Security forces committed some human rights abuses.

The economy of this extremely poor country is dominated by agriculture; the country's population is approximately 578,400. Revenues from the main crops—vanilla, essence of ylang-ylang, and cloves—continued to fall while the population has been growing at a rate of 2.7 percent annually. Per capita income was approximately \$400 (226,500 Comorian francs) per year in 1997—the national accounts have not been updated since 1998. The country depends heavily on foreign assistance from the European Union, China, and Arab countries, including Bahrain, Kuwait, Qatar, Saudi Arabia, Libya, and the United Arab Emirates.

The Government's human rights record remained poor, and it continued to commit abuses. Citizens do not have the right to change their government. Prison conditions remained poor. Security forces and the separatist authorities on Anjouan used arbitrary arrest and detention. Authorities restricted citizens' privacy rights. There were infringements on freedom of the press and assembly and movement. The military Government limited freedom of religion, and security forces reportedly continued to threaten Christians. Societal discrimination against women and Christians continued to be serious problems. There were some instances of forced child labor.

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 by security forces on Grande Comore or Moheli; however, during a December 19 unsuccessful coup attempt on Moheli, soldiers killed four invading mercenaries; two other mercenaries were lynched by a mob. No persons were killed during the November 3–4 unsuccessful coup attempt in Anjouan.

In addition to the police and the military, there are many groups throughout Anjouan that are armed, including paramilitary forces, militias, and civilians. In 1999 battles between rival militias resulted in approximately 12 deaths; however, there were no such deaths reported during the year.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The new Constitution prohibits such practices, and there were no reports of security force brutality, and unlike in the previous year, police did not threaten Christians on Grande Comore (see Section 2.c.).

In October 2000, police used tear gas to disperse forcibly a demonstration; some protesters were arrested, although all were released by year's end following various periods of detention.

Unlike in the previous year, there were no reports that separatist security forces tortured, beat, and otherwise abused persons on Anjouan. In August 2000, separatist authorities on Anjouan arrested approximately 100 opponents of the Fomboni Declaration, following demonstrations against the agreement. There were unconfirmed reports that as many as 28 of those arrested, who primarily were members of the Comoros Red Crescent Society and the opposition party Group for the Recovery Initiative for the Anjouan Movement (GIRMA), were tortured, and, in one case, raped. By November 2000, the Government had freed all of those arrested; however, there were no reports of government action against those persons responsible for the abuses.

In 1999 quasi-police authorities known as embargoes arrested, beat, and detained three local Christians; there was no further information on the incident at year's end.

Prison conditions continued to be poor. A lack of proper sanitation, overcrowding, inadequate medical facilities, and poor diet are common problems. The military Government has not taken action to remedy these problems. Unlike in previous years, there were no reports of deaths as a result of disease in prisons during the year. Female prisoners are held separately from male prisoners. Juveniles are not imprisoned; they are returned to the custody of their parents. Pretrial detainees are not held separately from convicted prisoners.

The military Government permits prison visits by independent monitors, and two such visits by the International Committee of the Red Cross (ICRC) and the Association Comorienne des Droits de l'Homme (ACDH) occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The new Constitution prohibits arbitrary arrest and detention; however, teenagers, who were considered "trouble makers," occasionally were arrested arbitrarily.

In August Anjouan separatist leader Abeid fled to Mayotte after he was overthrown; he was placed under house arrest upon his arrival but was released on August 12 (see Section 3).

In March Judge Omar ben Ali of the Tribunal de premiere instance ordered the arrest of an attorney on a charge of contempt of court, allegedly because he had not followed the proper procedures in registering himself as the attorney of record in the case. On April 12, the libel case was settled out of court, and the charges against the attorney were dropped immediately.

In August 2000, authorities arrested four opposition politicians, including Cheik Ali Bacar Kassim, former Member of Parliament (M.P.) and owner of the opposition radio station Radio Tropique, for allegedly plotting to overthrow Colonel Azali. The four were detained in a military prison, despite a judge's order to transfer them to the civilian prison in Moroni (see Section 1.e.). In November 2000, one of the four escaped from prison. Two others then were released, leaving only Cheik Ali in prison. At the end of November 2000, authorities reportedly freed Cheik Ali on the condition that he leave the country; when he refused to leave, he was returned to prison. Cheik Ali reportedly was denied access to defense counsel until he launched a hunger strike in protest. In June Cheik Ali pled guilty to illegal possession of guns. He was sentenced to 2 years in prison, with 1 year suspended; in August he was released following the completion of 1 year in prison.

After the August 2000 demonstrations against the Fomboni Declaration, separatist authorities on Anjouan arrested and beat numerous opposition supporters. In

September 2000, 3 of the approximately 100 persons arrested were freed by a tribunal in Anjouan's capital, Mutsamudu. The remaining 97 remained in detention, and no trial date had been scheduled by year's end.

Two Azali opponents who reportedly led a coup attempt in March 2000 continued to be detained in a military prison (see Section 3). Although one of the opponents was believed to have escaped from prison in November 2000, both opponents remained in detention at year's end. No trial had been scheduled for either opponent by year's end.

On Anjouan local authorities continued to attempt to suppress or convert the Christian minority. One Anjouanais Christian estimated that embargoes in Anjouan detained and released several days later approximately 50 Christians, both men and women in an 18-month period between 1999 and 2000. Unlike in the previous year, there were no reports of such incidents during the year.

The new Constitution prohibits forced exile, and the military Government did not use it.

e. Denial of Fair Public Trial.—The new Constitution provides for an independent judiciary; however, in the past, the executive and other elites have exercised influence over court cases, and the executive intervened in at least two cases in 2000. The Head of State names magistrates by decree. In August 2000, despite regulations that prevent the removal of judges, Colonel Azali transferred to other duties nine judges, who had initiated a strike calling for judicial reform and regular payment of salaries. In October 2000, Azali issued a presidential decree that reduced the number of Supreme Court justices from nine to five and transferred judges to other courts. Although the official reason for the action was a lack of resources, opposition critics accused Azali of punishing certain judges for questioning government policies and participating in a strike by judges and court personnel.

In the case of detained opposition politician Cheik Ali Bacar Kassim and three others, the trial judge resigned in protest when authorities failed to obey his order to transfer the opposition leaders from a military prison to a civilian prison (see Section 1.d.). Authorities stated that the poor condition of the civilian prison prohibited the transfer.

The High Council, made up of four members appointed by the President, three members elected by the Federal Assembly, and a member of each island council, also serves as the High Court of the Republic and rules on cases of Constitutional law. Trials are open to the public except for limited exceptions defined by law. The legal system incorporates Islamic law as well as French legal codes. There are very few lawyers in the country, making it difficult to obtain legal representation. The military Government does not provide legal counsel to the accused. Most disputes are presented to village elders for possible resolution before being taken to court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The new Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. Unlike in the previous year, there were no reports that police interfered with the privacy of the home. There were no known cases of arbitrary interference with correspondence.

Bans on alcohol and immodest dress are enforced sporadically, usually during religious months, such as Ramadan. Alcohol can be imported and sold with a permit from the Government.

In October 2000, several hundred Comorian illegal immigrants were evicted from their homes and places of employment after the local government in Mayotte announced new penalties against persons who housed or employed illegal immigrants (see Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The new Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. In August 2000, former M.P. Cheik Ali Bacar Kassim, who also owns the independent radio station Radio Tropic and is a well-known opposition figure, was arrested for allegedly plotting to overthrow the Azali Government (see Sections 1.d. and 1.e.).

There are two independent newspapers that publish regularly. These newspapers exist side-by-side with the semiofficial weekly *Al-Watwan*. Some of the independent newspapers criticized the Government freely.

In March the head of Azali's political party sued the Comoros Gazette for libel after it published excerpts from party communiques; the suit was settled out of court in April.

There are two national radio stations: The government-controlled radio station, Radio Comoros; and the opposition radio station Radio Tropic. In addition there

are at least 10 regional and local stations, some of which are openly critical of the Government. Residents also receive broadcasts from Mayotte Radio, as well as from French television, without government interference. In January a national television station constructed with assistance from the Government of the People's Republic of China was completed. There are several private local television stations, and satellite antennas are popular. Amateur radio licenses have been issued without hindrance in previous years.

In August 1999, an independent radio station on Anjouan, Radio Ushababi, which was opposed to the independence movement, reportedly was forced to cease broadcasting after being harassed by police and threatened on several occasions by a group of separatist militiamen. In November 2000, the station resumed broadcasting.

Foreign newspapers and books are available. Internet service was introduced in 1998.

The Government generally respects academic freedom. There is no university, but secondary students and teachers continued to speak freely and criticize the Government openly. During the year on Anjouan, teachers went on strike between May and June because they were not being paid, resulting in the closure of the schools. Teachers went on strike again from mid-September to October 22, when they received a guarantee that all arrears would be paid in full. An agreement was signed on October 19 (see Section 6.e.).

b. Freedom of Peaceful Assembly and Association.—The new Constitution provides for the freedom of assembly, and, unlike in previous years, the Government did not restrict this right in practice during the year.

The new Constitution does not provide specifically for the freedom of association; however, the Government generally respected this right in practice.

c. Freedom of Religion.—The new Constitution provides for freedom of religion; however, the authorities infringed on this right. Islam is the official religion; however, there were no reports of official discrimination or other abuse against non-Muslims during the year. An overwhelming majority of the population is Sunni Muslim, and the Government discouraged the practice of religions other than Islam. The August 2000 Fomboni Declaration that was signed by Azali and the Anjouan separatist leader included an agreement to make Islam the national religion. Authorities restricted the right of Christians to practice their faith, and police regularly threatened and sometimes detained practicing Christians.

In previous years, the authorities held those detained for a few days and often attempted to convert them to Islam forcibly; however, there were no reports of such actions during the year. In October 1999, two citizens were arrested, tried, and convicted of "anti-Islamic activity" in part because they possessed Christian books and audiovisual material. One of the citizens was sentenced to 18 months in prison, while the other was sentenced to 4 months. One citizen was released after 4 months; it was unknown at year's end whether the other citizen was released or still was incarcerated. Although in previous years local government officials attempted to force Christians to attend services at mosques against their will, there were no reports of such incidents during the year.

Unlike in the previous year, there were no reports that police arrested persons inside mosques while they were praying.

There are two Roman Catholic churches and one Protestant church; however, prior to the 1999 coup, the former military Government restricted the use of these three churches to noncitizens. The Government continued to restrict the use of the country's three churches to noncitizens. The Government permitted Christian missionaries to work in local hospitals and schools, but did not permit them to proselytize.

In previous years, there have been accounts of police and quasi-police authorities, known as embargoes, arresting, beating, and detaining Christians on the island of Anjouan. One Anjouanais Christian estimated that approximately 50 Christians, both men and women, were detained and released several days later by the embargoes in an 18-month period between 1999 and 2000. There were no reports of Christians being detained on Anjouan during the year. Some community authorities on Anjouan banned Christians from attending any community events and banned Christian burials in a local cemetery.

Bans on alcohol and immodest dress are enforced sporadically, usually during religious months, such as Ramadan. Alcohol can be imported and sold with a permit from the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The new Constitution provides for these rights, and, unlike in previous years, there were no reports that the Government restricted these rights during the year.

In 2000 the OAU and the Azali Government imposed sanctions on Anjouan for its failure to sign the OAU-brokered Antananarivo Accords, which would have reunited the islands by a February 2000 deadline. These sanctions included restrictions on all telecommunications, air and sea links, imports of oil and petroleum products, and nonrecognition of travel documents and passports. In May following the February signing of the Framework Accord on National Reconciliation, the OAU lifted sanctions against Anjouan; the Azali Government previously had lifted the embargo in August 2000, following the signing of the Fomboni Declaration.

There continued to be reports during the year that persons fled Grand Comore and Anjouan for Mayotte; many of these persons reportedly drowned when they attempted to reach Mayotte on rafts or by swimming.

Citizens of Mayotte sometimes harassed Comorian illegal immigrants in Mayotte. For example, in October 2000, several hundred Comorian illegal immigrants were evicted from their homes and places of employment after the local government in Mayotte announced new penalties against persons who housed or employed illegal immigrants.

The new Constitution does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not formulated a policy regarding refugees, asylees, or first asylum; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. During the 1990's, refugees from central Africa fled to the country. Some have received asylum in other countries; approximately 10 of these refugees remained in the country, and they were awaiting placement by the UNHCR in other countries at year's end.

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

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

The 1999 Constitution did not provide specifically for the right of citizens to change their government, and in practice citizens have not exercised this right; however, the new Constitution, which was approved December 23 in a national referendum, provides for the right of citizens to change their government in regularly scheduled elections. Under the terms of the new Constitution, a president will be elected from a different island every 4 years, based on a rotating schedule. For the presidential election scheduled for March 10, 2002, primary elections will be held only on Grand Comore, since the first president under the new Constitution must be a Grand Comorian. Three candidates will advance from the primary to participate in the general election involving all three islands.

In 1999 in response to international criticism, Azali appointed a civilian Prime Minister, Bianrifi Tarmidi; however, Azali remains the Head of State and army Commander in Chief. When he took power, Azali said that he would step down in April 2000 and relinquish power to a democratically elected president; however, by year's end, he had not done so.

In August 2000, Azali organized a National Congress in response to pressure from his political supporters to restore civilian rule; opposition parties boycotted the Congress. The Congress agreed on a constitution in which Azali would remain Head of State, but daily government administration would be handled by the civilian Prime Minister and the Council of State, which would act as both a legislature and constituent assembly. Although the constitution was approved by the National Congress in August 2000, it was not implemented and was replaced by the February reconciliation accord.

Also in August 2000, Azali and separatist leader Abeid signed the Fomboni Declaration. The declaration called for the creation of a new Comorian entity, in which the islands would share a common policy on religion, nationality, currency, foreign relations, and defense. In November 2000, a Tripartite Commission, composed of representatives from Grande Comore, Moheli, and Anjouan, was inaugurated and charged with developing a new constitution based on the Fomboni Declaration and the constitution drafted by the National Congress. The opposition parties initially refused to participate in the Tripartite Commission, but in December 2000, they met with the Azali Government, and the OAU began mediating negotiations. Although the OAU initially had maintained the position that the OAU-brokered Antananarivo Accord was the only viable option to reunify the islands, in December 2000, the OAU stated that it would accept an agreement that maintained the territorial integrity of the country and that provided for a democratic constitutional government. In December 2000, Azali named a new civilian Prime Minister, Hamada Madi, and formed a new civilian Cabinet, which is composed of Azali supporters.

On February 17, representatives of the Government, the Anjouan separatists, the political opposition, and civil society organizations signed a Framework Accord for Reconciliation in Comoros, brokered by the OAU. The Accord called for the creation of a new Tripartite Commission for National Reconciliation to develop a new Comorian entity with a new constitution. Although the Commission set June as its goal for completing the constitution and December for national elections, disagreements over procedure and goals delayed completion of the draft constitution. In August representatives from each island debated the first draft. The Tripartite Commission then adopted a draft Constitution, which was approved by 75 percent of the voters in a December 23 referendum described by international observers as free and fair. The new Constitution provides for the reincorporation of Anjouan, Grand Comoros, and Moheli into a new federation that grants the islands greater autonomy. According to the new Constitution, the Legislative Assembly will be composed of 33 members. Of these, citizens will directly elect 18, and 15 will be selected by the Government (5 per island). Under the terms of the new Constitution, President Azali had 7 days to decide to either lead the transitional government until elections in March 2002 or to stand in the elections himself; however, by year's end, he did not step down from office or withdraw from the March 2002 election. According to the new Constitution, leaders of the transitional governments on each island also are scheduled to step down after the March 2002 elections. The other leaders did not indicate any unwillingness to abide by the terms of the agreement by year's end.

In August separatist soldiers, reportedly dissatisfied with pay and promotions, started protests that led to the overthrow of Abeid. A three-man military commission replaced him as leader of Anjouan; Abeid fled to Mayotte and was placed under house arrest. The new military commission pledged its support for the reconciliation process begun by the February Accord. Between November 2 and 3, Abeid made an unsuccessful attempt to regain control of Anjouan when he launched an attack against forces loyal to the new military commission. Abeid was defeated quickly, however, and the coup attempt did not appear to threaten the Fomboni Agreement.

On December 19 on Moheli, the army defeated a coup attempt by 13 French mercenaries after several hours of fighting. Colonel Hassan Harouna, a former defense official in the Government of former President Abdoukarim, was arrested on December 19 and accused of organizing the coup to derail the December 23 referendum. He was in detention pending trial at year's end.

In March 2000, dissident political and army elements attempted a coup against Azali. This coup was suppressed, and the leaders of the coup were detained. The two leaders of the coup remained in prison at year's end; no trial date had been scheduled (see Section 1.d.).

There were no bans in effect on political parties, which continued to criticize the Government openly and without penalty. There are 21 political parties in the country; 5 parties represent the Azali Government, and 16 parties represent the opposition.

Village chiefs and Muslim religious leaders tend to dominate local politics. Traditional social, religious, and economic institutions also affect the country's political life in important ways.

The percentage of women in government and politics does not correspond to their percentage of the population. Two women hold senior government positions; one is the President of the Tribunal of First Instance, and the other is legal counsel to President Azali.

An overwhelming majority of the population is Sunni Muslim, and all citizens, including the small number of Christians in the country, identify themselves as Muslims for safety reasons (see Sections 2.c. and 5). There are no Christians in the Government.

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

A number of domestic and international nongovernmental organizations (NGO's) generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. However, the Comoros Human Rights Association, established in 1990, was inactive during the year due to a lack of funds.

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

The new Constitution prohibits discrimination based on these factors; however, there was discrimination against women, and local communities discriminated against and harassed Christians.

Women.—Domestic violence against women occurs, but medical authorities, the police, and women's groups believed that it was rare. In theory a woman could seek protection through the courts in the case of violence, but the problem is addressed most often within the extended family or at the village level.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, generally is not practiced.

Prostitution is illegal; however, most Comorians do not consider it to be a problem.

Men have the dominant role in society. A matriarchal African tradition affords women some rights, especially in terms of landholding. Societal discrimination against women is most apparent in rural areas where women have farming and childrearing duties, with fewer opportunities for education and wage employment. In contrast, an improvement in the status of women was most evident in the major towns, where growing numbers of women are in the labor force and generally earn wages comparable to those of men engaged in similar work; however, few women hold positions of responsibility in business. While legal discrimination exists in some areas, in general inheritance and property rights do not disfavor women. For example, the house that the father of the bride traditionally provides to the couple at the time of their marriage remains her property in the event of divorce.

Children.—The Government has not taken any specific action to protect or promote children's welfare. Legal provisions that address the rights and welfare of children were not enforced because of a lack of inspectors.

Education is compulsory until the age of 10; however, attendance is not enforced. An estimated 60 percent of children attend primary school, while only 34 percent attend secondary school; 55 percent of boys attend school, and 45 percent of girls attend school.

Child abuse appears to be rare.

Child prostitution and child pornography are criminalized under the law. Unmarried children under the age of 13 are considered minors, and they are protected legally from sexual exploitation, prostitution, and pornography.

Child labor is a problem (see Sections 6.c. and 6.d.).

Persons with Disabilities.—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services. There are no laws that mandate access to buildings for persons with disabilities.

Religious Minorities.—There is widespread societal discrimination against Christians in all sectors of life. Christians face insults and threats of violence from members of their communities. Christians have been harassed by mobs in front of mosques and summoned for questioning by religious authorities. In some instances, families forced Christian members out of their homes or threatened them with a loss of financial support. Some Christians have had their Bibles taken by family members. Local government officials, religious authorities, and family members have attempted to force Christians to attend services at mosques against their will.

Several times early in the year, religious leaders on Anjouan and Grande Comore threatened Christians during radio broadcasts. In April in Domoni on Anjouan, a local Christian leader was summoned before local Islamic leaders and threatened. The Christian leader's father was forced to pay a fine, and the leader's family had to leave Domoni for a month. In December 2000, also in Domoni, community members set fire to the house of a Christian man while he was sleeping inside; the man escaped.

Attempts have been made to isolate Christians from village life. In September and October 1999, on Anjouan a religious leader started an unofficial campaign against Christians. Committees were formed in many villages to harass Christians, and lists of names of suspected Christians were circulated. Anti-Christian rhetoric was broadcast on the radio. This campaign resulted in threats, but there were no reports of violence.

In 1999 community members and authorities in Lingoni, Anjouan, banned Christians from attending any community events, and in Mremeni, Anjouan, they banned Christian burials in the local cemetery.

Islamic fundamentalism is growing in popularity as more students return to the country after studying Islamic subjects in foreign countries.

Section 6. Worker Rights

a. The Right of Association.—The new Constitution provides for the right to unionize, and the Government has not prevented industries from unionizing. Farming on small land holdings, subsistence fishing, and petty commerce make up the daily activity of most of the population. The wage labor force is small, and numbers less than 7,000 including government employees, and less than 2,000 excluding

them. Teachers, civil servants, and dockworkers are unionized. Unions are independent of the Government. The new Constitution provides for the right to strike, and the right to strike has been exercised freely by public sector workers.

In previous years, government workers, teachers, and hospital workers have held strikes primarily because they were not paid for weeks at a time. There were no reports of strikes on Grande Comore or Moheli during the year; however, teachers held strikes on Anjouan during the year, which resulted in periodic school closures (see Section 2.a.). In August 2000, despite regulations that forbid the removal of judges, Colonel Azali transferred to other duties nine judges who had initiated a strike from mid-June to early-August 2000 that called for judicial reform and regular payment of salaries. There are no laws protecting strikers from retribution, but there were no known instances of retribution.

There are no restrictions on unions joining federations or affiliating with international bodies; however, none are known to do so.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference in their right to organize and administer their unions. Unions have the right to bargain collectively, and strikes are legal. Wages are set by employers in the small private sector and by the Government, especially the Ministries of Finance and Labor, in the larger public sector. The Labor Code, which is enforced rarely, does not include a system for resolving labor disputes, and it does not prohibit antiunion discrimination by employers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The new Constitution prohibits forced or compulsory labor, and it generally was not practiced among adults. The Government does not prohibit forced and bonded labor by children, and there were some instances in which it occurred (see Section 6.d.). Some families place their children in the homes of others where they work long hours in exchange for food or shelter. A 2000 UNICEF study found that approximately 15 percent of children worked at jobs for which they were not paid.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code defines the minimum age for employment as 15 years of age. The Ministry of Labor has few resources to enforce this provision; however, child labor is not a problem due to the general lack of wage employment opportunities. Children generally help with the work of their families in the subsistence farming and fishing sectors. Population pressure and poverty forced some families to place their children in the homes of others. These children, often as young as 7 years of age, typically worked long hours as domestic servants in exchange for food and shelter.

The Government has not ratified International Labor Organization Convention 187 on the worst forms of child labor; however, the Government adheres to its provisions in practice.

The law does not prohibit forced or bonded labor by children, and there were some instances in which it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no minimum wage. In previous years, the Government has paid workers late or failed to pay them at all; however, during the year, government workers were paid more regularly (see Section 6.a.). On Anjouan teachers went on strike several times during the year because they were not being paid, resulting in the closure of the schools (see Section 2.a.). On October 19, an agreement was signed after the teachers were promised back payments on unpaid salaries and official recognition from local officials of their status as teachers.

The Labor Code specifies 1 day off per week plus 1 month of paid vacation per year, but the Government has not set a standard workweek.

There are no safety or health standards for the minuscule manufacturing sector.

Legal foreign workers are protected by law; however, there are no such provisions in the law to protect illegal foreign workers.

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.

DEMOCRATIC REPUBLIC OF THE CONGO

The Democratic Republic of the Congo remained divided into territories controlled by the Government and several rebel factions. On January 16, President Laurent Desire Kabila, whose Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997, was assassinated by one of his guards. On January 26, the Govern-

ment installed his son Joseph Kabila as president. Joseph Kabila ruled by decree, and the Government continued to operate without a constitution. The State continued to be highly centralized formally, although in practice the country's dilapidated transportation and communications infrastructure impaired central government control. On May 17, the Government adopted a law liberalizing political activity; however, the Government continued to restrict political activity in practice. The judiciary continued to be subject to executive influence and corruption.

The ongoing war broke out in 1998 between the Government and rebel forces. The Lusaka Accords, which were signed on July 10, 1999, provided for a political dialog among the Government, rebel factions, the unarmed opposition, and elements of civil society. In 2000 the peace process stalled; however, after becoming president, Joseph Kabila reengaged the Government in the peace process, from which Laurent Kabila essentially had withdrawn. Immediately following Joseph Kabila's inauguration in January, the Government renewed a cease-fire agreement with the rebels and allowed the U.N. Peace Observation Mission in Congo (MONUC) to deploy fully and monitor troop disengagements called for in the Lusaka Accords. The disengagement plan required government and rebel troops to withdraw 9 miles from the front line. All parties generally complied with the plan, and MONUC verified troop re-deployments to the new defensive positions established for each side. Troop re-deployments began in March and were completed with minor exceptions by July. Joseph Kabila also allowed the U.N. International Facilitator, former Botswana Prime Minister Sir Ketumile Masire, who was selected by the signatories of the Lusaka Accords, to return to Kinshasa to prepare the Inter-Congolese Dialogue (ICD). In October ICD participants, including representatives of the Government, rebel groups, members of the political opposition, and civil society groups met in Addis Ababa, Ethiopia, to create a transitional political framework. No agreement was reached; however, the participants agreed to continue the dialog in South Africa in 2002.

Government forces continued to control less than half of the country during the year. Several rebel groups, the Congolese Rally for Democracy based in Goma (RCD/Goma), the Movement for the Liberation of the Congo (MLC), and the Congolese Rally for Democracy based in Bunia (RCD/ML) controlled the remaining territory, with the active military support of the Rwandan and Ugandan Governments. The RCD/Goma remained dominated by members of the Tutsi ethnic minority and continued to be supported by the Government of Rwanda; in 2000 Adolphe Onosumba, a Kasaian, was named RCD President. The RCD/ML, nominally led by Ernest Wamba dia Wamba until late in the year, commanded fewer troops and, like the largely non-Tutsi MLC, was supported by the Government of Uganda. Although the MLC and the RCD/ML united for much of the year as the Forces for the Liberation of the Congo (FLC) under the leadership of MLC President Jean-Pierre Bemba, in June the FLC split back into the separate MLC and RCD/ML groups; Mbusa Nyamwisi assumed leadership of the RCD/ML and remained in charge at year's end.

The war began in August 1998, when Laurent Kabila tried to expel Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis as well as the Governments of Burundi, Rwanda, and Uganda, all relied on the Rwandan military presence for protection against hostile armed groups operating from the eastern part of the country. These groups included: The Interahamwe militia of Hutus, mostly from Rwanda, Hutu members of the former Rwandan armed forces, and other Rwandan Hutu militiamen, some of whom took part in the 1994 genocide of Tutsis in Rwanda and who fought the Tutsi-dominated Government of Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces, which primarily fought Rwandan government forces and their Congolese allies; the Alliance of Democratic Forces (ADF), made up of Ugandan opposition forces supported by the Government of Sudan, which fought the Government of Uganda but largely was inactive during the year; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government of Burundi. In the ensuing war, elements of the armed forces of Rwanda and Uganda operated inside the country in support of the RCD or the MLC; elements of the armed forces of Angola, Namibia, and Zimbabwe operated inside the country in support of the Government; and elements of the armed forces of Burundi operated inside the country against armed groups of Hutu rebels from Burundi who used the country as a base. North Korean advisers provided training to government troops. During peace process negotiations during the year, Rwanda pledged to withdraw its troops 62 miles from the front lines, but continued to maintain a large military presence in the eastern provinces. Uganda also withdrew some of its troops but continued to maintain a substantial military presence, mostly in Orientale Province. Despite a relatively stable cease-fire and disengagement of troops along the formal cease-fire lines during the year, fighting intensified in the eastern provinces between the Hutu militias and Rwandan and RCD rebel

troops. The withdrawal of troops toward and through the eastern provinces also created instability and insecurity in Orientale, Katanga, and the Kivu Provinces.

The Government's security forces consist of a national police force under the Ministry of Interior, the National Security Council (CNS), the National Intelligence Agency (ANR), the Rapid Intervention Forces (PIR), and the Congolese Armed Forces (FAC), which includes an Office for the Military Detection of Anti-Patriotic Activities (DEMIAP). The immigration service, Direction Generale de Migration (DGM), also functioned as a security force. The People's Self Defense Forces (FAP) and the People's Power Committees (CPP) also served as security forces, but were less active than in previous years. In 1999 Laurent Kabila gave Mai Mai leaders commissions in the FAC and coordinated operations with the Mai Mai and Hutu militias. The Government continued to supply and coordinate operations with the Mai Mai and Hutu militias during the year. The People's Defense Committees (CPD's), which in previous years operated outside the formal structure of the State and were intended to be an armed wing of the CPP's, remained unarmed and ceased to function during the year. The police force handles basic criminal cases. The CNS shares responsibility for internal and external security with the ANR, including border security matters. The FAC retains some residual police functions. Military police have jurisdiction over armed forces personnel, but also have domestic security responsibilities, including the patrolling of urban areas. Security forces were poorly trained, poorly paid, and often undisciplined. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which the security forces acted independently of government authority. The security forces committed numerous, serious human rights abuses.

The country's economy is dominated by subsistence agriculture, a large informal sector, and widespread barter; most sectors of the economy continued to decline. Production and incomes continued to fall. Annual per capita national income for the population of approximately 52 million remained at less than \$100 (32,000 Congolese francs). Physical infrastructure was in serious disrepair, financial institutions remained in a state of collapse, and public education and health deteriorated. The ongoing restriction on commercial travel on the Congo River during the year negatively impacted the economy. The insolvent public sector could not provide even basic public services. External economic assistance remained limited, and the State's revenues from diamond exports, its leading source of foreign exchange, declined. Public sector employees, including most soldiers, received very low salaries and sometimes were not paid for months, which caused widespread hardship and contributed to tensions within the armed forces. Rebel-held areas continued to be integrated financially and administratively with the economies of Rwanda and Uganda. The Governments of Rwanda and Uganda established commercial agreements, maintained cadres in key income-collecting agencies, levied and collected taxes and customs duties, and systematically extracted hard currency from the regions they controlled.

The Government's human rights record remained poor, and it continued to commit numerous, serious abuses; however, there were improvements in several areas. Citizens do not have the right to change their government peacefully. Following the assassination of President Laurent Kabila, the Government immediately arrested and summarily executed 11 persons suspected of involvement. Security forces were responsible for extrajudicial killings, disappearances, torture, beatings, rape, and other abuses; however, there were fewer reported cases than in previous years. In general security forces committed these abuses with impunity. Prison conditions remained harsh and life threatening. Security forces continued to arbitrarily arrest and detain citizens; however, the number of such cases decreased. Prolonged pre-trial detention remained a problem, and dozens of suspects remained in detention without formal charges filed, without any evidence presented against them, and without an opportunity to defend themselves in court. Citizens often were denied fair public trials. The special military tribunal tried some civilians for political offenses, although most cases were related to the Kabila assassination or to alleged coup plotting against the Joseph Kabila Government. The military courts did not execute any civilians during the year; however, due process frequently was disregarded. The judiciary remained subject to executive influence and continued to be underfunded, inefficient, and corrupt. It largely was ineffective as either a deterrent to human rights abuses or as a corrective force. Security forces violated citizens' rights to privacy. Forcible conscription of adults and children continued in both government-controlled and rebel-controlled territories, despite promises by both sides to end the practice. Government and rebel security forces continued to use excessive force and committed violations of international law in the war; however, there were no reports that government aircraft bombed civilian populated areas in rebel-held territory.

Harassment of journalists, human rights activists, and opposition politicians decreased. Several journalists were tortured during the year; however, there were fewer reported cases than in previous years. Although a large number of private newspapers published criticism of the Government, the Government continued to restrict freedom of speech and of the press by harassing, arresting, and detaining newspaper editors and journalists, and by seizing individual issues of publications; however, the Government reduced its restrictions on private radio broadcasting. The Government restricted freedom of assembly and association, used excessive force to disperse demonstrations, and on several occasions prevented political party press conferences. The Government continued to ban some political party activities; however, in May revised the law to allow legally registered parties to operate freely. The Government committed some abuses against religious entities. The Government continued to restrict freedom of movement and continued to require exit visas; however, the Government decreased some travel restrictions. The war continued to cause large numbers of internally displaced persons (IDP's). The Government also harassed and imprisoned members of opposition parties and human rights nongovernmental organizations (NGO's). The Government allowed humanitarian organizations better access to areas under its control.

Violence against women was a problem and rarely was punished, and rape persisted as a widespread act of war, especially in the eastern provinces. Discrimination against women was widespread and common. Female genital mutilation (FGM) persisted among isolated populations in the north. Child prostitution was a problem. Discrimination against indigenous Pygmies was pervasive. Violence and discrimination against members of the Tutsi ethnic minority continued; however, the Government protected many Tutsis who were at risk. On occasion tension between the Hema and Lendu ethnic groups in the area of Bunia, Orientale Province, flared into violence that resulted in hundreds of deaths. The Government restricted worker rights. The Government arrested labor leaders during public sector strikes and allowed private employers to refuse to recognize unions. The Government forcibly conscripted adults and children during the year, although the Government made efforts to demobilize some child soldiers. Child labor, including use of child soldiers, remained a problem. Mob violence resulted in killings and injuries. The country is a source for trafficked women and children.

There were numerous reports that Mai Mai groups fighting on the side of the Government committed serious abuses, including many killings, rapes, torture, kidnappings, and the arbitrary arrest and detention of civilians.

The human rights situation in rebel-held areas of the country was extremely poor. The majority of abuses were committed in rebel-held areas, and rebel forces committed numerous, serious abuses with impunity against civilians living in territories under their control, including deliberate, large-scale killings, disappearances, torture, rape, dismemberment, extortion, robbery, arbitrary arrests and detention, harassment of human rights workers and journalists, and forcible recruitment of child soldiers. In particular RCD/Goma and Rwandan units committed mass killings allegedly in reprisal for Mai Mai attacks against RCD or Rwandan forces. There were no reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses. In previous years, the Rwandan army allegedly recruited these groups to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Rebel organizations restricted freedom of speech, assembly, and association in areas under their control, and respect for freedom of religion continued to be poor. There were attacks against local and international NGO's in rebel-held areas, and some NGO personnel were killed. There also were many deaths due to interethnic mob violence in areas held by rebel forces.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Members of the security forces committed extrajudicial killings, and the Government misused the judicial system to try, sentence, and execute numerous persons without due process. The Government also materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed unarmed as well as armed persons in areas held by rebel forces. An international humanitarian NGO estimated that as many as 2.5 million persons have died during the war because of killings, malnutrition, or starvation (see Section 1.g.).

On January 16, Rashidi Mizele, a presidential bodyguard, assassinated President Laurent Kabila. According to the Government, Colonel Eddy Kapend, Kabila's aide-de-camp, then shot and killed Rashidi, who already had been apprehended by another guard. Rashidi's death eliminated the possibility of interrogation and raised

government suspicion that Kapend may have been involved in the assassination. Kapend was arrested and remained in detention at year's end (see Section 1.d.). Prior to the assassination, security forces reportedly executed hundreds of Kadogos (young soldiers recruited during the 1996–1997 rebellion) from South Kivu Province believed to have collaborated with AFDL co-founder Anselme Masasu in an alleged coup plot against Laurent Kabila in 2000. It was unknown whether Rashidi, a Kodogo from South Kivu, acted out of revenge for the execution of Masasu and the Kadogos, or if he may have been collaborating with other figures inside or outside the Government. The Commission of Inquiry, established by the Government on February 6 to identify and prosecute those involved in the assassination, did not release its results by year's end.

Following the January 16 assassination of Laurent Kabila, security forces summarily executed some of the numerous persons arrested in connection with the assassination (see Section 1.d.). According to numerous credible reports, FAC General Yav Nawej and soldiers under his leadership arrested and summarily executed without trial 11 Lebanese citizens suspected of complicity in the assassination. The Government did not release the bodies of the victims to their families for 2 months, despite pressure from the Lebanese community and the Government of Lebanon. Nawej and Kapend were arrested several days later and remained in detention in the section of Makala prison reserved for suspects in the assassination at year's end. It was unclear whether Nawej and Kapend were in detention for their alleged role in killing the 11 Lebanese or for suspected involvement in the assassination.

Security forces also reportedly summarily executed members of the military suspected of collaborating in the assassination.

FAC soldiers killed numerous civilians; however, there were fewer reported cases than in previous years. On February 8 in the Nganda Ya Pio district of Kinshasa, eight soldiers driving in an unmarked vehicle shot and robbed Mansadila and Malau; Mansadila died from his injuries the following day. On March 12, four soldiers driving in an unmarked vehicle shot and killed Zorro Mbuta Kanda, who was guarding a farm in the Kasangulu suburb of Kinshasa; the soldiers then robbed the farm. No action was taken against the soldiers responsible for these killings by year's end.

Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police (see Section 5). On August 15, police shot and killed one street child for shoplifting in Kinshasa's central market.

Despite promises to end the practice, government military tribunals continued to sentence to death civilians after perfunctory military trials; however, unlike in the previous year, the Government did not execute any civilians convicted by military tribunals (see Section 1.e.). On May 17, the death sentences issued against six children were commuted after NGO appeals.

The military justice system prosecuted FAC members for individual incidents ranging from armed robbery to crimes against the State. Six FAC soldiers reportedly were executed in Kinshasa during the year; however, no information was available on their identities or the charges against them. In September the military court in Likasi, Katanga Province, sentenced to death 13 soldiers found guilty of plotting to overthrow the Government; however, none of the soldiers were executed by year's end, and Minister of Human Rights Ntumba Luaba announced that the sentences would be commuted (see Section 1.e.).

Harsh prison conditions and abuse led to an undetermined number of deaths in prisons (see Section 1.c.). Many prisoners died of illness or starvation. Some prisoners died as a result of torture, which was used following the alleged coup plot led by Masasu in 2000 and the January assassination of Laurent Kabila. Unlike in the previous year, the Office of the President did not use the secret detention center known as "Alfa," where both extrajudicial killings and deaths due to torture and neglect were common in the past; however, it used another unofficial detention center known as "Ouagadougou." On March 7, the Government closed the GLM intelligence service detainment and interrogation center, where many prisoners were reported to have died as a result of torture (see Section 1.c.). However, despite a promise by the President to close all unofficial prisons, many remained in operation at year's end (see Section 1.d.).

Unlike in previous years, there were no reports that members of the security forces killed civilians in areas that they were preparing to abandon to advancing antigovernment forces.

There reportedly was no action taken against the members of the security forces responsible for the following killings in 2000: The November execution of Commandant Masasu and 35 suspected collaborators; the September killings of 47 men and 4 women in Dongo; the July killing of Irengé Kako; the May killing of Mpadi Mamikamona Moko; the May beating to death of Mukoko; the May killing of Nsiala

Nkia Mbiyavanga; the May killing of “Ya Rolly” Ngimbi and the rape and killing of his wife; the January killing of Addy Lisasi; the January killing of William Mbulu; and the January killing of a policeman.

No action reportedly was taken against the members of the security forces responsible for the following killings in 1999: The November killings of Simon Makoko and student Kamba Kanyinda; the July killings of a 12-year-old boy and Charles Bokeleale; the May killing by torture of Colonel Ndoma Moteke; the April killings of a public transportation driver and a minibus driver; the February killing of a person in the Sebastian bar in Kinshasa; and the January killing of university student Remy Lushima Nyamangombe.

There were reports that landmines continued to be used, particularly in the eastern half of the country, despite agreements not to do so in the Lusaka Accords. Government forces, rebel groups, and the armed forces of Rwanda, Uganda, and Zimbabwe allegedly used landmines; however, it is impossible to know which groups laid landmines.

On April 26, six employees of the International Committee of the Red Cross (ICRC), including two foreigners, were killed in Ituri district, Orientale Province (see Sections 4 and 5). Credible reports indicated that Hema warriors killed the ICRC workers and had tried to make the Lendu appear responsible. The Ugandan Government promised an investigation into the killings; however, no credible investigation had begun by year’s end. ICRC field operations in the Ituri district still were suspended at year’s end.

In July 2000, a Belgian judge issued an arrest warrant against Congolese Foreign Minister Yerodia Abdoulaye after a number of Tutsis in Belgium claimed that Yerodia’s radio broadcasts in August 1998 incited the populace to murder Tutsis randomly. A similar case was filed against Laurent Kabila in September 2000. On October 19, the Government filed suit against the Belgian Government in the International Court of Justice to annul the warrant against Yerodia; however, the warrant remained in effect at year’s end although Yerodia was not arrested.

Despite a stable cease-fire along the front lines during most of the year, there continued to be reports throughout the year of killings and other human rights abuses by both progovernment and rebel forces, primarily in the eastern areas of the country. Verification of these reports was extremely difficult, particularly those emanating from remote areas and those areas affected by active combat. Independent observers often found access difficult due to hazardous security conditions as well as impediments imposed by authorities (see Section 4). Both progovernment and rebel forces extensively used propaganda disseminated via local media, including charges leveled at opposing forces, further complicating efforts to obtain accurate information (see Section 2.a.).

Progovernment Mai Mai guerilla units killed many civilians, sometimes after torturing them, in areas where they operated. Hutu militia units fighting on the side of the Government, and reportedly supported materially by the Government, also killed many noncombatants. Information about killings by Mai Mai, Interahamwe, and Hutu militia units remained very incomplete, and many such killings may not have been reported.

Unlike in the previous year, there were no reports that progovernment forces bombed civilian populations during air raids against towns held by rebel forces.

Throughout the year, in the Ituri district of Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting continued between members of the Lendu and Hema ethnic groups, which reportedly resulted in hundreds of killings and the displacement of thousands of persons (see Section 5). This fighting reportedly arose from disputes over land use and also was manipulated by Ugandan troops who in previous years charged the rival groups fees to provide protection to their members. Specific incidences of violence were difficult to verify due to the general unrest in the region. There were reports of serious interethnic fighting in January and February, during which several hundred persons were killed.

There were numerous credible reports that antigovernment forces committed mass killings during the year. In particular the RCD/Goma and Rwandan Patriotic Army (RPA) committed mass killings, sometimes in reprisal for Mai Mai attacks against RCD or Rwandan forces. There continued to be credible reports of attacks, murders, and looting committed against members and facilities of the Catholic church (see Section 2.c.); however, there were fewer such reports during the year. Investigations of such killings often were difficult, and details of reported abuses sometimes emerged long after the events occurred. There have been no known serious attempts by any of the combatants in the conflict to investigate incidents in which their troops allegedly committed killings, rapes, lootings, and other abuses in areas under their control.

On December 29, fighting between Mai Mai and RPA and RCD/Goma forces in Kindu resulted in the deaths of 21 civilians. RPA forces claimed that Mai Mai had attacked them; however, credible reports indicated that RPA and RCD/Goma forces had staged the battle to discourage MONUC deployment to the area.

Unlike in the previous year, there were no reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses. In previous years, the Rwandan army allegedly recruited these groups to demonstrate the need for a continued Rwandan military presence in the areas they controlled.

On May 23, Ugandan soldier Otim Okello killed six detainees at a police station in Gemina. On July 3, a UPDF military court in the country sentenced to death Okello, who remained in Luzira prison at year's end.

In September in Bukavu, RCD soldiers fired on a crowd of demonstrators. One student died and several demonstrators were injured (see Section 2.b.).

RPA Captain Peter Kabnada and other RPA soldiers, who allegedly killed 67 unarmed civilians in Masisi in September 2000, remained in detention awaiting prosecution for murder before the Rwandan military tribunal at year's end.

In June 2000, in Walikale, RPA Captain Alexis Rugira and other RPA soldiers stole Baligizi Mufungizi's bicycle, robbed him, and then killed him. Captain Rugira, Lieutenant Gapfunsi, S/Major Rutabana, and two privates were arrested and were in pretrial detention awaiting prosecution by a military tribunal at year's end.

No action reportedly was taken against the Rwandan and Ugandan forces who fought on two occasions in 2000 in Kisangani, which resulted in hundreds of civilian deaths, thousands of injured, and 60,000 IDP's. The most severe of these clashes occurred between June 5 and 11, 2000, during which time both forces shelled the city with artillery and mortar fire, destroying homes and much of the city's infrastructure. Credible sources claim that Rwandan and Ugandan troops raped many women and shot persons during extensive fighting in the city. Humanitarian organizations report that approximately 700 Congolese civilians were killed during the fighting; many died as a result of lack of medical attention because transportation to hospitals during the fighting often was unavailable. Many IDP's remained for several months at a camp outside of the city because they feared to return. There were reports that both Ugandan and Rwandan forces used landmines during the fighting in Kisangani.

No action reportedly was taken against the members of the antigovernment forces responsible for the following killings in 2000: The November killings of 20 persons by Ugandan soldiers in Kikere; the November killings of 9 persons in Kehero by suspected Interahamwe soldiers; the August killings by RCD/Goma military police of 2 men suspected of stealing a sewing machine; the August killing of a student demonstrator by RCD soldiers; the August burning alive of more than 300 villagers by Mai Mai and RCD forces in South Kivu Province; the July killings of an estimated 150 persons in the Fizi district by Banyamulenge militias and Burundian military forces; the May killings of hundreds of civilians in Katogota by RCD soldiers; the April killing of a Muulwa farmer in Habula by RCD soldiers; the April killings of 4 persons during an RCD attack on the village of Izege; the March killing of Thomas Kumbuka by RCD soldiers in the village of Kishondja; the March killing by RCD soldiers of Samuel and Bwangi Lwina; the March attacks on Kilambo during which RPA soldiers executed numerous persons suspected of collaborating with the Interahamwe; the February killing of a priest by Banyamulenge militia during an attack on a Catholic mission in Kilibu; the February killings of the chiefs of Lulonge-Fizi and Kalele by RCD soldiers; the February killings of 30 persons by RCD and RPA soldiers; and the January execution of a rebel soldier by a Rwandan soldier.

No further action was taken in the 2000 case in which there were numerous credible reports that RCD forces, participating with or supported by the RPA, beat, tortured, and then buried alive 15 women at Mwenga in December 1999. In December 1999, the RCD/RPA arrested Frank Kasereke, the RCD commander, but he escaped from jail in February 2000 along with 32 other detainees.

Throughout the year, it was difficult to identify the armed groups responsible for attacks. There were numerous reports of killings along rural roads outside of Bukavu and Uvira in South Kivu Province; many were aimed at looting and theft. Observers believe that Mai Mai, Interahamwe, Burundian Hutu rebels, Banyamulenge, or RPA combatants could have been responsible for the attacks, with or without the knowledge or consent of their commanders. The climate of insecurity in rebel-held territories and particularly in the Kivu Provinces forced many local residents to abandon their homes and created food shortages because armed bands kept farmers from working in their fields.

No reported action was taken against the unknown persons or groups responsible for the following killings in 2000: The numerous reported killings along the road

from Uvira to Bukavu; the July killings of 40 persons in an IDP camp; and the June killings of 3 civilians during an attack on a Catholic church and convent in Kabare.

There were numerous press reports that mobs lynched hundreds of suspected sorcerers in the northeastern part of the country during the year. In late June, in Orientale Province, there were reports of witch hunts, which resulted in the killing of several hundred persons. The local population targeted the victims because they suspected and feared that they were casting spells on others. There is a common belief in the region that some persons have the power to cast spells on others; this fear sometimes rises to mass hysteria. Local police and Ugandan troops had arrested more than 150 persons suspected of involvement in the killings by year's end.

b. Disappearance.—There were many reported cases of disappearance, most as a result of the war. Government forces reportedly were responsible for the disappearance of many persons; in particular dozens of soldiers who disappeared after they were arrested following Laurent Kabila's assassination. Throughout the year, government security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody. Typical accounts described unidentified assailants who abducted, threatened, and often beat their victims before releasing them (see Sections 1.c. and 1.d.). Journalists and opposition members claimed that they were targets of such actions; however, there were fewer reports than in the previous year.

The bodies of many persons killed in the war were burned, dumped in rivers, or buried in mass graves that remain unopened. Neither side is known to have kept or released records of the identities of the persons whom its forces killed.

On May 15, Mai Mai forces kidnaped 30 foreign forestry company workers, including 23 Thai citizens, in Mangini, North Kivu Province. As conditions for the release of the hostages, the Mai Mai demanded representation at the ICD and the withdrawal of Ugandan and Rwandan forces from the country. In July the Mai Mai released the hostages without conditions after the intervention of Francois Lumumba, the president of a prominent opposition party and the son of the country's first Prime Minister, Patrice Lumumba.

Rebel forces reportedly were responsible for the disappearance of many persons. There were reports that these forces repeatedly failed to acknowledge detaining persons.

In July and August, 163 child soldiers, who Ugandan forces had taken to Uganda in 2000 for political education, were returned to the country and reunited with their families (see Section 5).

There have been no developments in the following 2000 cases: The May disappearance of human rights activist Ainakafota and two colleagues, who were arrested by Rwandan soldiers on charges of spying; and the April disappearance of Christian Ngongo Kasumba after his arrest by RCD soldiers.

Unlike in the previous year, there were no reports that Rwandan or Ugandan forces transferred Congolese prisoners to Rwanda or Uganda; however, credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government. Unlike in the previous year, there were no reports that UPDF troops abducted women from the villages they raided. There were confirmed reports that some Ugandan soldiers married Congolese women who later voluntarily left the country with their soldier husbands; there were no reports of forcible abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law forbids torture; however, security forces and prison officials used torture, and often beat prisoners in the process of arresting or interrogating them. The Government has not responded to charges of inmate abuse and repeated beatings by its security force and prison officials. Members of the security forces also raped, robbed, and extorted money from civilians; some abusers were prosecuted. Incidents of physical abuse by security forces occurred during the arrest or detention of political opponents, journalists, and persons believed to be responsible for the assassination of Laurent Kabila (see Sections 1.d. and 2.a.).

Unlike in the previous year, there were no recorded instances of torture, harassment, and theft committed against the residents of villages that surround Dingindi, the location of a FAC airfield that was under construction in 2000.

There were credible reports that suspects in the alleged Masasu coup plot in 2000 and in the January 16 assassination of Laurent Kabila were tortured to death at the GLM intelligence service detention center in Kinshasa before it was closed in March.

Security forces harassed, beat, and tortured journalists (see Section 2.a.).

Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police (see Section 5). There were credible reports that the FAC sexually exploited homeless girls.

Police used excessive force to disperse demonstrations (see Section 2.b.).

There was no known action taken against the members of the security forces responsible for torturing, beating, or otherwise abusing the persons in the following cases from 2000: The November assault and shooting of Athanese Matenda Kyelu; the November beating of 10 students; the October beating and torture of 2 military court officials; the October detention and beatings of 7 members of the opposition Union for Democracy and Social Progress (UDPS); the May beating to death of Mukoko and the torture of his family; the May killing of Nsaiala Nkia Mbiyavange, beating of his parents, and rape of his sister; the April beating of Koyagialo Ahonzim Wasana; the April torture of Freddy Lomboto wa Lomboto; the March public raping of a young girl; the March beating of the president of the Front for the Survival of Democracy (FSD); the March beatings and torture of 2 refugees; the February torture and harassment of residents of villages surrounding Dingi-Dingi; the February torture and beating of Zuzi Phu Kuta Dieudonne, a reporter for the newspaper *Palme d'Or* and president of the human rights NGO *Justice Sans Frontiere*; the January torture of Freddy Loske Lisumbu, editor of the newspaper *La Libre Afrique*; the January death by torture of Iyela Mokolo; the January torture of UDPS activist Crispin Ipondo Banda; the January beatings of Christophe Kalonji Ntambwe and his wife; and the January torture of Albert Angbana Mate by the ANR.

There reportedly was no known action taken against members of the security forces responsible for torturing, beating, or otherwise abusing the persons in the following 1999 cases: The October case of Pascal Kusehuka, secretary general of the PALU opposition party for Bandundu Province; the September case of human rights NGO activist Wetemwani Katembo Merikas; the September case of Francois Mpoi Mukandu, the legal advisor of the governor of Eastern Kasai Province, Marcel Mpuanga Mindu, who also was an attorney, and Ditutu bin Bwebwe, a court clerk; the July case of Professor Kambaj Wa Kambaji; the July case of Jean Marie Kashils of the *Agence Congolaise de Presse and Bienvenu Tshiela* of Kasai Horizon Radio Television; the June case of the owner of a dugout canoe known as Motinga; the June case of journalists for the daily newspaper *Tempete des Tropiques*; the May case of Colonel Ndoma Moteke; the May case of Christian Badibangi, president of the opposition party *Union Socialiste Congolaise*; the May case of eight members of the opposition *Parti Lumumbiste Unifie (PALU)* party; the April case of Lambert Edimba; the March case of a journalist; the March case of two female money changers; the February case of Professor Tshibangu Kalala; the February case of Luyinumu Lelo Koko and Jonas Ndoko; the February case of Toussaint Muhavu Shankulu; the January case of newspaper publisher Thierry Kyalumba; and the January case of human rights activists Christophe Bintu and Bienvenu Kasole.

There were reports that nongovernmental armed groups fighting on the side of the Government, and reportedly materially supported by the Government, tortured, raped, and otherwise physically abused many persons during the year (see Section 1.d.). Mai Mai guerillas reportedly killed persons by torture, including by mutilation and crucifixion (see Section 1.a.). There were reports that *Interahamwe* militia in South Kivu Province often raped women.

There also were numerous reports of torture by rebel forces in the occupied territories. On October 31, RCD forces arrested Jules Nteba Mbakumba, the president of Association *Elimu*, an NGO that conducts adult education in the country. The soldiers bound Nteba's hands and feet and beat him severely before releasing him later the same day; no reason was given for the arrest or torture.

There were some reports of killings and torture of prisoners by rebel forces; however, there were fewer reports than in the previous year. A number of prisoners reportedly died of suffocation after guards detained them in overcrowded shipping containers. Guards reportedly sealed the prisoners inside overcrowded containers without ventilation, then denied them all food and water, causing death by dehydration, suffocation, and exhaustion. This treatment reportedly was reserved for suspected *Interahamwe* or Mai Mai collaborators. RCD forces detained and beat NGO personnel and businessmen (see Section 1.d.). On March 15, RCD military commander Bernard, who is the brother of the Vice-Governor of North Kivu Province, arrested a policeman for making the Governor's vehicle wait in traffic. The policeman was taken to the Rumangabo RCD military camp where he was beaten and tortured. The policeman, whose name was not reported in order to protect his family, died from torture-related injuries.

Rwandan troops and RCD rebels also reportedly engaged in the rape of women in public and often in the presence of their families and in-laws. A woman raped in this manner generally is forced out of the village, leaving her husband and chil-

dren behind (see Section 5). According to a number of credible human rights organizations, marauding bands of armed men in the occupied territories often put victims of rape through further abuse by inserting rocks, sharp sticks, and hot peppers into their vaginas. On May 15 in the village of Kinyogote, South Kivu Province, a group of RPA soldiers raped Jeanine Ruhembo and Ndole Sifa in the presence of their husbands and children. On July 17, in the village of Mwenga, South Kivu Province, RCD Commandant Pitchen forced Alexandrine Mwenga into his home and raped her repeatedly.

Numerous groups, particularly human rights groups, have reported that RPA troops and RCD rebels in the country targeted Catholic clergy for abuse. Abuses reportedly took the form of attacks on missions, the killings of priests, the rape of nuns, and the burning of churches (see Sections 2.c. and 5); however, there were fewer reports during the year.

No action reportedly was taken against the members of the RCD or the RPA who were responsible for torturing, beating, raping, or otherwise abusing the persons in the following cases from 2000: The October beating of 13 human rights activists in Bukavu; the August beating to death of Mbuyi Shibwabwa and Nyamulinduka Ndolo Zagabe; the July torture of Jules Saruti; the June rape of Fitina; the March torture of Kule Thatha; and the February raping of women in the village of Kilambo.

The Government operated 220 known prisons and other places of detention, and in all such facilities, conditions remained harsh and life threatening; there reportedly were many other secret or informal detention centers (see Sections 1.a. and 1.d.). Living conditions were harsh and unsanitary, and prisoners were treated poorly. The penal system suffered from severe shortages of funds, medical facilities, food, and trained personnel. Overcrowding and corruption in the prisons were widespread. Prisoners reportedly were beaten to death, tortured, deprived of water, or starved to death. The Government provided food at some prisons, but not in sufficient quantities to ensure adequate nutrition for all inmates. Prisoners are dependent on the personal resources of family or friends for their survival. Guards have been known to steal food brought to prisoners. During the year, the Government continued to make limited efforts to improve conditions at Kinshasa's main prison, the Makala National Penitentiary and Reeducation Center. Inmates at Makala sleep on the floor without bedding and have no access to sanitation, potable water, or adequate health care. There were reports of guards forcing many prisoners into small cells with room only to stand. There are no toilets, forcing prisoners to urinate and defecate on the floor. Tuberculosis, red diarrhea, and other infectious diseases were widespread. According to credible reports, prison guards demand bribes to allow family members to bring food to prisoners. Prisoners also pay bribes to receive better treatment. Guards have shown a reluctance to release prisoners out of fear of losing part of their incomes. Women and juveniles generally were detained separately from men. Although authorities do not target women for abuse, prison guards have been reported to rape female inmates. Pretrial detainees, who generally were held in detention camps, were not separated from convicted prisoners. Political prisoners often were held separately from other prisoners.

The Government exacerbated the overcrowding of civilian prisons by incarcerating numerous soldiers believed to have been part of the alleged Masasu coup plot in 2000 or involved in the January assassination of Laurent Kabila. Security forces detained approximately 85 suspects involved in the assassination at Makala prison's Pavilion One where they were guarded by Zimbabwean soldiers to reduce the chance of escape (see Section 1.d.). At year's end, it was unknown how many soldiers continued to be detained in civilian prisons; however, local human rights NGO's claimed that up to 70 percent of the prisoners at Makala were soldiers.

On May 19, the Government released 400 inmates at Makala prison who were not guilty of violent crimes or attempts to overthrow the Government; the release reportedly reduced the inmate population at Makala to 2,072. Between July and September, the Government released 200 prisoners, including an unknown number of soldiers. The Government also released and returned to Uganda four Ugandan prisoners of war (POW's) in accordance with the Lusaka Accords.

The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison (see Section 1.e.); however, the ICRC was denied access to some regular detention facilities. The Government did not allow these organizations to visit the numerous unpublicized and unofficial detention sites scattered throughout the country where most newly arrested detainees were held, questioned, and sometimes subjected to abuse. The ICRC was denied access to these sites; however, the ICRC regularly visited a facility in Kinshasa where the Government provides shelter to

Tutsis for their own protection. The ICRC is the only international NGO allowed to visit POW's.

Reports persisted that RCD/Goma forces frequently used the private residences of Rwandan or rebel military commanders for incarcerations. Reports from former detainees indicate a systematic pattern of beatings, undernourishment, and deliberate killings in these houses.

d. Arbitrary Arrest, Detention, or Exile.—Despite legal provisions governing arrest and detention procedures, the security forces were responsible for numerous cases of arbitrary arrest and detention. Under the law, serious offenses (those punishable by more than 6 months' imprisonment) do not require a warrant for a suspect's arrest. Only a law enforcement officer with "judicial police officer" status is empowered to authorize arrest. This status also is vested in senior officers of the security services. The law requires security forces to bring detainees to the police within 24 hours. The law also requires that detainees be charged within 24 hours and be brought within 48 hours before a magistrate, who may authorize provisional detention for varying periods. In practice these provisions were violated systematically. Security forces, especially those carrying out the orders of any official who could claim authority, used arbitrary arrest to intimidate outspoken opponents and journalists. Charges rarely were filed, and the legal basis for such detentions often was obscure. When the authorities did press charges, the claims that they filed sometimes were contrived or recitations of archaic colonial regulations.

Security forces arbitrarily arrested several members of the political opposition, although the number of such cases decreased from the previous year. On March 27, the same day the President announced that political activity would be liberalized, security forces arrested and detained briefly two UDPS members; no charges were filed. On July 20, security forces arrested several other UDPS members; all were released the following day. On December 5, authorities arrested UDPS members Modeste Sadiki Lutombo, J.B. Bomanza, J.S. Mwampata, Roger Kakonge, and Augustin Kadima Tshikala for submitting a request to hold a public rally without having submitted party registration papers (see Section 2.b.). They were charged with assault against state security, incitement to revolt, and sedition; all remained in detention in Makala prison awaiting trial at year's end.

Detention without charge has been a frequent problem under both Kabila administrations. There were many secret or unofficial detention centers in Kinshasa, some of which reportedly were run by the Office of the President; there were several reports of secret jails on the premises of the presidential palace (see Section 1.a.). On March 8, President Joseph Kabila announced the closure of all of the country's unofficial detention facilities, which security forces used in part to keep secret the identities and whereabouts of detainees; however, there were numerous, credible reports during the year that DEMIAP, ANR, the Marble Palace, Camp Kokolo, Ouagadougou, and other unofficial detention facilities continued to be used by the security forces. Conditions in such facilities were harsh, and there were numerous credible reports of abuse of detainees. There were fewer overall reports of detentions in such facilities than in previous years; however, the continued use of such facilities made it difficult for human rights organizations to monitor arrests and detentions.

The Government arrested approximately 85 persons believed to have been involved or complicit in the assassination of Laurent Kabila, including General Yav Nawej, Colonel Eddy Kapend, and Kabila's driver and financial advisor; the Government summarily executed 11 Lebanese suspects (see Section 1.a.). All of those detained were denied due process. At year's end, these suspects and the family members of other suspects remained in detention at Makala prison without any charges filed against them, an opportunity to defend themselves in court, or access to attorneys. The suspects were not allowed to speak to each other, and access to family members was restricted severely. The two wives of Major Bora, who fled the country and reportedly is a prime suspect in the assassination, were among those detained in Makala prison at year's end. The Government claimed that the Commission of Inquiry's continuing efforts to gather evidence about the assassination through interrogations justified the ongoing detention of the suspects.

In late January, the Government arrested aide-de-camp Colonel Eddy Kapend and Army General Yav Nawej. They were not charged, and it was unclear whether they were arrested for involvement in the assassination or the execution of some of the suspects (see Section 1.a.) Both remained in detention at year's end.

Persons with origins in the Kivu Provinces were targeted for arrest following the assassination because Kabila's assassin and other suspected military collaborators came from the Kivus (see Section 1.a.). On January 26, security forces arrested Jeanine Mukanirwa, the vice president of the Promotion and Support of Women's Initiatives (PAIF), an NGO based in North Kivu Province, for suspected involvement

in the assassination. Mukanirwa was detained at the DEMIAP military detention center and transferred to Makala prison on February 10; she was released later in February.

Security forces arrested numerous persons suspected of coup plotting against the Government; many were former soldiers and military officers from the Mobutu regime with ethnic origins in Mobutu's home province of Equateur. In January security forces arrested 11 former members of the Zairian Armed Forces (ex-FAZ) and a former Congolese Ambassador to Zambia for suspected coup plotting. After the April 15 discovery of an arms cache in Kinshasa's Ngaliema district, security agents arrested many civilians and ex-FAZ soldiers from the Mobutu regime. In September both groups of suspected coup plotters were sent before a military tribunal in Likasi, Katanga Province; although most were sentenced to hard labor or released, 13 persons were sentenced to death. However, none of those sentenced to death were executed by year's end.

The Joseph Kabila Government arrested several prominent human rights activists for publishing reports on government abuses. On February 6, security forces arrested Golden Misabiko of the African Human Rights Organization (ASADHO) for publishing a report on the execution of Commandant Masasu in 2000 (see Section 1.a.). On June 4, security forces arrested N'Sii Luanda Shandwe of the Committee of Human Rights Observers (CODHO) for investigating the arbitrary arrests and mistreatment of the families of suspects in the assassination, including the two wives of Major Bora. Misabiko and N'Sii were released in September. On January 3, security forces arrested Jean-Marie Rusimbuka of the U.N. Human Rights Office for allegedly investigating the 2000 execution of Masasu; Rusimbuka was released on January 10.

The Government continued to arrest and detain journalists; however, there were fewer reported cases than in previous years (see Section 2.a.).

After using excessive force to disperse demonstrations, police arrested protesters (see Section 2.b.).

The Government no longer followed a policy of arresting and detaining members of the Tutsi ethnic group without charge and merely on the basis of their ethnicity. Approximately 300 Tutsis who voluntarily entered a government protection site at the National Social Security Institute in Kinshasa remained there at year's end pending resettlement or reintegration into the community. However, information obtained late in the year indicated that the Government in 1998 arrested approximately 30 Tutsis, who remained in detention in Makala prison at year's end largely because of their ethnicity.

The Government released several persons during the year who were arrested in 2000. On January 8, Steve Mbikay, Secretary General of the Solidarity Union, was released. Security forces had arrested Mbikay in November 2000 as he left a union meeting with ONATRA, the Government's parastatal transportation company. On January 30, seven UDPS members, who were arrested in October 2000 and tortured by security forces, were released. On February 6, Placide Nkoso, a University of Kinshasa student arrested in July 2000, was released.

It also was reported during the year that the Government released several persons in late 2000 who were arrested in 2000. In late 2000, Crispin Ipondo Banda, who was arrested in January 2000, was released. In July 2000, authorities arrested Catherine Nzuzi, the president of the Popular Revolutionary Movement (MPR) opposition party, on charges of treason. Nzuzi, who was under house arrest for most of her detention, was released in December 2000.

In November 2000, police reportedly beat 10 students who intervened on behalf of two students arrested while carrying their lunches on the campus of the Institut Pédagogique National (IPN) in Kinshasa, because the police wanted the food. Several students were arrested. The following day approximately 800 students demonstrated to protest the incident; allegedly FAC forces briefly detained a journalist covering the protest and confiscated her recordings. The commander of the police detachment reportedly was arrested and detained for questioning following the incident. However, no further information was available at year's end.

There were no reported developments in any of the following 2000 arrest cases: The October rearrest and subsequent execution of Commandant Masasu and 35 suspected collaborators; the July arrest and subsequent detention of Faustin Kamala, Deogratias Bihaira, and Thomas Kataala; the June arrest of Reverend Placide Tshisumpa Tshiakatumba, president of the International Society for Human Rights; the May arrest and continued detention of Kinshasa University student Jean-Pierre Mofila Mbomb; the January arrest and detention of Jose Malika; and the January arrest and torture of Albert Angbana Mate.

In April 1999, members of the Presidential Guard arrested Ralph Biteo, because he had the facial features of a Tutsi, and Biteo's cousin Mirimo Mulongo; both were released in August 1999.

There were no developments in the following 1999 cases of arrest and detention: Tabu Kalaia, president of the Katangan provincial branch of the opposition UDPS party; Professor Kambaj wa Kambaji; Wetemwani Katembo Merikas, an activist with the youth-oriented human rights NGO Cojeski; and Innocent Kyuma.

Pretrial detention often was prolonged. In December there were credible reports that 70 percent of the 2,500 inmates and persons in detention at Makala prison were soldiers, most of whom still were awaiting trial at year's end. Human rights NGO's reported that less than 20 percent of the inmates at Makala prison had been charged or sentenced. The Government released more than 200 soldiers during the year, reportedly to make room for additional prisoners (see Section 1.c.).

The Government also held POW's. In September the Government released four Ugandan POW's in accordance with the Lusaka Accords. The Government claimed it no longer held any POW's at year's end.

There were many reported arbitrary arrests by antigovernment forces in the occupied territories, and these forces reportedly detained persons repeatedly. Many of those arrested reportedly were Hutus. On October 31, RCD forces detained and severely beat Jules Nteba Mbakumba, the president of Association Elimu, an NGO that conducts adult education in the country; he was released later that day. No reason was given for the detention and torture; however, RCD authorities previously had accused Association Elimu of using its computers to produce leaflets for the Mai Mai combatants.

Government soldiers captured by antigovernment forces reportedly were held by the RCD/Goma or MLC. Unlike in previous years, both groups allowed the ICRC to visit captured government soldiers.

There were no reported developments in any of the following 2000 cases involving arrest and detention by RCD forces: The October arrest and solitary confinement of Jean-Paul Ramazani Kulimushi, the director of the Congolese National Radio-Television (RTNC); the October arrest, beating, and detention of 13 human rights activists; and the July detention of 2 senior RCD/ML officials by RCD/ML forces.

The law prohibits forced exile, and the Government did not use it in practice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice the judiciary was not independent of the executive branch, which manipulated it during the year. The Government failed to establish mechanisms to ensure the independence of the judiciary; a judicial reform decree, reportedly awaiting presidential approval since 1997, still had not been promulgated by year's end. The judiciary was ineffective and corrupt. The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, largely was dysfunctional. Military courts continued to try both military and civilian defendants.

Civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel at all stages of proceedings; however, the Government did not respect these rights in practice. Defendants have the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated in theory by the Court of State Security, and except those cases adjudicated by the special military tribunals, whose jurisdiction is ill defined. The law provides for court-appointed counsel at state expense in capital cases, in all proceedings before the Supreme Court, and in other cases when requested by the court. In practice the Government did not respect fully these provisions. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently, and who also were trained poorly. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

Military courts, which are headed by a military judge and apply military law inherited from Belgium, try military and civilian defendants as directed by the Government, and tried nearly all cases during the year. There is no appeals process in the military courts, and the accused do not have a right to legal counsel, although counsel may be provided at the discretion of the military judge. The Government tried to ensure that most defendants were provided with legal counsel during the year. Sentencing guidelines also were inherited from Belgian military law; however, in practice military courts have broad discretion to go outside of these sentencing guidelines. Military courts, which are located in all military installations and in most urban areas, may be open to the public at the discretion of the military judge. The Government claimed that its use of military courts rather than civilian courts was a result of the ongoing war in the country.

During the year, the military courts sentenced civilians as well as military personnel to death after summary trials; however, death sentences from military trials were less frequent than in previous years, and the use of military courts to sentence civilians decreased. Military courts sentenced civilians to death for crimes against national security; however, unlike in previous years, civilians were not sentenced to death for non-violent offenses. No civilians who received death sentences were executed during the year. Military courts also sentenced to death military defendants charged with armed robbery, murder, inciting mutiny, espionage, and looting while in a state of mutiny. Human rights NGO's reported that six military defendants who received death sentences for violent crimes were executed early in the year.

In January the military court sentenced to death six child soldiers; however, their sentences were commuted following vigorous appeals from numerous human rights NGO's.

In September in Likasi, Katanga Province, the Government appointed counsel for 77 defendants on trial in the military court for plotting a coup; however, the Government did not provide the defense lawyers, who were based in Kinshasa, with transportation to Likasi. The Government did allow 12 lawyers funded by the ICRC and ASADHO to prepare defenses for the defendants. The military court acquitted 35 of the 77 defendants, sentenced 13 to death (5 of them in absentia), and sentenced the remaining 29 to varying periods of hard labor following a trial that lasted 1 week and included testimony from a single witness, who was from the ANR. The 35 who were acquitted were released; the remaining 42 remained in detention at year's end. None of the 13 defendants who received a death sentence were executed by year's end.

In January security forces arrested and summarily executed without trial 11 Lebanese citizens suspected of complicity in the assassination of Laurent Kabila (see Section 1.a.). Following the assassination, security forces arrested dozens of alleged suspects and the family members of alleged suspects; approximately 85 suspects remained in detention in Makala prison at year's end (see Section 1.d.). The Government did not charge formally any of these individuals, nor did it allow them access to counsel. No trial dates were announced by year's end.

The Government held some political prisoners, including suspects in the assassination and several human rights activists. The precise number of political prisoners could not be ascertained due to restrictions on access to prisons by independent monitors (see Section 1.c.). Most of the persons whom the Government incarcerated during the year for political offenses were detained without being tried (see Section 1.d.). The Government allowed some international humanitarian organizations to visit political prisoners on a regular basis, but only when the detainees were held in an official prison. The Government does not allow these organizations to visit the numerous other unofficial detention facilities scattered throughout the country. It is in these facilities that most recently arrested detainees are held, questioned, and often subjected to abuse.

In the territories occupied by the various rebel factions, particularly the RCD/Goma, the system of justice essentially remained nonfunctional. Judges and other public servants were not paid their salaries. There were credible reports of judges accepting bribes in return for favorable decisions. RCD/Goma officials and others with influence reportedly used the judicial system to arrest individuals on false charges to extract money and property from these individuals. Credible sources claim that higher RCD/Goma authorities reprimanded judges who refused to participate in such schemes. There also were documented cases of indiscriminate military justice in which persons suspected of treason were executed without a trial.

Officially, the RCD/Goma established measures to investigate and punish rebel soldiers guilty of committing atrocities against civilian populations. However, the initiative largely remained ignored and ineffective, and there were no reports that the RCD/Goma tried, convicted, or punished any of its troops for committing atrocities.

Persons reportedly incarcerated by rebel forces for political reasons generally were detained without being tried formally (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, members of the security forces routinely ignored these provisions in practice. Security force officials often harassed and robbed persons. Government security forces reduced but did not cease surveillance of the headquarters of opposition parties and the movements of leading opposition political figures (see Section 2.b.).

The security forces raided private businesses, such as newspapers, and arrested employees whom they accused of collaborating with rebel forces, although there were fewer reported cases than in previous years (see Sections 1.d. and 2.a.). Secu-

rity forces routinely ignored requirements for search warrants, entering and searching at will.

Security agents forced their way into private homes without search or arrest warrants, often beating the inhabitants, stealing money and goods, and raping occupants. On November 30, four soldiers in an unmarked vehicle followed a Belgian couple to their home in the Binza neighborhood of Kinshasa. The soldiers forced their way into the house, stole money and other goods, and raped the couple's daughter.

There were no reports of raids of opposition party leaders' residences; however, soldiers continued to occupy opposition leader Antoine Gizenga's home, which military forces confiscated for political reasons in 2000. On April 23, during the festivities to celebrate the return to the country of opposition leader Etienne Tshisekedi, security forces reportedly commandeered a number of vehicles from Tshisekedi supporters and parked them three miles away.

Police often looted the homes of the persons they arrested and sometimes installed themselves in the homes of detainees (see Section 1.d.).

ANR security agents monitored mail passing through private express delivery companies as well as through the largely dysfunctional state mail service. The Government widely was believed to monitor telephone communications.

Government forces forcibly conscripted adults and children; however, there were fewer reports of such activity than in previous years, and the Government stopped encouraging the enlistment of children in paramilitary organizations (see Section 5.). Following the June visit of Olara Otunnu, the U.N. Special Representative for Children, the Government announced that it had ratified the Optional Protocol banning the participation in war of children under the age of 18. The Government cooperated with UNICEF to demobilize some child soldiers during the year, but many children already in the armed forces continued to serve. Unlike in previous years, there were no reports that the FAC forcibly conscripted homeless boys.

When unable to locate a specific individual, authorities often arrested or beat the closest family member (see Sections 1.a., 1.c., 1.d., and 1.e.). For example, the Government arrested dozens of the relatives of suspects in the Laurent Kabila assassination.

Some Mai Mai and Hutu militia units fighting on the side of the Government routinely seized private property and looted homes to supply themselves. Mai Mai and other progovernment groups reportedly recruited children from the areas in which they operated.

Antigovernment forces subjected civilians to arbitrary interference with privacy, family, home, and correspondence of civilians in the areas that their forces dominated (see Sections 1.a. and 1.c.). In the provinces of North and South Kivu, RCD rebels recruited children from the areas in which they operated, despite claims that they had stopped this practice (see Section 5). RCD/Goma and RPA soldiers abducted children and young men from markets, roadsides, and from their homes. They sent the unwilling recruits to military training camps both in the country and in Rwanda. Many child soldiers reportedly continued to serve in rebel armed forces.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Throughout the year, war continued with external intervention on both sides. The war began in August 1998, when former President Laurent Kabila tried to expel from the country Rwandan military forces that had helped him overthrow Mobutu. Congolese Tutsis and the Governments of Rwanda, Uganda, and Burundi relied on these Rwandan forces for protection from hostile nongovernmental armed groups operating out of the eastern part of the country. These groups included: The Interahamwe militia of Hutus, mostly from Rwanda, Hutu members of the former Rwandan armed forces, and other Rwandan Hutu militiamen, some of whom took part in the 1994 genocide of Tutsis in Rwanda and who fought the Tutsi-dominated Government of Rwanda; the Mai Mai, a loose association of traditional Congolese local defense forces, which primarily fought Rwandan Government forces and their Congolese allies; the ADF, consisting of Ugandan opposition forces supported by the Government of Sudan, which largely was inactive during the year; and several groups of Hutus from Burundi fighting the Tutsi-dominated Government of Burundi. Laurent Kabila's attempt to expel the Rwandan armed forces was frustrated by the outbreak in August 1998 of a rebellion, led by the RCD. The RCD/Goma was dominated by members of the Tutsi ethnic minority, but from the outset depended heavily on troops, material, and direction from the Government of Rwanda, and, to a lesser extent, the Government of Uganda. Military intervention by Angola, Chad, Namibia, and Zimbabwe resulted in the defeat of an RCD drive on Kinshasa in August 1998, but rebel forces advanced elsewhere.

In 1999 the rebels split into three factions: The Rwandan-supported faction of the RCD/Goma; the Ugandan-supported faction of RCD/ML; and the Ugandan-supported

MLC, which unlike the original RCD was not dominated by ethnic Tutsis and instead drew most of its support from the population of Equateur Province. Elements of the armed forces of Rwanda and Uganda continued to operate inside the country in support of rebels, and elements of the armed forces of Burundi operated inside the country against armed groups of Hutus from Burundi. Elements of the armed forces of Angola and Zimbabwe continued to operate inside the country in support of the Government throughout the year. Chadian military forces withdrew in 1999. Namibian military forces withdrew in September. Nongovernmental armed groups such as the Interahamwe, former Rwandan Hutu military, and Mai Mai continued to operate inside the country on the side of the Government, often as guerrillas inside territory held by rebel forces. Cease-fire accords signed in July and August 1999 between progovernment and rebel forces were respected along the formal disengagement line during the year. However, the war in the eastern regions of the country between Rwandan and RCD forces on one side, and Mai Mai and Hutu militias on the other, continued and may have intensified. All sides repeatedly used excessive force and committed numerous abuses (see Sections 1.a., 1.b., 1.c., and 1.d.). An international humanitarian NGO estimated that as many as 2.5 million persons have died during the war mostly due to malnutrition and lack of health care (see Section 1.a.).

Unlike in previous years, government and progovernment forces did not bomb civilian populations during air raids against towns held by rebel forces.

Government security forces continued to use child soldiers but reduced the overall forcible recruitment of child soldiers during the year and cooperated with the U.N. to demobilize some child soldiers (see Sections 1.f. and 5).

There were reports that Mai Mai and Hutu guerrillas fighting on the side of the Government killed and tortured noncombatants (see Sections 1.a. and 1.c.).

There were some reports that elements of the RCD/Goma and RPA committed mass killings of noncombatants, allegedly in reprisal for attacks in the same area on RCD forces by Mai Mai or Hutu groups (see Section 1.a.). In addition Rwandan soldiers and RCD rebels reportedly engaged in dismembering their victims with machetes while they still were alive. There were numerous reports that Rwandan troops and RCD rebels raped women (see Sections 1.c. and 5). According to numerous credible reports, rebel forces continued to recruit forcibly and use child soldiers (see Section 5).

Unlike in the previous year, there were no reports that Rwandan and Ugandan forces fought open battles in the streets of Kisangani.

The Government also held POW's, but released four Ugandan POW's in September. The Government claimed that it held no POW's at the end of the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government restricted this right in practice. Abuses continued at the instigation of the Government's various security services. The CPP's monitored persons' speech, association, and movement, in residential areas, workplaces, and schools, and reported speeches critical of the Government to security forces; however, they were less active than in previous years. Incidents of harassment, intimidation, and detention of journalists continued to occur, but violations of press freedom were less common than in previous years. During the year, government security forces arrested and detained 25 journalists compared with 37 in 2000; few of them were tried. One journalist remained incarcerated at year's end. Other journalists were subjected to harassment; three journalists stated that they were beaten by members of the security services, and one journalist claimed to have been tortured. The Government threatened to shut down several independent radio stations; however, previous bans on the transmission of some international radio broadcasts, including the Voice of America (VOA), were lifted. In addition the Government allowed two television stations to reopen. In general government authorities did not harass or expel foreign journalists; however, on July 24, police detained and questioned two foreign journalists who were observing an antigovernment demonstration in Kinshasa; the journalists were released after an hour.

Although approximately 400 newspapers were licensed to publish, no more than 30 appeared regularly in Kinshasa. There also was an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Of the Kinshasa-based newspapers, eight were dailies; the rest of the newspapers that appeared regularly were published between one and three times a week. Most private news publications relied on external financing, often from political parties and individual politicians. News publications tended to emphasize editorial commentary and analysis rather than factual descriptions of events; many were highly critical of the Government. There were no overtly government-controlled news-

papers; however, at least two newspapers, L'Avenir and L'Observateur, were supported by the Office of the President and the Ministry of Foreign Affairs respectively. Le Forum and Le Palmares had close ties to the security services. Of these, only Le Palmares and L'Avenir were published daily.

A 1996 Press law regulates the newspaper industry. Publishers are required to deposit copies of their publications with the Ministry of Communication; however, there no longer is a formal censorship regime. Criminal libel laws exist, and at least one foreign resident during the year brought libel charges against local journalists, who reportedly accepted bribes to publish false accusations against the director of a foreign bank. In most cases where journalists were arrested, state authorities charged them with "endangering the State" or "insulting the military" through the publication or broadcast of political news or news of the war. Charges often were brought under the press law; however, the Government had not published the law in 5 years, and many of the judges, as well as the journalists on trial, were unfamiliar with it. Government officials criticized or implicated in fraudulent practices by the press have encouraged police to arrest the journalists responsible for such stories.

Unlike in the previous year, government security forces did not seize printing equipment, individual issues of various newspapers, or newspapers from street vendors to prevent circulation of articles deemed damaging to the Government.

On February 28, security forces arrested Guy Kasongo, editor of the satirical journal Pot Pourri, allegedly for publishing unflattering cartoons of the Minister of the Interior. Kasongo, who was beaten severely with lashes and metal bars before his March 22 release, never was charged or brought before a judicial official.

On March 16, security forces arrested La Vision newspaper journalist Kinyongo Saley for writing an article that accused Kakudji of profiting from the war. Saley was released shortly after his arrest and reportedly went into hiding.

On May 18, the civilian criminal court sentenced in absentia Le Post newspaper journalist Mukebaya Nkoso to 3 months in prison for writing an article accusing former Minister of Information Dominique Sakombi of stealing \$200,000 during the Government's confiscation of the privately-owned TKM television station in 2000. The sentence was not carried out by year's end.

Some arrests of journalists were arbitrary. On July 17, the four managing editors of the government-sponsored newspaper L'Avenir were arrested and detained briefly. The four claimed that they did not know why they had been arrested.

Feu d'or Bosange Ifonge, a music reporter who was arrested in 1999, fled to Brazzaville, Republic of the Congo, where he died of unknown causes in September.

Unlike in the previous year, the Government did not harass foreign journalists and academics by detaining them for questioning or searching their luggage for professional notes to prevent their departure from the country.

Due to limited literacy and the high costs of newspapers and television, radio remained the most important medium of public information. At year's end, 10 radio stations were in operation in Kinshasa; 2 of the stations were state-owned and government-controlled. Opposition parties were unable to gain access to state-owned radio, and private radio was markedly less critical of the Government than private newspapers. During the year, the Government threatened to shut down private radio stations, allegedly because they were not compliant with administrative requirements of the Press law; however, no stations were closed by year's end. In 2000 the Government nationalized two private radio stations because they broadcast news unfavorable to the Government or commentary critical of the Government; however, on October 15, the radio stations returned to private management.

Seven television stations broadcast in the Kinshasa area, three of which were state-controlled and two of which were religious. In October the Ministry of Information announced that it had denationalized three broadcast corporations, including RTKM and two television stations owned by rebel leader Jean-Pierre Bemba. Opposition parties generally remained unable to gain access to state-controlled television. However, during preparatory meetings for the ICD, the comments of some opposition and rebel leaders were broadcast on state television (see Section 3).

The Government reversed its position on restricting foreign broadcasts during the year. In 1999 then-Information Minister Didier Mumengi ordered privately owned radio and television stations to cease transmitting foreign broadcasts. The order was aimed at Elikya, a Catholic radio station that transmits Radio Vatican, and at Raga FM, which broadcasts VOA, the British Broadcasting Corporation (BBC) World Service, and Deutsche Welle. During the year, Communications Minister Kikaya Bin Karubi worked with VOA to lift the ban; both VOA and BBC resumed broadcasting in Kinshasa by year's end. Radio France Internationale continued to broadcast from nearby Brazzaville throughout the year.

At year's end, there were two domestic Internet service providers. Because of technical difficulties and high costs, the Internet was not used widely; however, no restrictions were imposed on Internet use.

Some rebel forces, including the RCD/Goma, reportedly restricted freedom of speech and of the press. However, there were some independent media organizations in areas controlled by the RCD/Goma, most notably Catholic Church-sponsored news agencies such as MISNA. Radio Maendeleo in Bukavu, South Kivu Province, resumed broadcasts on January 1; in 1999 RCD/Goma security forces in Bukavu had seized the radio transmitter and other equipment from the private radio station, effectively taking it off the air.

Rebel forces reportedly continued to arrest journalists. On September 19, RCD/Goma authorities questioned Nicaise Kibel Bel, editor for *Les Coulisses*, who published several reports that criticized the rebel movement. In late October, RCD/Goma authorities arrested without charge *Les Coulisses* reporter Kisanga Yenga upon his return from the ICD conference in Ethiopia. Yenga was released on November 3, and no explanation for his arrest was provided.

Academic freedom continued to be restricted as professors (who are public servants) exercised self-censorship or modified their lectures to suit the views of their patrons in the Government. Faculty members complained that members of the Government took a strong interest in activities at their universities. However, unlike in previous years, the CPP's did not monitor classroom activities, and there were no reports that students were arrested for questioning the Government, contacting foreigners, or organizing peaceful strikes. However, between December 3 and 8, students at the University of Lubumbashi protested against school fees; two of the students were arrested and remained in detention without charge at year's end. On December 13, several students at the University of Kinshasa were arrested for organizing a violent protest against school fees that resulted in the deaths of three policemen. Eight students remained in detention without charge in Makala prison at year's end.

b. Freedom of Peaceful Assembly and Association.—There is no legal protection for freedom of assembly, and the Government continued to restrict this right severely. The Government considered the right to assemble to be subordinate to the maintenance of "public order." The Government requires all organizers to apply for permits, which are granted or rejected at the Government's discretion. Public activities generally were dispersed by government security services. The Government required political parties to apply for permits to hold press conferences; such permits frequently were denied.

Security forces prevented political party press conferences and rallies on several occasions, including a July 24 attempt by several political parties, including the UDPS, MPR, and the New Forces for Union and Solidarity (FONUS), to hold a joint opposition press conference calling for the resumption of the ICD dialog. Hours before the event, armed police barricaded the door to the church assembly hall where the press conference was scheduled to occur. The Government claimed that the parties had not registered with the Ministry of Interior, as required by the May 17 law on political activity; however, the parties stated that they had registered under the Mobutu government and should not be required to reregister.

On July 30, heavily armed police dispersed an opposition march and arrested 40 protesters. Prior to the march, the Government had issued televised warnings against participating in the march, shut down several means of transport into the city, and deployed police units at key intersections along the march route.

In August security forces detained 24 members of FONUS at Ndjili airport in Kinshasa, where other FONUS members had gathered to greet ICD delegates returning from preparatory meetings in Gaborone, Botswana. No charges were filed, and the activists were released within 1 week.

There were fewer government-sponsored demonstrations than in the previous year, when authorities sanctioned violent demonstrations against foreign embassies and U.N. offices.

The law provides no protection for freedom of association, and the Government severely restricted this right. Upon assuming power in 1997, Laurent Kabila suspended political party activities but not political parties themselves. In 1999 Laurent Kabila issued Decree No. 194 that partially lifted the ban on political party activities; however, the decree allows the Interior Minister to ban parties arbitrarily, and requires that legally recognized parties have members from all provinces, a requirement that could not be satisfied under war conditions. In May the Government revised the law on political activity to allow legally registered parties to operate freely; however, the Government continued to block some activities, including press conferences. Critics charged that the Government's arbitrary interpretation and implementation of the new law was used to control unwanted political activity. The

new law on political activity allows anyone to form a political party by registering with the Minister of Interior; however, the law requires that all political parties, including existing parties, register. According to the Government, more than 100 parties, all reportedly progovernment, registered during the year. The Government attempted to force the UDPS and other parties to register with the Ministry in compliance with the law. The UDPS and several other opposition parties refused to register on the grounds that they had registered under the Mobutu government and should not be required to reregister.

Political party offices generally remained open, and parties continued internal administrative functions. Unlike in previous years, opposition parties were able to hold private meetings without government harassment; however, the Government effectively prevented most public political gatherings and press conferences. Despite governmental restrictions, political parties became more active during the year in preparation for the ICD. Government harassment of various political parties decreased during the year. For example, unlike in the previous year, there were no reports that security forces surveilled, padlocked, or patrolled the headquarters of opposition parties. Unlike in the previous year, there were no reports that the Government prevented opposition party members from traveling (see Section 2.d.).

Unlike in previous years, the CPP's had no role in deciding which political activities could occur.

Unlike in previous years, when the Government appointed members of the political opposition to senior positions to gain legitimacy and weaken the opposition, President Joseph Kabila did not include any opposition politicians in the Government.

NGO's are required to register with the Minister of Justice and file copies of internal regulations and descriptions of their organizational structure. In 1999 President Laurent Kabila promulgated a decree that restricted the activities of NGO's, including religious organizations, by establishing requirements for their activities. However, some existing organizations were exempt, and the decree was not enforced during the year.

Unlike in the previous year, security forces did not arrest individuals who visited foreign embassies or contacted NGO's (see Section 4).

Rebel forces continued to restrict freedom of assembly and association in the areas that they controlled. On September 13, RCD/Goma troops opened fire on demonstrators in Bukavu who were protesting the RCD rebel movement's refusal to allow the Government to pay salary arrears to Congolese civil servants in the rebel-held areas. One student was killed and several persons were injured in the incident.

c. Freedom of Religion.—Although there is no constitution currently in effect, the Government generally respected freedom of religion in practice, provided that worshippers neither disturbed public order nor contradicted commonly held morals; however, government forces committed some abuses.

The establishment and operation of religious institutions is provided for and regulated through a statutory order on the Regulation of Non-profit Associations and Public Utility Institutions. Requirements for the establishment of a religious organization are simple and generally are not subject to abuse. Exemption from taxation is among the benefits granted to religious organizations. The law grants civil servants the power to establish and dissolve religious groups. There have been no reports of the Government suspending or dissolving a religious group since 1990, when the Government suspended its recognition of Jehovah's Witnesses; that suspension subsequently was reversed by a court. Although this law restricts the process for official recognition, officially recognized religions are free to establish places of worship and to train clergy. In practice religious groups that are not recognized also worship freely.

In January 1999, President Laurent Kabila promulgated a decree that restricts the activities of NGO's, including religious organizations, by establishing requirements for them; however, existing religious organizations were exempt, and the decree was not enforced.

Although the Government required foreign religious groups to obtain the approval of the President through the Minister of Justice, foreign religious groups generally operate without restriction once they receive approval from the Government. Many recognized churches have external ties, and foreign missionaries are allowed to proselytize. The Government generally did not interfere with foreign missionaries. However, security forces committed general human rights abuses against missionaries.

While the Government is tolerant in matters of religion, some abuses occurred in government-controlled areas as a result of the war, although there were fewer reported abuses than in previous years. These abuses, usually the ransacking of churches and the pilfering of church property, generally were committed by undisciplined government troops.

In December 2000, the military intelligence unit DEMIAP arrested Cyrien Mbuka, the Roman Catholic Bishop of Boma, in Bas-Congo Province, allegedly on charges of engaging in subversive activities. It is believed that his arrest was due to conflicts within the parish. On January 9, Cardinal Frederic Etsou issued a press release in which he protested Bishop Mbuka's arrest and that of other bishops during 2000. Mbuka was released on January 10.

In areas of the country under the military occupation of Rwanda, and their respective rebel clients, respect for religious freedom continued to be poor. RCD rebels and their Rwandan allies committed significant abuses in these areas. Credible reports indicate that RCD and Rwandan troops deliberately targeted Catholic churches as a means of both intimidating the local population and in retaliation for the Church's perceived role in the 1994 genocide in Rwanda. Abuses reportedly took the form of attacks on missions, the killings of priests, the rape of nuns, and the burning of churches; however, there were fewer reports of these types of abuses than in previous years.

Between February and September 2000, RCD rebels and Rwandan authorities kept Archbishop Kataliko of Bukavu in exile in the Kivu provinces because they suspected him of condoning resistance to the rebellion. These authorities only allowed the Archbishop's return to Bukavu in September 2000 following significant international pressure. The Archbishop died of a heart attack the following month while in Rome.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law allows for freedom of movement; however, in previous years, the Government, and in particular the security forces acting independently, restricted this freedom, and the Government increased its restrictions after the war began. In March President Joseph Kabila announced that all Congolese citizens were free to circulate with their goods throughout the country in accordance with the Lusaka Peace Accords. The Government generally honored its stated commitment to freedom of movement for the remainder of the year; however, some travel restrictions continued in government-controlled territory, and severe travel restrictions continued in rebel-controlled areas. Movement between the two zones was hazardous and sometimes impossible.

Immediately following the January 16 assassination of Laurent Kabila, the Government imposed a country-wide curfew, closed Ndjili airport, and halted traffic on the Congo River. All travel restrictions were lifted by January 29, and there were no other curfews in effect during the year.

In Kinshasa the practice of police and soldiers erecting roadblocks to harass or extract bribes from taxibus drivers and passengers decreased during the year. Roadblocks still were in use, but usually to protect government installations. The Government created a new force of armed military police, recognizable by their red berets. They occasionally stopped civilian vehicles at roadblocks for security checks or pulled over civilian vehicles, usually for traffic violations or for exceeding their legal carrying capacity; however, their precise function was unclear.

During the year, the Government prevented commercial and passenger travel on the Congo River allegedly for security reasons. MONUC negotiated the passage of some of its own goods, including two fuel barges, and escorted several humanitarian convoys up the River; however, commercial and passenger travel had not resumed by year's end.

Unlike in the previous year, the Government did not impede the travel of political party members, journalists, and local NGO representatives into and out of government-controlled areas of the country. The Government also allowed opposition members and journalists to travel to rebel-controlled territories. In July opposition leader Francois Lumumba was permitted to travel to Butembo to negotiate the release of Thai citizens who were held hostage by a Mai Mai group. In early September, several journalists from Kinshasa accepted an invitation from the RCD/Goma to visit cities under its control, as well as Kigali, Rwanda. The Government also allowed NGO activists from the areas of the country occupied by the rebels to attend conferences in Kinshasa.

The significant risk of rape, sometimes perpetrated by uniformed men, restricted freedom of movement at night for women in some neighborhoods. Groups of citizens implemented neighborhood watch programs, but women in some parts of Kinshasa and Lubumbashi did not leave their homes at night due to fear of attack.

The Government required exit visas for all foreign travel. No data on the refusal rate for exit visa applications was available. Noncitizens reportedly were required to obtain exit permits before leaving the country. The Government allowed opposition members and journalists to travel to leave the country; ICD participants were able to travel freely to meetings in Gaborone, Botswana, and Addis Ababa, Ethiopia (see Section 3). Several opposition leaders, including UDPS party leader Tshisekedi,

reported during the year that the Government refused to issue new passports to them; the Government claimed that it was unable to issue the passports because of a shortage of passport booklets. Tshisekedi traveled on alternate documents during the year and later obtained a passport. In 2000 the Government had confiscated the passports of numerous individuals, including Joseph Olenghankoy, Christophe Lutundula Apala, Francois Lumumba, and Catherine Nzuzi; however, all passports had been returned by year's end. Unlike in the previous year, the Government did not prevent the travel of foreign journalists by delaying their departure.

Freedom of movement in the rebel-controlled territories was restricted severely during the year as a result of fighting between the rebels, Rwandan and Ugandan forces, the Mai Mai, and Hutu militias. In the eastern portion of the country, rebel forces prevented travel and harassed travelers. Rebel forces also imposed travel restrictions on NGO's (see Section 4). Travel directly across the war front often was inconvenient and sometimes impossible, except by U.N. aircraft. Commercial flights between government-controlled and rebel-controlled territories did not resume during the year. Humanitarian shipments between Kinshasa and rebel-held Kisangani resumed by river in August.

An international human rights NGO estimates that there are approximately 1.5 million IDP's in the country. There are many camps for IDP's, especially in the eastern half of the country; however, unlike in previous years, there were no reports that IDP camps were attacked by government or rebel forces. Throughout the year in the Ituri district of Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting continued between members of the Lendu and Hema ethnic groups, which reportedly resulted in thousands of IDP's (see Sections 1.a. and 5).

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum. Refugees were accepted into the country from the Central African Republic and Angola during the year. Approximately 360,000 refugees from neighboring countries, including the Central African Republic, Rwanda, Burundi, Angola, Uganda, and Sudan, lived in the country. There were no known reports of the forced return of persons to a country where they feared persecution.

According to the U.N., approximately 340,000 Congolese refugees lived in neighboring countries during the year, including approximately 80,000 in the Republic of the Congo and 120,000 in Tanzania.

The Government's cooperation with the U.N. High Commissioner for Refugees (UNHCR) and other international agencies improved during the year; the Government generally allowed humanitarian workers free access to affected populations in most areas under its control (see Section 4).

The UNHCR cooperated with NGO's and rebel forces in voluntarily repatriating Rwandan Hutus to Rwanda.

In the eastern portion of the country, rebel forces reportedly prevented travel and harassed travelers. Several NGO's and journalists in the eastern provinces reported that they had difficulty returning home after attending conferences in government-controlled territory or outside the country (see Section 2.a.).

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

Citizens do not have the right to change their government peacefully. Citizens have not been able to change their government through free elections since independence in 1960. In his May 1997 inaugural address, President Laurent Kabila promised a constitution and elections by 1999; however, the 1998 outbreak of war effectively prevented the holding of national elections. The Government did not pursue the ratification of the proposed constitution drafted in 1998; after it was disseminated in 1998 to the press, many leaders of political parties, NGO's, and religious organizations criticized it as undemocratic.

On January 16, President Laurent Desire Kabila, whose AFDL overthrew the authoritarian regime of Mobutu Sese Seko by armed force in 1997, was assassinated by one of his guards. On January 26, the Government installed his son Joseph Kabila as President. Joseph Kabila ruled by decree, and the Government continued to operate without a constitution. The cease-fire accords signed in July and August 1999 at Lusaka, Zambia, between the Government, progovernment, and antigovernment forces called for an open national dialog among all political parties and civil society groups. However, in 2000 the Government repeatedly used its power to stifle any meaningful dialog. After becoming president, Joseph Kabila reengaged the Government in the peace process and the creation of the dialog. According to the 1999 Lusaka Accords, the ICD is to establish a new transitional political

framework in preparation for elections. Between August 20 and 24, a successful preparatory meeting for the ICD was held in Gaborone, Botswana; on October 15, the ICD itself began in Addis Ababa, Ethiopia. Representatives of the Government, RCD, MLC, civil society, and political parties participated in both meetings. While no agreement was reached by year's end, the participants agreed to resume the dialog in South Africa in February 2002.

In March 2000, church groups attempted to hold a National Consultation, an initiative that the Government seized to carry out its own agenda; it filled meetings with its own supporters. Despite the Government's effort to control the National Consultation, the body did not accept the Government's agenda. In April 2000, the delegates presented President Laurent Kabila with a list of recommendations. The delegates urged the Government to release political prisoners, open the political process, abolish the CPP's, and free jailed journalists. The Government ignored these recommendations and instead turned to the guidance provided by its own delegates, which in essence urged the President to ignore key provisions of the Lusaka Accords.

In 2000 the Government created the Constituent and Legislative Assembly to draft a new constitution, prepare a national budget, and approve decrees and motions handed down by the President. The Government appointed members of the Assembly based on past services to President Laurent Kabila and loyalty to the Kabila regime. During the year, the Assembly continued to meet but did not have a significant role in governing the country.

In previous years, the Government did not ban political parties but did impose severe restrictions on their activities and enforced these restrictions with torture, arrests, detentions, surveillance, raids, and limits on freedom of movement (see Sections 1.c., 1.d., 2.b., and 2.d.). On May 17, the Government revised the law on political activity to allow legally registered parties to operate freely; however, the Government continued to block some activities including press conferences (see Section 2.b.). The Government also continued to arrest political activists for engaging in political activity, although there were fewer cases of such arrests than in previous years (see Section 1.d.).

The State continued to be highly centralized in many ways. The central government executive in Kinshasa generally appointed governors, but once in the provinces they had considerable autonomy, due in part to poor communications and transportation infrastructure. Territorial administrators also were appointed from Kinshasa. Provincial government resources, both financial and logistical, almost exclusively have come from Kinshasa since Laurent Kabila took control of the Government in 1997. President Joseph Kabila continued his father's practice of filling a disproportionate number of government positions with persons from his home province of Katanga, and specifically from his Muluba ethnic group. However, overall the President formed a more geographically representative cabinet than his father's in the previous year.

The percentages of women or minorities in government and politics do not correspond to their percentages of the population; however, there are no official restrictions on the participation of women or minorities in politics. There are few women in senior positions in the Government or in political parties. There were four female ministers in the Cabinet at year's end. Pygmies were unrepresented in the political process. There were no Muslims represented in senior positions in the Government or in political parties.

The rebel movements established civil administrations in the areas they controlled, including appointment of provincial governors and issuance of visas for foreigners to travel into their areas. Rebel authorities reportedly began training police forces. Rebels appointed local officials rather than holding elections.

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

A number of domestic and international local human rights NGO's continued to investigate and publish their findings on human rights cases; however, these activities took place in the context of some government harassment. The Government arrested several human rights activists after they published reports on government abuses, including Golden Misabiko of ASADHO and N'Sii of CODHO (see Section 1.d.). However, there was a significant decline in the overall level of government harassment of human rights activists from the previous year, and unlike in the previous year, there were no reported attacks on human rights NGO's.

The main domestic human rights organizations operating in the country include *Comite Droits de l'Homme Maintenant*, a national network of human rights organizations; *la Voix des Sans Voix* (VSV), an active Kinshasa-based organization; *Groupe Jeremie* and *Groupe Amos*, two Christian-inspired groups that focus on

human rights and democracy problems; CODHO, a human rights monitoring group; Toges Noires, an association of lawyers and judges involved with human rights; and Association de Defense des Droits de l'Homme. In addition numerous groups were active that are involved with development and with specific problems such as voter education and women's rights.

International human rights and democracy NGO's operating in Kinshasa included the International Human Rights Law Group, the International Foundation for Elections Systems, Search for Common Ground, and the National Democratic Institute. Representatives of other international human rights and democracy NGO's, such as Human Rights Watch Africa and the National Endowment for Democracy, visited the country (including rebel-held areas) during the year.

On January 3, security forces arrested Jean-Marie Rusimbuka of the U.N. Human Rights Office for allegedly investigating the 2000 execution of Masasu; Rusimbuka was released on January 10.

Unlike in the previous year, the Government did not obstruct the travel of MONUC personnel or deny NGO workers humanitarian access to areas under its control (see Section 2.d.).

U.N. Special Rapporteur for Human Rights in the Democratic Republic of the Congo, Roberto Garreton, visited the country in March and July.

In April six ICRC employees were killed in Ituri district in Orientale Province, where fighting between the Hema and Lendu ethnic groups continued during the year (see Sections 1.a and 5). Credible reports indicated that Hema warriors killed the ICRC workers and had tried to make the Lendu appear responsible. Shortly before the attack, Hema leaders reportedly had accused the ICRC of favoritism toward the Lendu. Some reports indicated that UPDF forces, which controlled the road along which the ICRC vehicle was traveling, also may have been complicit in the attack. In May the ICRC suspended all field activities in the Ituri district; operations remained suspended at year's end.

Human rights groups and members of political, religious, and other nongovernmental organizations in the parts of the country held by rebel forces continued to be harassed and detained on suspicion of helping the Government; however, such incidents reportedly decreased during the year.

Rebel forces permitted humanitarian NGO's to work in areas they controlled.

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

The previous constitutions prohibited discrimination based on ethnicity, sex, or religious affiliation; however, the Government did not enforce these prohibitions effectively and continued to act with prejudice against members of the Tutsi ethnic group. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women, Tutsis, Muslims, and the indigenous Pygmy (Batwa) people.

Women.—Domestic violence against women, including rape, is common, but there are no known government or NGO statistics on the extent of this violence. The police rarely intervened in domestic disputes. Rape is a crime, but the press rarely reported incidents of violence against women or children. Press reports of rape generally appear only if it occurs in conjunction with another crime or if the crime allegedly was committed by Rwandan, Ugandan, or Burundian troops in rebel-controlled areas of the country (see Section 1.c.).

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is not widespread, but it is practiced on young girls among isolated groups in the north. The Government has not addressed the problem.

Prostitution is not a crime (except for children under the age of 14), and there has been an increase in prostitution due to poor economic conditions. Women sometimes are forced into prostitution by their families out of economic necessity. There was no information available as to the extent of prostitution in the country.

Women are relegated to a secondary role in society. They constitute the majority of primary agricultural laborers and small-scale traders and almost exclusively are responsible for child rearing. In the nontraditional sector, women commonly receive less pay for comparable work. Only rarely do they occupy positions of authority or high responsibility. Women also tend to receive less education than men. Women are required by law to obtain their spouse's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. The law permits a widow to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce. In practice sometimes consistent with customary law, women are denied these rights. Widows commonly are stripped of all posses-

sions—as well as their dependent children—by the deceased husband's family. Human rights groups and church organizations are working to combat this custom, but there generally is no government intervention or legal recourse available. In addition women often do not realize that they can improve their legal claims by obtaining official documents that declare them to be married legally to a man. Women also are denied custody of their children in divorce cases, but they retain the right to visit them. Polygyny is practiced, although it is illegal. Father-child relationships resulting from polygynous unions are recognized legally, but only the first wife is recognized legally as a spouse.

There were a number of active and effective women's groups in both the government-controlled and rebel-controlled areas of the country.

Children.—Government spending on children's programs almost is nonexistent. Primary school education is not compulsory, free, or universal. Primary school enrollment rates decreased to less than 50 percent during the year from less than 70 percent in 2000. In public schools, parents are required formally to pay a small fee, but parents often are expected informally to pay teachers' salaries. Extremely poor economic circumstances often hamper parents' ability to afford these added expenses, meaning that children may not be able to attend school. Most schools function only in areas where parents have formed cooperatives. Widespread poverty puts basic education out of the reach of many families. There have been reports of economic circumstances forcing children to hunt or fish for their family's livelihood instead of attending school (see Section 6.d.). In both the government-controlled and rebel-controlled areas, poverty brought on by the war has led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer can afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school.

The number of orphans and street children increased during the year. Street children in Kinshasa were subject to severe harassment and exploitation, particularly by soldiers and police. On August 15, police shot and killed one street child for shoplifting in Kinshasa's central market. This provoked a riot during which police arrested dozens of street children. Public sentiment for the most part rested with the police, since the Kinshasa population is distrustful of street children. There were credible reports that the FAC sexually exploited homeless girls.

There were no documented cases in which security agents or others targeted children for specific abuse, although children were affected by the same generalized social disorder and widespread disregard for human rights that impact society as a whole. These conditions sometimes make it impossible for parents to meet their children's basic human needs.

The Juvenile Code includes a statute prohibiting prostitution by children under the age of 14; however, child prostitution is common in Kinshasa and in other parts of the country. There were reports during the year that girls as young as 8 years of age were forced into prostitution to earn money for their families (see Sections 6.c. and 6.d.).

There were reports of trafficking in children (see Section 6.f.).

Child labor is common (see Section 6.d.).

Human rights organizations estimate that there are 6,000 child soldiers serving in the country. Following the June visit of Olara Otunnu, the U.N. Special Representative for Children, the Government announced that it had ratified the Optional Protocol banning the participation in war of children under the age of 18. The Government recruited fewer children than in previous years and stopped encouraging the enlistment of children in paramilitary organizations; however, the FAC continued to use child soldiers. The Government has stated its intention to demobilize all child soldiers once the war is over, and in December it released a group of 235 child soldiers into the care of the U.N. Unlike in previous years, there were no reports that the FAC forcibly conscripted homeless boys.

Rebel forces reportedly continued to recruit child soldiers, particularly in the areas controlled by Rwandan and Ugandan forces, and to use child soldiers already in service (see Sections 1.f. and 6.c.). Credible reports indicated that rebel forces forcibly conscripted boys as young as age 10, and that RCD/Goma forces established recruitment quotas for its field commanders and senior party leadership. RCD/Goma leader Adolphe Onusumba claimed the RCD was attempting to demobilize its child soldiers, but there were numerous credible reports that the RCD continued to conscript child soldiers and to send the unwilling recruits to military training camps in both the country and Rwanda. Escaped child soldiers from Camp Mushaki in North Kivu Province, the best known camp of this type, described their forced conscription and subsequent training at this camp to NGO personnel. In July and August, 163 child soldiers who had been taken to Uganda in 2000 by Ugandan forces, were returned to the country and reunited with their families.

Credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government. Unlike in the previous year, there were no reports that UPDF troops abducted women from the villages they raided. There were confirmed reports that some Ugandan soldiers married Congolese women who later voluntarily left the country with their soldier husbands; there were no reports of forcible abductions.

FGM is performed primarily on girls among isolated groups (see Section 5, Women).

Persons with Disabilities.—The law does not mandate accessibility to buildings or government services for persons with disabilities. There are some special schools, many staffed with missionaries, that use private funds and limited public support to provide education and vocational training to students who are blind or have physical disabilities.

Persons with disabilities are subject to discrimination in employment, education, and the provision of other government services. Persons with disabilities are exempt from some civil laws, such as paying some taxes or in some cases paying customs duties.

Indigenous People.—There is a population of fewer than 10,000 Pygmies (Batwa), who are believed to have been the country's original inhabitants; societal discrimination against them continued. Although they are citizens, most Pygmies continued to live in remote areas and took no part in the political process.

Religious Minorities.—Approximately 50 percent of the population are Roman Catholic, 20 percent are Protestant or Kimbanguist, and 10 percent are Muslim. Approximately 20 percent practice traditional indigenous religions exclusively. Many persons practice elements of both traditional indigenous religions and Christianity or Islam.

In June in the Aru district of Orientale Province, several hundred persons were killed because they were accused of practicing witchcraft (see Section 1.a.).

National/Racial/Ethnic Minorities.—There are 200 separate ethnic groups, which generally are concentrated regionally and speak distinct primary languages. There is no majority ethnic group; the four largest ethnic groups are the Mongo, Luba, Kongo, and Angbetu-Azande, who together make up approximately 45 percent of the population. Four indigenous languages, Kiswahili, Lingala, Kikongo, and Tshiluba have official status. French is the language of government, commerce, and education.

Societal discrimination on the basis of ethnicity is practiced widely by members of virtually all ethnic groups and is evident in private hiring and buying patterns and in patterns of de facto ethnic segregation in some cities; however, intermarriage across major ethnic and regional divides is common in large cities. The longstanding violent conflict between the Tutsi and Hutu ethnic groups continued inside the country.

President Joseph Kabila continued his father's practice of filling a disproportionate number of government positions with persons from his home province of Katanga and specifically from his Muluba ethnic group. Katangans in the FAC substantially were more likely both to be promoted and to be paid than persons from other regions. Since the beginning of the war, Tutsis have been absent from the Government. However, overall Joseph Kabila has formed a more geographically representative cabinet than his father's in the previous year.

Birth on national territory does not necessarily confer citizenship. The Government does not recognize the citizenship claims of longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis. According to some accounts, resentment of their noncitizen status contributed to the participation of many Tutsi residents of the country in the RCD rebellion against Laurent Kabila.

Since the start of the war in August 1998, ethnic Tutsis have been subjected to serious abuses, both in the capital and elsewhere, by government security forces and by some citizens for perceived or potential disloyalty to the regime; however, these abuses decreased somewhat during the year (see Section 1.d.). Human rights groups increasingly complained that the killing of and other human rights violations against Congolese civilians by persons perceived to be of Tutsi ethnicity and their supporters presented an increasing problem. The Government materially supported Mai Mai and Hutu armed groups, which, according to credible reports, repeatedly killed both unarmed and armed Tutsis in areas militarily dominated by antigovernment forces.

In April 1999, members of the Presidential Guard attacked, severely beat, and abducted Ralph Biteo because he had the facial features of a Tutsi. Members of the Presidential Guard then also arrested Biteo's cousin Mirimo Mulongo. Both Biteo and Mulongo were released in August 1999.

Allegations in state-owned and progovernment media that European governments supported antigovernment forces decreased considerably during the year.

Unlike in the previous year, there were no reports of the participation of the Government of Rwanda in arming Hutus and sending them into the country to terrorize the population. In previous years, these groups reportedly posed as Interahamwe fighters to justify Rwanda's military occupation of areas of the Kivu Provinces.

Throughout the year in the Ituri district in Orientale province, an area dominated by Ugandan and Ugandan-supported forces, fighting between members of the Lendu and Hema ethnic groups reportedly killed thousands of persons and displaced tens of thousands of persons. This fighting reportedly arose from disputes over land use (see Section 1.a.). There are reports that Ugandan troops manipulated and exacerbated the fighting by providing support to the combatants.

Section 6. Worker Rights

a. The Right of Association.—Legislation in effect from the Mobutu period permits all workers except magistrates and military personnel to form and join trade unions. The National Union of Congolese Workers (UNTC) remains the largest labor federation. The country's other large confederations are the Labor Confederation (CDT) and the Congo Trade Union Confederation (CSC). There also are almost 100 other independent unions, which are registered with the Labor Ministry. Some of the independent unions are affiliated with political parties or associated with a single industry or geographic area; however, they also have ties to larger unions, such as the UNTC, which have more diverse membership. Since the vast majority of the country's economy is in the informal sector, only a small percentage of the country's workers are organized.

The law recognizes the right to strike. However, legal strikes rarely occur because the law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures. Labor unions have not been able to defend effectively the rights of workers in the deteriorating economic environment. The law prohibits employers or the Government from retaliating against strikers, but this prohibition is not enforced.

Between August 28 and 31, nurses and paramedics at public hospitals in Kinshasa went on strike to protest deteriorating salaries and poor working conditions; no resolution was reached. The Government took no action against the health workers.

Unlike in the previous year, there were no citywide strikes ("villes mortes") in Bukavu or Goma to protest the occupation of the two cities by antigovernment forces.

Following a series of strikes in 1999 to protest low salaries and unpaid wages, the Government claimed in October 1999 that it would meet the demands of the strikers. It did so in June 2000 by implementing progressively a comprehensive, higher civil service salary scale; however, civil servant salaries still remained very low (see Section 6.e.)

In September the Ministry of Labor told the press that the Government would no longer authorize businesses to carry out temporary layoffs of employees; however, many large manufacturers in Kinshasa conducted layoffs to save money on transportation costs and other benefits. The Government took no action against the manufacturers.

Government security forces continued to arrest and detain labor leaders and activists. On September 10, security forces arrested 12 labor leaders, including Bavela Vuadi of the FIC and Mayala Celestin of the teacher's union Coordination Nationale des Mandataires et Fonctionnaires de l'Etat (CONAMAFET), for encouraging teachers to strike at the beginning of the school year. The leaders were released 2 days later.

In January Steve Mbikay, Secretary General of the Solidarity Union, was released. Security forces had arrested Mbikay in November 2000 as he left a union meeting with ONATRA, the Government's parastatal transportation company.

Unions may affiliate with international bodies. The UNTC participates in the Organization of African Trade Union Unity, and the Central Union of Congo is affiliated with the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to bargain collectively, and an agreement between the UNTC and the employers' association formerly provided for wages and prices to be negotiated jointly each year under minimal government supervision. This system broke down in 1991 as a result of the rapid depreciation of the currency. The professional unions and the Congolese Business Federation signed a cooperative agreement in 1997; however, while collective bargaining still exists in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees. Inflation

and the constant depreciation of the Congolese franc eliminated salary increases in the public sector. Trade unions responded rapidly to changes in government leadership by requesting pay increases. Labor leaders also demanded the reactivation of the National Labor Council (CNT), which is responsible for setting the minimum wage and has not met since May 1997 (see Section 6.e.).

The collapse of the formal economy resulted in a decline in the influence of unions, a tendency of employers to ignore existing labor regulations, and a decrease in wages as jobs increasingly became scarce. The Labor Code prohibits antiunion discrimination, although this regulation was not enforced effectively by the Ministry of Labor. The law also requires employers to reinstate workers fired for union activities. In the public sector, the Government sets wages by decree; public sector unions act only in an informal advisory capacity.

The International Confederation of Free Trade Unions (ICFTU) alleged in its 2000 Annual Survey of Violations of Trade Union Rights that the Labor Code does not protect adequately workers against antiunion discrimination and interference by employers into union affairs. The ICFTU also claimed that enforcement of the Labor Code "remains virtually nonexistent."

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, the Government forcibly conscripted adults during the year (see Sections 1.f. and 5). There also were reports that some Mai Mai guerrillas fighting on the side of the Government in the war forced persons in rural areas to work.

Trafficking in persons occurs (see Section 6.f.).

The law does not prohibit specifically forced and bonded labor by children, and the government forcibly conscripted children (see Sections 1.f. and 5). In addition there were reports that girls as young as 8 years of age were forced into prostitution to earn money to their families (see Section 5).

There were unconfirmed reports that the Rwandan army forced Rwandan prisoners to mine coltan in the Kivu Provinces. Rwandan and RCD/Goma soldiers continued to conscript forcibly adults and children (see Sections 1.f. and 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 18 years. Employers legally may hire minors between the ages of 14 and 18 with the consent of a parent or guardian, but those under age 16 may work a maximum of 4 hours per day; those between the ages of 16 and 18 may work up to 8 hours. The employment of children of all ages is common in the informal sector and in subsistence agriculture, which are the dominant portions of the economy. Such employment often is the only way a child or family can obtain money for food. Many children have been forced by their parents to leave school and beg in the streets or work in order to earn money to their families. Larger enterprises generally do not exploit child labor. Neither the Ministry of Labor, which is responsible for enforcement, nor the labor unions make an effort to enforce child labor laws.

On June 20, Labor Minister Marie-Ange Lukiana announced that the Government had ratified three International Labor Organization (ILO) conventions: The Abolition of Forced Labor Convention, the Discrimination (Employment and Occupation) Convention, and the Minimum Age Convention.

During the year, the Government ratified ILO Convention 182 on the Worst Forms of Child Labor.

The law does not prohibit specifically forced and bonded labor by children, and the Government forcibly conscripts children (see Sections 1.f. and 5). In addition there were reports that girls as young as 8 years of age were forced into prostitution to earn money to their families (see Section 5).

There also were credible reports that rebel groups forcibly recruited child soldiers and sent them to Uganda and Rwanda for military training (see Sections 1.f. and 5).

There were reports of trafficking in children (see Section 6.f.).

e. Acceptable Conditions of Work.—Most citizens are engaged in subsistence agriculture or commerce outside the formal wage sector. The minimum wage, last adjusted by government decree in 1990, subsequently was rendered irrelevant by rapid inflation. The average wage does not provide a decent standard of living for a worker and family. Most workers rely on extended family and informal economic activity to survive. The low salaries of police, soldiers, and other public officials (and the non-payment of salaries) encouraged many of these officials to extract bribes. The maximum legal workweek (excluding voluntary overtime) is 48 hours. One 24-hour rest period is required every 7 days.

Civil servant salaries remained very low, ranging between \$5 (1,600 Congolese francs) and \$25 (8,000 Congolese francs) per month. During the year, the Government reportedly paid some salaries more regularly; however, the ICFTU reported

that up to 36 months of salary arrears exist for some workers in the Post and Telecom Union. In July the Ministry of Labor created the Congolese Credit for Development fund (CCD), a "social fund" for civil servants; the CCD provides payments to civil servants of expenses such as funerals and retirement insurance.

The Labor Code specifies health and safety standards. The Ministry of Labor officially is charged with enforcing these standards, but it does not do so effectively. No provisions in the Labor Code permit workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

The law provides for the protection of legally documented foreign workers.

f. Trafficking in Persons.—There are no specific laws that prohibit trafficking in persons, and trafficking is a problem; the country is a source for trafficked women and children. Women are trafficked to Europe, mainly France and Belgium, for sexual exploitation. Rebel and foreign forces have abducted a number of children in the country to be used for labor or sex. Credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government. Unlike in the previous year, there were no reports that UPDF troops abducted women from the villages they raided. There were confirmed reports that some Ugandan soldiers married Congolese women who later voluntarily left the country with their soldier husbands; there were no reports of forcible abductions.

The Government does not have any programs in place to prevent this practice. The Government has not yet made significant efforts to combat trafficking, due in part to lack of resources or information, an unwillingness to acknowledge there is a significant problem, and because much of the country's trafficking problem occurs in areas controlled by rebel groups and foreign armies. The Government has not investigated vigorously or prosecuted trafficking cases. The Government has no resources for training; however, it permits training of officials by the Government of France and by NGO's. The Government does not coordinate with other countries on trafficking issues and has no funding for protection services. Victims are not prosecuted.

REPUBLIC OF THE CONGO¹

The Republic of the Congo continued to be ruled by a transitional government that came to power by force of arms in October 1997. President Denis Sassou-Nguesso wields executive power with few meaningful legislative or judicial constraints. With the help of Angolan troops and other forces, Sassou-Nguesso, a northerner, defeated the forces of former President Pascal Lissouba, a southerner, elected in 1992. Soon after taking power in 1997, President Sassou-Nguesso's Government replaced the country's 1992 Constitution with a new Fundamental Act, which established a strong and highly centralized presidential system of government. The President appoints all members of the Government, all senior military officers, and all subnational government officials, serves as commander in chief of the armed forces, and specifically is mandated to direct the general policy of the Government and to exercise regulatory powers. Legislative authority is vested in the 75-member National Transition Council (Conseil National de Transition, or CNT). On September 2, the CNT approved a draft constitution with amendments and submitted it to the presidency for final approval. A countrywide referendum scheduled for December did not take place primarily for technical reasons and was rescheduled for January 2002. The judiciary is overburdened and subject to political interference. Renewed civil conflict broke out in August 1998 and continued throughout the south until the end of 1999 between forces supporting Sassou, which included Angolan allies, Rwandan Hutu militiamen, and irregular fighters of Chadian and Democratic Republic of the Congo (DRC) nationality, and southern rebel groups supporting Lissouba, which included Cocoye militiamen operating in the Bouenza, Niari, and Lekoumou regions, and Ninja and Nsiloulou militiamen operating principally in southern Pool region. In 1999 the Government reestablished effective control over most of the south through military offensives, offers of amnesty, negotiations, and efforts to broaden the Government's political base. In November and December 1999, the Government signed cease-fire and reconciliation accords with rebel groups, which called for disarmament, demobilization, the reintegration of former militiamen, and a "na-

¹The United States Embassy evacuated its facilities in the country during the 1997 civil war and subsequently has operated out of the American Embassy in the Democratic Republic of the Congo.

tional dialogue without exclusion” to resolve political disputes underlying the military conflict.

The security forces include the police, the Gendarmerie, and the armed forces; however, the functional distinction between these forces was not clear. In theory the police should be the first to respond to security incidents, with gendarmes and army units intervening later if necessary; in practice joint operations were common. Many new recruits who have joined the security forces since the 1997 civil war were former members of nongovernmental militias. The Government did not have full control over some individual members of the security forces. Since the end of the 1998–1999 conflict, the Government has established increasing control over progovernment “Cobra” militiamen who effectively had been autonomous. Some units of the Angolan armed forces remained in the country under a bilateral agreement to provide security, most of them near the Congolese border with Cabinda (Angola). Rwandan Hutu militiamen, as well as former soldiers from the DRC, remained in the country as refugees and no longer participate in government military operations. A major challenge for the country is reintegration of former militiamen from all sides in the 1998–1999 conflict who have stopped fighting under the terms of the peace accords. In some cases, joint military units comprised of army troops and former rebels provide security in former rebel-controlled areas, and several thousand former combatants have benefited from internationally supported programs to help their reintegration into society and to collect and destroy illegal arms. Some members of antigovernment groups supporting Lissouba or his Prime Minister, Bernard Kolelas, have been permitted to rejoin their previous employers, for example, in the Ministry of Interior. Some members of the security forces committed serious human rights abuses.

The economy suffered serious losses from destruction and looting in much of the south during the 1997 civil war and the 1998–99 conflict, particularly in Brazzaville, where more than one-third of the country’s population normally resides. Fighting and heavy looting led to the destruction of many southern towns, and much of Brazzaville, the capital. An estimated 800,000 civilians, approximately one-third of the country’s estimated population of 3 million, were displaced. However, this violence did not affect significantly the oil industry, which operates offshore and in Pointe Noire on the Atlantic coast. Oil, timber exports, and foreign aid remained the country’s main sources of foreign exchange. Oil prices through most of the year remained strong, allowing the Government to pay salaries to most public sector employees, including members of the security forces and some other public employees. Payments to some civil servants and teachers, which had been in arrears for several months, were paid. Although per capita gross domestic product was estimated at approximately \$700 ((490,000 CFA francs)), this figure includes substantial oil exports, the benefits of which were not distributed widely throughout the population. A survey in Brazzaville and Pointe Noire indicated that 70 percent of the population lived in poverty. Lack of transparency and inefficient government impeded rehabilitation and development.

The Government’s human rights record remained poor; although there were some improvements in a few areas, serious problems remain. Citizens did not have the right to change their government peacefully. Security forces were responsible for extrajudicial killings, as well as summary executions, rapes, beatings, physical abuse of detainees and the civilian population, arbitrary arrest and detention, looting, and solicitation of bribes. There were no reports that the Government deployed undisciplined forces during the year. Prison conditions were poor. The judiciary was corrupt, overburdened, underfinanced, subject to political influence, and unable to ensure fair and expeditious trials. The Government and its political allies continued to monopolize domestic broadcast media; however, private newspapers circulated freely and often were critical of the authorities. In August the Government modified the 1996 Press Law; the new version maintains penalties for defamation and incitement to violence but no longer requires prison terms for violators. There were some limits on freedom of movement, although security force restrictions on freedom of movement within the country decreased. The Government permitted opposition political parties and nongovernmental organizations (NGO’s), including human rights organizations, to function, and there was a relatively open dialog on public policy issues. While many former opposition political figures have returned to Brazzaville and resumed political activities, several were tried and convicted in absentia of serious war crimes in 2000. These individuals so far have not been permitted to return. Former Prime Minister Kolelas’ attempts to return during the year failed on at least two occasions when the Government intervened and airlines refused to transport him. Domestic violence and societal discrimination against women continued to be serious problems. Discrimination on the basis of ethnicity remained widespread, including against minority indigenous Pygmies. Child labor

continued to be a problem; however, there were no reports of child soldiers. There were reports that persons were trafficked to, from, and within the country. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

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 reports during the year of extrajudicial killings by security forces. For example, in September police shot and killed an individual accused of theft when he fled arrest. There was no report of an investigation or action taken on this case by year's end. In the fall, the bodyguard of a government minister shot and killed a person he believed threatened the physical security of the minister. There was an internal investigation; however, the results were not released nor was any action taken on this case by year's end.

There were reports that security forces summarily executed soldiers responsible for abuses. For example, in August a soldier shot and killed a superior officer; he was arrested and summarily executed.

Unlike in the previous year, there were no reports that the Government deployed undisciplined troops.

There were no known reports of deaths in custody.

In 1999 the Minister of Defense announced that military tribunals would be established to bring to justice soldiers responsible for abuses, and the Government introduced legislation to that end. However, by year's end, no such law had been adopted and these tribunals were not yet in place.

As of July, five police officers, who had been dismissed for their involvement in the November 2000 suffocation of 12 persons in an overcrowded jail, were convicted by a commission and were awaiting a decision on their sentencing by a civilian court in Pointe Noire.

No action reportedly was taken against members of the security forces responsible for the following killings or other deaths in custody in 2000: The death in custody Gabriel Louya; the September killing of a civilian during a dispute between security forces; and the August killings of 2 family members of a policeman.

On October 11, three citizens filed a complaint in a Belgian national court in Brussels against President Denis Sassou-Nguesso and a multinational oil company, alleging they had committed crimes against humanity by ordering or permitting targeted extrajudicial mass killings of civilian members of ethnic groups in late 1998 and early 1999. The charges included kidnaping, torture, and arbitrary arrest, and were based in part on a book of memoirs published in Europe. President Sassou has denied the charges. According to press reports, there were three such lawsuits in Belgian courts at year's end.

Unlike in the previous year, there were no reports that Angolan troops allied with the Government summarily executed any persons.

There continued to be deaths due to mob violence, as civilians took vigilante action against presumed criminals, although police sometimes intervened to stop such action. In November according to a police representative interviewed by the press, the police had been called to a local department store a few days prior to the interview because citizens had tied up a thief and were dowsing him with hot or boiling water. Also in November in Songholo, citizens allegedly lynched a thief.

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

On August 3, the Government appointed a special commission to investigate allegations that 353 young men who took refuge in the DRC in 1999 were separated from their families by security forces upon returning to Brazzaville in May 1999, and subsequently disappeared. The commission's report was scheduled to be released in 2002. The commission also is empowered to investigate other instances of disappearances since 1992. Previously a judicial commission and a committee of the CNT looked into this incident, but no findings were released publicly by the year's end.

Given the incomplete figures on those killed or displaced in the 1997 civil war and the 1998–1999 civil conflict, and the massive displacement of the civilian population as a result of the fighting, many disappearances may have occurred that have not been reported or acted upon.

c. Torture and other Cruel and Inhuman Treatment or Punishment.—The Fundamental Act prohibits such practices; however, in practice security forces sometimes used beatings to coerce confessions or to punish detainees. Female detainees were raped. Members of the security forces beat citizens and looted their homes (see Section 1.f.), and security forces sometimes extorted money from travelers at checkpoints (see Section 2.d.). No action was taken against the responsible personnel by year's end. A survey of 2,000 persons conducted by the police in August and Sep-

tember indicated that, of the 81 percent who had contact with the police, more than 65 percent were dissatisfied with their treatment.

Unlike in previous years, there were no reports that undisciplined government forces committed abuses such as summary executions, rape, looting, and other violent acts. There continued to be reports of security forces summarily executing soldiers; however, it was unknown for what abuses the soldiers were executed (see Section 1.a.).

In August a group of four dissatisfied soldiers threw a grenade at the home of the Defense Minister, whose guards returned fire; no injuries were reported. The four were captured and incarcerated; it was unknown if further action was taken against them by year's end.

In 2000 a court convicted and sentenced to death in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Sections 1.d. and 1.e.). The court also sentenced to death former Interior Minister Philippe Bikinkita on similar charges in the same trial.

Members of the police received training in human rights from local NGO's during the year, and on several occasions, high-ranking police officials gave speeches exhorting police officers and officials to respect civilians and their rights.

Prison conditions remained poor due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons (Maisons d'Arret) functioned in Brazzaville and Pointe Noire and to a lesser degree in the smaller, more remote towns of Owando, Ouessou, and Djambala. The Ministry of Justice continued to repair some prisons during the year, but efforts to improve physical facilities and to provide food and medicine were hindered by lack of funds. Detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment. A group of 17 persons who spent 16 months in prison in Impfondo between 1998–1999 filed a complaint in Pointe Noire as a *partie civile* in 2000 against the Government alleging cruel and inhuman treatment, including torture, during their incarceration. In August dissatisfied with the pace of justice, they filed a complaint in a Belgian national court (see Section 3). Women were incarcerated with men, and juveniles were held with adults. Pretrial detainees were detained with convicted prisoners. It was unknown if there were any deaths in custody during the year.

Access to prisons and detention centers by domestic and international human rights groups continued to be granted. Local human rights groups, including the Congolese Observatory for Human Rights (OCDH), the Association for the Human Rights of the Incarcerated (ADHUC), and a Catholic Church organization visited prisons during the year. The International Committee of the Red Cross (ICRC) conducted regular visits to prisons and detention centers throughout the country.

d. Arbitrary Arrest, Detention, or Exile.—The Fundamental Act prohibits arbitrary arrest and detention; however, security forces frequently commit such acts. The Code of Penal Procedure, which remains in force, requires that a person be apprehended openly and that a lawyer be present during initial questioning. The Code further stipulates that warrants be issued before arrests are made and that detainees be brought before a judge within 3 days and either charged or released within 4 months. In practice the Government often violated these legal provisions. However, detainees usually were informed of the charges levied against them, and lawyers and family members usually were given access to them. There is a system of bail called a “caution”; however, more than 70 percent of the population has an income below poverty level and usually cannot afford to pay the “caution” deposit.

The Fundamental Act does not address forced exile; however, the Government has blocked the return of some citizens. For example, some officials of the previous government, including former President Lissouba and former Prime Minister Kolelas, remained outside the country. Kolelas' attempts to return failed on at least two occasions during the year when the Government intervened and airlines refused to transport him. However, many other officials of the former government, including cabinet members, have returned to the country and resumed political activity.

e. Denial of Fair Public Trial.—The Fundamental Act provides for an independent judiciary; however, in practice the judiciary continued to be corrupt, overburdened, under financed, and subject to political influence. Lack of resources continued to be a severe problem; almost nothing remains of judicial records, case decisions, and law books following the looting during the civil wars.

The Ministry of Justice continued slowly to rehabilitate courthouses during the year. A newly refurbished “Law Library and Information Center” was opened to the public during the year.

The judicial system consists of local courts, courts of appeal, the Supreme Court, and traditional courts. In rural areas, traditional courts continued to handle many

local disputes, especially property and probate cases, and domestic conflicts that could not be resolved within the family.

In general defendants are tried in a public court of law presided over by a state-appointed magistrate. The defense has access to prosecution evidence and testimony and the right to counter it. In formal courts defendants are presumed innocent and have the right of appeal; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials. Some cases never reach the court system. In 1999 the Government announced plans to establish military tribunals to try soldiers for abuses committed during periods of conflict, and the Government introduced legislation to establish these tribunals; however, it was unknown whether the military tribunals were implemented by year's end.

In 1999 President Sassou-Nguesso signed a law and implementing regulations to grant amnesty for acts committed during the conduct of the civil conflicts in 1993–1994, 1997, and 1998–1999; however, this amnesty does not cover the political “authors” of these conflicts.

In 2000 former Prime Minister Bernard Kolelas was tried, convicted, and sentenced to death in absentia on charges of having maintained private prisons in which opponents were tortured during the 1997 war. The court also sentenced to death in absentia former Interior Minister Philippe Bikinkita on similar charges in the same trial. The Government asserted that this was a purely judicial matter; however, observers believe there were clear political overtones evident in the broadcast of the trial on state-run television. In 1999 a court convicted and sentenced in absentia to 20 years' imprisonment former President Lissouba and three other former government officials on charges of having conspired to kill President Sassou-Nguesso in June 1999 (see Section 3).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Fundamental Act prohibits such actions; however, in practice government security forces sometimes illegally entered, searched, and looted private homes. The widespread systematic looting that occurred during the 1998–1999 conflict ceased in 2000. Nevertheless, during the year, military, gendarmerie, and police forces occasionally beat civilians and looted their homes sometimes in revenge for complaints filed by the civilians against them (see Section 1.c.).

Citizens generally believed that the Government widely monitored private mail and telephone communications; however, there were no reports that security forces arrested persons due to the content of their private communications.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Fundamental Act provides for freedom of speech and of the press, and the Government generally respected these rights; however, it continued to monopolize broadcast media. On August 3, the 1996 Press Law was modified. While maintaining monetary penalties for defamation and incitement to violence, the law no longer requires prison terms for violators, including cameramen, editors, and other working members of the press. The law also expanded its mandate outside the print media to include the Internet and business public relations operations.

There is no state-owned newspaper. Approximately 10 private newspapers appear weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles unflattering to the authorities. Newspapers continued to publish on occasion open letters written by opponents of the Government who were in detention or lived abroad. The print media does not circulate widely beyond Brazzaville and Pointe Noire; however, it reaches approximately two-thirds of the population.

Most citizens obtained their news from the broadcast media, which effectively remained a government monopoly. Government-owned Radio Congo and Radio Brazzaville broadcast approximately 18 hours a day; government-owned Television Congo broadcasts for fewer hours. Radio France Internationale was rebroadcast by a local FM station, Voice of America and British Broadcasting Corporation retransmissions were available, and radio and television broadcasts from neighboring Kinshasa, DRC, were received in Brazzaville. The private independent station, Radio Liberte, established by President Sassou-Nguesso's forces during the 1997 civil war, continued to broadcast. Local rebroadcasts of the Gabon-based Africa Number One also continued during the year. A Christian missionary group in Pointe Noire received permission to broadcast during daylight hours; it voluntarily provides its broadcast material to the Government prior to broadcast. The news coverage and the editorial lines of the state-owned media reflected government priorities and views. Government broadcast media focused its attention on the activities

of government officials and their supporters; there was no meaningful airing of alternative political views.

Internet service was available through the Ministry of Post and Telecommunications. Several Internet cafes also provided access, and private persons with sufficient money could access the Internet directly via satellite and a service provider in Kinshasa, DRC.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Fundamental Act provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. Political parties and civic associations held numerous meetings during the year. Public demonstrations were less common, and there were no known public protests. Groups that wished to hold public assemblies were required to inform the Ministry of Interior, which could withhold authorization for meetings that threatened public order; however, there were no reports that the Government withheld permission during the year.

The law permits associations, political parties, and other groups to form freely, provided that they respect principles of sovereignty, territorial integrity, national unity, and democracy. No political parties were banned or suspended. The parties of some prominent leaders of the former Government continued to operate.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Fundamental Act provides for these rights, and the Government generally respected them; however, in practice there were some limitations. Military and police checkpoints, which sometimes interfered with the movement of civilians, continued to operate during the year, and soldiers frequently extorted money from commercial traders to assure passage through these checkpoints. However, the use of checkpoints decreased during the year. Former rebels led by Pastor Ntoumi near the town of Vinza in Pool continued to maintain checkpoints, although negotiations to end this situation were in progress at year's end.

Former Prime Minister Kolelas' attempts to return during the year failed on at least two occasions when the Government intervened and airlines refused to transport him.

There were no reports of the prevention of the return of displaced persons; however, train service was disrupted briefly several times during the year.

During the civil conflicts, tens of thousands of citizens fled into neighboring countries, particularly Gabon and the DRC. A total of approximately 45,000 persons fled to the Bas-Congo province of the DRC in late 1998 and early 1999; however, all but approximately 5,000 had been repatriated to the country by year's end. Approximately 15,000 citizens fled to Gabon in 1999 and, according to U.N. figures, 9,000 persons remained there at year's end. During the year, the U.N. High Commissioner for Refugees (UNHCR) signed a tripartite accord with the Government and the Government of Gabon for the return of these persons.

The Fundamental Act provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government granted first asylum to refugees from other countries.

The country continued to host a small number of Burundians and approximately 7,000 Rwandans, largely members of the Hutu ethnic group, who fled camps in the eastern part of the DRC in 1996 and arrived in the country in 1997. The Government, in collaboration with the office of UNHCR, integrated approximately 2,000 of these refugees in the north-central regions of the country; however, some remained loosely grouped in an encampment north of Brazzaville, and others have integrated informally into society. In 2000 the UNHCR support to Rwandan refugees ended. Approximately 6,000 Angolan refugees fled the Angolan province of Cabinda in 1992. Humanitarian NGO's reported that there were 20,800 Angolan refugees in Pointe Noire at the end of 2000. Of these, approximately 4,000 continued to receive some UNHCR assistance in camps; the remaining approximately 16,000 were integrated into the local communities or repatriated.

More than 100,000 refugees and several hundred combatants, including DRC troops, fled to the northern Cuvette and Likouala regions of the country due to fighting in the DRC's Equateur Province over the last 2 years; some were repatriated to Kinshasa. Lack of roads and airstrips, and insecurity along the Congo and Ubangui rivers, complicated humanitarian access to these refugees. Beginning in September, a series of joint river patrols by government and DRC authorities improved the security situation and permitted relatively safe river travel as far north as Impfondo. The Ubangui River was closed due to the resumption of fighting in the Central African Republic (CAR) late in the year. Humanitarian organizations

were able to provide nonperishable materials to the refugees as far north as Betou (see Section 4).

Some 4,000 to 5,000 refugees from the CAR fled to the country following a coup attempt in Bangui during the year. Approximately 4,000 remained in the country and were located primarily in several northern towns and Brazzaville at year's end.

In April 19 refugees from the DRC were arrested and repatriated forcibly to the DRC. Some of these individuals had refugee status applications pending with the UNHCR; however, none had been granted formal refugee status by the UNHCR because of their potential involvement in human rights abuses as former members of the DRC's security and intelligence services. Their families and colleagues, who had received provisional refugee status, remained in the country.

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

Citizens do not yet have the right to change their government peacefully. The Sassou-Nguesso Government came to power by force of arms in 1997 with the help of the armed forces of Angola. During the national reconciliation forum that it convened in January 1998, the Government announced its intention to enact a new constitution and hold elections within 3 years. A constitutional committee appointed by the President presented him with a draft constitution in August 1999. The draft Constitution was approved by the Conseil National de Transition (CNT) in September, and was scheduled to be the subject of a referendum in early 2002. Opposition leaders, NGO's, and other constitutional experts have criticized key components of the proposed Constitution. The draft was amended by the CNT before its approval.

The executive branch dominates the Government. Under the Fundamental Act, the President is mandated to direct the general policy of the Government and to exercise regulatory powers. He appoints all significant military, executive, and judicial officials. The President convenes the Interim National Legislature, the CNT. The CNT was elected at the 1998 national reconciliation forum, which included some representatives of opposition political parties and nongovernmental actors; however, the event was orchestrated by the executive branch and did not constitute a sufficiently broad-based forum from which to elect a genuinely representative legislature. The CNT debates issues freely and summons cabinet ministers to answer questions about their portfolios; however, it was dominated by supporters of the President and did not serve as a meaningful check on executive authority.

Major political parties included the ruling Congolese Workers' Party, the Panafrican Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress, and possibly as many as 200 others; however, all generally were ineffective. Some party leaders remained in exile while other party officials willing to cooperate with the Government or to oppose it nonviolently returned to or remained in the country (see Section 1.d.). In the absence of electoral politics or a constitutional framework for such politics, party leaders held meetings and party congresses, commented to the media on the political environment, and raised questions in the CNT.

The state is highly centralized. Since the 1997 civil war, key regional and local leaders have been appointed by the central Government. Subnational government entities lack an independent revenue base and do not represent a significant check on central authority.

In 1998 the CNT passed a law on genocide, war crimes, and crimes against humanity that permits the exclusion from public office of those found guilty of such crimes. This law could be used to exclude opponents from the political process, and the threat of charges under this law may dissuade political figures that are in exile from returning to the country. In 1999 a court convicted in absentia former President Lissouba of plotting to kill President Sassou-Nguesso, and in May 2000 a court convicted in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Section 1.e.). Nevertheless, many senior officials of the former government, including a number of former cabinet ministers, returned to the country during the year and resumed political activities without incident.

The percentages of women and minorities in government and politics do not correspond to their percentages of the population; however, there were no legal restrictions on political participation by women or minority populations. Women held 2 of 7 leadership positions in the CNT, and 2 of 25 cabinet ministers were women. One woman presented herself as a candidate for election to the presidency. A public opinion survey indicated that 52 percent of women believed that men opposed female participation in political life. Pygmies continued to be excluded effectively from social programs and the political process, in part due to their isolation in remote

forested areas of the country. The Cabinet included members of many ethnic groups from all areas of the country. Many key posts were held by northerners, including members of the President's Mbochi ethnic group; however, no ethnic or regional group appears to be overrepresented. During the year, members of ethnic groups, who did not support the Government during the war, were permitted to return to their former government jobs.

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

A number of domestic human rights groups generally operated with minimal government restriction, investigating and publishing their findings on human rights cases; however, some human rights leaders maintained that at times they were subjected to subtle forms of intimidation. Nevertheless they continued to publish reports that were highly critical of the Government with no apparent reprisal. Government officials were generally uncooperative and unresponsive to their views.

The ICRC maintained an office in Brazzaville and, among other activities, continued its program of human rights training for units of the armed forces and police. Security problems in the north along the Ubangui River, Kindamba region in the Pool area, parts of Bouenza, and in the upper Niari River system, prevented U.N. and other humanitarian agencies from assessing conditions in these areas during much of 2000. However, the U.N. and humanitarian agencies were able to access virtually all of the country, and, despite the continuing security problems in Vinza, in the DRC's Equateur province, and in Bangui, CAR, which sometimes restricted access north of Impfondo along the Ubangui River, assessments were conducted in these areas during the year. The Government and the DRC established joint border patrols on the Congo and Ubangui rivers, further improving the general security situation and discouraging bandits and undisciplined military units from randomly targeting civilians and refugees (see Section 2.d.). Humanitarian organizations were able to provide nonperishable materials to the refugees as far north as Betou.

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

The Fundamental Act specifically prohibits such discrimination; however, societal discrimination persisted in practice, particularly against women and Pygmies. Ethnic and regional differences continued; however, there was no organized civil violence during the year.

Women.—Domestic violence against women, including rape and beatings, was widespread but reported rarely. Domestic violence was handled within the extended family and only the more extreme incidents were brought to the police. There are no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Rape is illegal, and widespread rape during the 1998–1999 civil conflict raised public awareness of violence against women. NGO's, such as the International Rescue Committee, continued to draw attention to the issue and provided counseling and assistance to victims.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is not practiced indigenously, but may occur in some of the immigrant communities from countries such as Mauritania and Mali, where it is more common.

The Fundamental Act provides for the equality of all citizens, prohibits discrimination based on gender, and stipulates that women have the right to equal pay for equal work. In practice women are underrepresented in the formal sector; most work in the informal sector and thus had little or no access to employment benefits. Women in rural areas especially are disadvantaged in terms of education and wage employment and are confined largely to family farming, petty commerce, and childrearing responsibilities.

Marriage and family laws overtly discriminate against women. For example, adultery is illegal for women but not for men. Polygyny is legal; polyandry is not. While the Legal Code provides that 30 percent of the husband's estate goes to the wife, in practice the wife often loses all rights of inheritance upon the death of her spouse, especially in the context of traditional or common-law marriages. The symbolic nature of the dowry set in the Family Code often is not respected, and men are forced to pay excessive brideprices to the woman's family. As a result, the right to divorce is circumscribed for some women because they lack the financial means to reimburse the brideprice to the husband and his family. This problem was more prevalent in rural areas than in urban centers.

There were a number of NGO's that work on women's problems; however, their effectiveness varied widely. The Ministry of Public Service, Administrative Reform,

and the Promotion of Women is responsible for coordinating government initiatives regarding the status of women.

Children.—The Fundamental Act affords children equal protection under the law. Education is compulsory and free until the age of 16 years. Girls and boys attend primary school in equal numbers; however, school attendance by girls declines precipitously at the high school level and, especially, at the university level. In 1997 the literacy rate was 77 percent for the total adult population but only 70 percent for women. Current literacy rates were unknown but were believed to have fallen due to the widespread destruction of schools and displacement of persons by the political instability and physical insecurity during much of the 1990's. Teenage girls sometimes exchanged sex voluntarily or under pressure for better grades. This practice resulted in both the spread of HIV/AIDS and unwanted, unplanned pregnancies, which are considered social problems.

FGM may be performed on girls in some immigrant communities (see Section 5, Women).

There were indigent street children in Brazzaville, and their numbers appear to be growing as a result of civil conflict since 1997. In addition children from the DRC easily cross the river by stowing away on the ferry, which crosses several times per day, to seek improved living conditions. UNICEF estimated that at least 20 percent of street children in Brazzaville were from the DRC; however, NGO estimates were as high as 50 percent. DRC children also have been found in Pointe Noire. The children were not known to suffer from targeted abuse by government authorities or vigilante groups; however, they were vulnerable to sexual exploitation and often fell prey to criminal elements including drug smugglers. Many of the street children beg or sell cheap or stolen goods to support themselves. Some have turned to prostitution or petty theft.

There were reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the prevalence of the problem was unclear.

There were reports of trafficking in children (see Section 6.f.).

Child labor is illegal; however, in practice this law generally was not enforced, particularly in rural areas (see Section 6.d.). Children worked with their families on farms or in small businesses in the informal sector. In partnership with UNICEF, in September the Government planned to conduct a survey of the extent of child labor and its effects on the society; the results were not available by year's end.

There were some reports that child soldiers were used during the 1997 civil war and the 1998–1999 conflict (see Section 6.d.). There were no reports of child soldiers during the year.

Persons with Disabilities.—The Fundamental Act prohibits discrimination based on physical condition; however, in practice this prohibition generally was not enforced, because the ministry charged with implementation faced severe financial constraints. There was no overt discrimination against persons with disabilities in employment and education. There were no laws mandating access for persons with disabilities.

Indigenous People.—The Fundamental Act prohibits discrimination based on ethnicity; however, the indigenous Pygmy ethnic group, who number in the tens of thousands and live primarily in the northern forest regions, do not enjoy equal treatment in the predominantly Bantu society. Pygmies were marginalized severely in the areas of employment, health, and education, in part due to their isolation in remote forested areas of the country. They usually are considered socially inferior and had little political voice. Many never have heard of the concept of voting and had minimal ability to influence government decisions affecting their interests. There were no reports on whether the traditional practice of Pygmies working as indentured servants to a Bantu person continued during the year. Many Pygmies, possibly including children, have been exploited as cheap labor and discriminated against in employment, education, and the health sector by Bantus; however, there was no information regarding the extent of the problems during the year.

National/Racial/Ethnic Minorities.—The Fundamental Act prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and in practice, ethnic discrimination persisted. There were no reports that the Government or its security forces discriminated against members of southern ethnic groups, or used violence against them; however, many persons using the railroad have been taxed illegally and harassed (see Section 2.d.). Former civilian employees of the Government have been encouraged to return to their former jobs even though they are from ethnic groups that opposed the Government during the civil war and the disturbances that followed.

Four major ethnic groups make up approximately 95 percent of the country's population; these groups speak distinct primary languages and are concentrated region-

ally outside of urban areas. The largest ethnic group is the Kongo, who constitute the main ethnic/linguistic group in the southern part of the country and approximately half the country's population. Within the Kongo group are various sub-groups, including the Lari and the Vili. Other major ethnic groups include the Teke of the central region, with approximately 13 percent of the population, and the Mbochi of the northern region, with approximately 12 percent of the population.

Societal ethnic discrimination was prevalent among virtually all ethnic groups, and was evident in private sector hiring, buying patterns, and de facto segregation of many urban neighborhoods. Ethnic divisions were apparent in the 1997 civil war and the 1998–99 conflict. These conflicts sometimes were oversimplified as pitting northerners who supported President Sassou-Nguesso, against southerners who supported former President Lissouba and former Prime Minister Kolelas. There was heavy representation from each leader's ethnic group among his immediate staff: Mbochi for Sassou-Nguesso, Lari for Kolelas, and the groups from the Niari, Bouenza, and Lekoumou regions for Lissouba; however, the correspondence between ethnic-regional and political cleavages is inexact, and supporters of the Government include persons from a broad range of ethnic and regional backgrounds.

Section 6. Worker Rights

a. The Right of Association.—The Fundamental Act provides workers with the right to form unions, and the Government respected this right in practice. Any worker is free to join a union of his choice. The Labor Code affirms the right to associate freely and prohibits restrictions on the formation of trade unions. Most workers in the formal wage sector were union members, and unions have made efforts to organize informal sectors such as agriculture and retail trade.

The Fundamental Act also affirms workers' right to strike, subject to conditions established by law. Unions are free to strike after filing a letter of intent with the Ministry of Labor, thereby starting a process of nonbinding arbitration under the auspices of a regional labor inspector from the Ministry. The letter of intent must include the strike date, at which time the strike legally may begin, even if arbitration is not complete. Employers have the right to fire workers if they do not give advance notice of a strike. No formal strikes occurred during the year; however, some informal work stoppages occurred. For example, in May and June some teachers attempted to strike; however, the courts and the Government declared it illegal, effectively stopping the action.

During the year, the Government sought organized labor's agreement to a "social truce" during the period of post-conflict reconstruction, which was opposed by some labor organizations. The Government accepted certain conditions, such as regularization of salaries and rehiring of certain workers in several sectors; these conditions continued to be observed at year's end.

Unions are free to affiliate with international trade unions and they maintain cooperative accords with foreign trade union organizations, such as the ILO.

b. The Right to Organize and Bargain Collectively.—The Labor Code allows for collective bargaining, and this right was respected and practiced freely. However, collective bargaining was not widespread due to the social and economic disruption and extreme hardship that occurred during much of the 1990's. The Government sets industry-specific minimum wage scales, but unions usually were able to negotiate higher wages for their members. Employers are prohibited from discriminating against employees who join a union. There were no reported firings for union activities; however, salaries were withheld from teachers who attempted to strike (see Section 6.a.).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced, compulsory, and bonded labor, including by children; however, such practices occur. There was no credible information on whether Pygmies were forced to work as indentured servants for Bantus. Many Pygmies, possibly including children, have been exploited by Bantus; however, little information was available regarding the extent of the problem during the year (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Ministry of Labor, which is responsible for enforcing child labor laws, concentrates its efforts only on the formal wage sector. Child labor is illegal, the minimum age for employment is 14 years of age; however, child labor persists among children who continued to work for their families in rural areas and in the informal sector in cities without government supervision or monitoring. There have been reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the extent of the problem was not believed to be widespread. There were some reports that child soldiers were used during the 1997 civil war and

1998–1999 conflict (see Section 5); however, the numbers appear to have been small, and there were no reports of child soldiers during the year.

The law prohibits forced and bonded labor by children; however, there have been allegations of exploitation of Pygmy children (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work.—The Fundamental Law provides that each citizen has the right to remuneration according to his work and merit. The Labor Code stipulates that overtime must be paid for all work in excess of 40 hours per week and that regular days of leisure must be granted by employers. The minimum wage is \$64 (50,000 CFA francs) per month. It is not sufficient to provide a worker and family with a decent standard of living. High urban prices and dependent extended families oblige many workers, including teachers and health workers, to seek secondary employment beyond their principal employment.

Although health and safety regulations call for twice-yearly visits by inspectors from the Ministry of Labor, in practice such visits occurred less regularly. While unions generally were vigilant in calling attention to dangerous working conditions, the observance of safety standards was often lax. Workers have no specific right to remove themselves from dangerous working conditions without risking loss of employment. Legal foreign workers were protected by the same law that protected citizen workers; illegal workers were not protected by the law and faced deportation.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, or within the country. An ILO study conducted in March and April 2000 in Yaounde, Douala, and Bamenda, Cameroon, indicated that regional traffickers transported children between the Republic of the Congo, and Nigeria, Benin, Niger, Chad, Togo, and the Central African Republic, through Cameroon.

COTE D'IVOIRE

In October 2000, Laurent Gbagbo was elected as the country's third elected president, which ended an almost 10-month period of military rule. In July 2000, the citizens overwhelmingly approved a new Constitution in a referendum, which was implemented on August 4, 2000. On October 26, 2000, after a flawed October 22 presidential election, which was marred by significant violence and irregularities, including a suspension of the vote count for several days, the Supreme Court declared Gbagbo the victor with 53 percent of the vote. Except for the Republican Rally (RDR), the party of rival presidential candidate and former Prime Minister Alassane Ouattara, which decided not to accept ministerial posts, major political parties are represented in the Government, which was made up of 28 ministers. The December 2000 election for the National Assembly was marred by violence, irregularities, and a very low participation rate. To protest the invalidation of the candidacy of Ouattara, the RDR boycotted and disrupted the legislative elections. The Ivorian Popular Front (FPI) won 96 of the 225 seats; the Democratic Party of Cote d'Ivoire (PDCI), the former ruling party, won 77; independent candidates won 17; and 4 other parties won a combined 7 seats. At year's end, 28 seats remained unfilled. In January by-elections, the parties won the following number of seats: The FPI, 96 seats; PDCI, 94; RDR (despite their boycott), 5; PIT (Workers' Party), 4; small parties, 2; independents, 22. Two seats from Kong, the home district of Ouattara, remained unfilled at year's end. The judiciary is subject to executive branch and other outside influence.

Security forces include the army, navy, and air force, all under the Ministry of Defense; the Republican Guard, a well-funded presidential security force; the national police (Surete Nationale); and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement, maintenance of public order, and internal security, including suppression of violent crime. The civilian Directorate of General Intelligence (DRG) is responsible for countering internal threats. A security staff (L'Etat Major de la Securite) collects and distributes information about crime and coordinates the activities of the security forces in times of crisis. The Special Anticrime Police Brigade (SAVAC) and the Anti-Riot Brigade (BAE) continued their operations. An October press report described a new 10–12 "secret police" unit or Presidential Investigations Unit established by President Gbagbo, under the control of Interior Minister Lida Kouassi and Colonel Alain-Marc Gbogou. The Government reduced the number of groups operating under its control, and most "parallel forces" operating under the Guei regime were disbanded or absorbed into the legitimate security forces. For example, President Gbagbo dissolved the P.C. Crise Marine shortly after the October 2000 presidential elections. The Government generally maintained effective control of the security forces, and there were no reported instances

in which security forces acted independently of government authority. There are major divisions within the military based on ethnic, religious, and political loyalties. Security forces committed numerous human rights abuses.

The economy is largely market-based and heavily dependent on the commercial agricultural sector. Most of the rural population remains dependent on smallholder cash crop production. Principal exports are cocoa, coffee, and wood. In 1999 an estimated 56 percent of the population of approximately 15.4 million was literate, but the rate among women (44 percent) is only two-thirds of the rate among men (66 percent). Recorded gross national product per capita in 2000 was approximately \$660 (485,000 CFA francs). After several years of 6 to 7 percent annual economic growth following the 1994 currency devaluation, growth slowed to approximately 3 percent in 1999 and was an estimated negative 2 to 3 percent in 2000. The decrease in political violence and the resumption of some foreign aid during the year helped reverse the negative economic growth rate; estimated economic growth rate for the year is a net zero. Income remained unevenly distributed, and government expenditures for basic education and health services remained far below planned levels. Widespread corruption remained rooted in a lack of transparent and accountable governance. Doubts about the future of the Gbagbo Government, particularly concerns about the susceptibility of the judiciary to outside influences and corruption, resulted in continued investor and consumer uncertainty, which impeded economic growth. Assistance from international financial institutions was limited during the year due to lingering questions about the Government's human rights record and economic mismanagement; however, such assistance resumed in the final quarter of the year.

The Government's human rights record remained poor, and although there were improvements in a number of areas, serious problems continued in a number of areas. Members of the security forces committed more than 150 extrajudicial killings during the year, which was a significant decrease from in the previous year. Several persons allegedly disappeared after police dispersed a demonstration. Security forces frequently resorted to lethal force to combat widespread violent crime. Security forces regularly beat detainees and prisoners to punish them or to extract confessions. Police routinely harassed and abused noncitizen Africans. Following an alleged coup attempt on January 7-8, security forces and vigilante gangs harassed, beat, and detained foreigners. President Gbagbo blamed foreigners from Burkina Faso, and thousands fled the country. Prison conditions remained harsh and life threatening, in spite of some improvements. The Government generally failed to bring perpetrators of most abuses to justice. The Government continued arbitrary arrests and detention, and prolonged detention remained a problem. Numerous persons, including opposition members, journalists, and military officers in particular, were detained without trial for long periods. The judiciary did not ensure due process and was subject to executive branch influence, particularly in political cases. Security forces infringed on citizens' privacy rights. The Government restricted freedom of speech, the press, assembly, and movement. Police forcibly dispersed numerous demonstrations. Despite some formal restrictions on freedom of association, the Gbagbo Government generally respected this right in practice. The Government at times limited freedom of religion. At least 26 percent of the country's population, including many lifelong residents of the country, remain politically disenfranchised noncitizens. Discrimination and violence against women, abuse of children, and female genital mutilation (FGM) remained serious problems. Muslims and practitioners of traditional indigenous religions continued to be subject to discrimination. Violent ethnic tensions persisted, and societal discrimination based on ethnicity remained a problem. Child labor, forced child labor, and trafficking in persons, including children also persisted.

The Gbagbo Government organized a well-attended 10-week Forum of National Reconciliation, which ended on December 18; the Forum resulted in 14 resolutions that were intended to be considered by the President and the legislature. These resolutions covered a broad spectrum of issues, including four primary ones: Resolution 1 that the revised Constitution and presidential elections of 2000 be upheld; Resolution 4 that Alassane Ouattara's citizenship should be recognized by judicial action; Resolution 9 that all coup d'etats should be condemned; and Resolution 10 that the Government should issue general amnesty for all those responsible for the violence related to the coup d'etat. Former president Bedie, former Prime Minister Ouattara, and former junta leader Guei who had left Abidjan in self-imposed exile in 2000 all returned to the country to participate in the Forum. On December 18, President Gbagbo closed the Forum and promised to continue the reconciliation process through ongoing negotiations with the other three recognized political leaders. He also called for a review of the inquiry of the human rights violations of October 2000.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed more than 150 extrajudicial killings, including politically and ethnically motivated killings. Security forces frequently resorted to lethal force to combat widespread crime. The security forces accused of extrajudicial killings following the 2000 presidential and legislative elections were tried during the year; all were found not guilty.

On April 26, police Chief Sergeant Siaka shot and killed Sy Savane Aboubacar Junior, a student traveling in a car through the Abidjan suburb of Marcory; the policeman reportedly shot at the car when one of the passengers waved a pistol. According to the two other persons in the car, Siaka told the driver to park the car; as he was parking, Siaka reportedly shot into the car. The superintendent of the Marcory police station opened an investigation; however, no findings were released by year's end.

On March 16, an antiriot police patrol killed Army Corporal Any Djedje Toussaint in Cocody-II Plateaux. According to the patrol, Any Djedje was traveling with three other persons in a car that reportedly hit another car and fled the scene. Any Djedje and the others allegedly ignored the command to stop and shot at the patrol; the patrol shot back, killed Djedje, and arrested his three friends. On March 21, Minister of Defense Moise Lida Kouassi announced the creation of tripartite commission, including police officers, gendarmes, and military officers, to investigate Djedje's death. By year's end, the charges had been dropped.

Security forces frequently resorted to lethal force to combat widespread violent crime. Security forces committed 150 killings during the year, which was a significant decrease from in the previous year. According to government statements and media reports, the security forces killed hundreds of criminals in 2000. The CNSP-created special crime fighting unit, P.C. Crise, and other unofficial quasi-militia forces that sprang up after the 1999 coup committed the majority of these killings. Members of the P.C. Crise, the Kamajors, Cosa Nostra, Cobra, and Red Brigade pursued suspected criminals and frequently executed them immediately after capture; occasionally they publicly displayed the bodies. President Gbagbo dissolved the P.C. Crise after he assumed the presidency in 2000; all other unofficial quasi-militia forces were disbanded prior to the October 2000 presidential elections.

According to the Ivoirian Movement for Human Rights (MIDH), during and following the October 2000 presidential elections, security forces killed more than 500 persons during clashes with protesters. Those who were killed were shot, drowned, or tortured; 860 persons, including many FPI and RDR militants, reportedly were injured. Gendarmes also killed some protesters while they were in detention. In December 2000, the Malian High Council reported that more than 20 Malians were killed and 10 disappeared during the demonstrations and violence that followed the 2000 presidential elections.

While the Government generally maintained effective control of the security forces, there were instances in which security forces acted independently of government authority. In October 2000, after the presidential elections, and again in early December 2000, in the period prior to the parliamentary elections, gendarmes and police reacted violently against RDR political demonstrations. In October 2000, 57 bodies, mostly of Muslims, were discovered in the Abidjan district of Yopougon. Human Rights Watch and other independent investigators published the testimony of alleged survivors, who claimed gendarmes dragged many of them from their homes, marched them along a road where dozens of dead bodies lay, forced them to load bodies into vans, and later shot most of them. Some survivors stated that they lay on the ground pretending to be dead until the gendarmes departed. After taking office, Gbagbo ordered an inquiry into the massacre at Yopougon. In April the inquiry conducted by an investigating judge led to the indictment of six gendarmes who were serving at the Abobo Gendarme Camp at the time of the massacre. In July and early August, the Government tried all eight gendarmes together in a 4-day military court hearing at a gendarme camp. The Government offered no protection to civilian witnesses. On July 24, security forces forcibly dispersed a sit-in demonstration in front of the gendarme camp prior to the beginning of the trial organized by the "Collective of the October-December Victims" (CVCI) (see Section 2.b.). On August 3, the judge acquitted all eight gendarmes due to lack of evidence. The Ivoirian Movement for Human rights (MIDH), the Ivoirian Human Rights League (LIDHO), and two international NGO's, Journalists Without Borders and the International Human Rights Federation, called for a new trial. The military prosecutor chose not to file an appeal. On December 18, in his closing remarks at

the conclusion of the Forum for National Reconciliation, President Gbagbo pledged to reopen the investigation into what has become known as the Yopougon massacre.

Following the October 2000 presidential elections and subsequent demonstrations and violence, 18 bodies were found washed ashore in Abidjan's lagoon; the bodies had been shot numerous times. It remained unknown who was responsible for the killings, and a government investigation was ongoing at year's end.

The trial of a police officer who was arrested for shooting a Nigerian woman, Comfort Egiantey, while she was traveling on a public minibus in 2000 was pending at year's end.

There were no developments in the investigation into the killings of three soldiers who allegedly planned an assassination attempt on General Guei in September 2000. For example, Sergeant Sansan Kambire was arrested shortly after the September 2000 attack on General Guei's residence. His corpse was discovered in an Abidjan mortuary 3 days after his arrest. That same month, General Guei's personal guard tortured and killed Chief Sergeant Souleymane Diomande, also known as "La Granade," while he was detained at Akouedo military camp. Soldiers poured acid on Diomande and then beat him to death. Guei's guard also arrested and tortured to death Corporal Abdoudramani Ouattara and an unidentified person from Burkina Faso for the September attack. In October the military prosecutor announced that, at the families' request, an investigation would be conducted into the deaths of the three soldiers.

No action was taken during the year against the members of the security forces responsible for the following killings in 2000: The killing of Kaba Bakary, a 60-year-old Guinean; the December beating to death of RDR President Ouattara's private secretary, Abou Coulibaly; and the February killing of two persons at a nightclub. There was no further information during the year about a 2000 press report that security forces had killed at least 10 Nigerians, allegedly for supporting the opposition.

Trials still were pending at year's end against 15 trainee gendarmes arrested in 1999 for beating Camara Yaya to death. No action was taken against police personnel responsible for numerous killings during demonstrations that occurred between April and October 1999.

There was at least one incident in which unknown persons attacked journalists during the year. On June 20, two unknown men entered the house of Tape Koulou, a journalist, and shot and killed his sister and a friend of the family (see Section 2.a.). A police investigation was pending at year's end.

There were numerous incidents of ethnic violence during the year, some of which resulted in deaths and injuries (see Section 5).

b. Disappearance.—There were no confirmed reports of politically motivated disappearances during the year; however, CVCI alleged that several of its members disappeared after police dispersed their demonstration on July 24 (see Section 2.b.).

Following the September 2000 alleged assassination attempt on General Guei, government security forces arrested numerous soldiers who were suspected of involvement in the assassination attempt and in coup plotting. Evidence and the testimony of 13 of the 23 released soldiers suggest that 3 or 4 of the soldiers who disappeared were tortured and killed (see Section 1.a.).

There were no developments in the disappearances of numerous persons in the period following the 2000 presidential elections. Newspapers frequently published the appeals of families looking for their children or relatives. There were numerous reports that parents visited hospitals and the morgues looking for their children after failing to find them in any of the gendarmerie camps or at the police school. The whereabouts of the son of the traditional chief of San Pedro still were unknown at year's end.

There were no developments in the cases of 10 Malians who disappeared or were arrested in December 2000 during the demonstrations and violence that followed the October 2000 presidential elections.

At least 30 persons disappeared during the year in ethnic conflicts, particularly in the west and the center of the country (see Section 5).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, in practice security forces regularly beat detainees and prisoners to punish them or to extract confessions. They frequently forced detainees to perform degrading and humiliating tasks, such as crawling, eating dirt, doing push-ups while under threat of physical harm, drinking urine or blood, and eating excrement. Jurists' union officials and journalists working for the opposition press reported that police continued to beat suspects to obtain confessions and that suspects were afraid to press charges against the police officers involved. According to local human rights groups, police and gendarmes beat and humiliate detainees or prisoners. Press photographs regularly show prisoners with

swollen or bruised faces and bodies. In general government officers who are members of the security forces have not been held accountable for such abuses. Security forces continued to beat and harass journalists regularly (see Section 2.a.).

The law allows lawyers to assist their clients during the early stages of detention when abuse is most likely; however, in spite of this legislation, police officers and gendarmes continued to mistreat suspects and other persons summoned to police and gendarme stations, and in many recorded instances, the security forces did not allow lawyers access to their clients (see Section 1.d.). During the year, there were no credible reports that police verbally abused lawyers who tried to assist their clients.

On April 18, the MIDH charged that the Presidency, the building that houses the working offices of the President and his staff, had become a center of judicial investigation and torture (see Section 4). According to the MIDH, members of the Presidential Investigation Cell (CCER), a special service that has its headquarters at the Presidency in Plateau, reportedly insulted, kicked, beat, detained, and questioned numerous persons at the Presidency. The Presidency denied the allegations and invited a number of journalists to visit the basement of the building. The MIDH was not invited, but several journalists toured the building and reported no irregularities. On April 20 in Daloa, a police officer shot at a taxi driver who refused to stop for a routine police check; the passenger, student Lagou Romeo, was shot in the arm and did not receive any care or assistance from the police. His father filed a complaint with the superintendent of the Daloa police; however, no action was taken by year's end.

On April 23, a police officer and three other men attacked and seriously beat Dago Fabrice in Yopougon, after they reportedly mistook Dago and his brothers for suspected thieves. His brothers escaped on foot; Dago was detained but released after the officer determined that he was a student trying to get home. Dago sought medical care and filed a complaint against the police officer and the others who beat him. The complaint was pending at year's end.

On May 5 in Yopougon, an antiriot police officer shot at a minibus after its driver failed to stop when signaled to do so; the driver was shot in the foot. Two antiriot police officers transferred the injured driver to the Treichville hospital. As they left the hospital, onlookers and some minibus drivers attacked members of the security forces. A gendarme in plain clothes opened fire and shot Keita Youssouf, an 11-year-old passer-by, and Coulibaly Armand, a 19-year-old; both were taken to the hospital by the security forces; no charges were filed against the gendarme.

On May 21, a police officer in Koumassi reportedly shot into the air to force a taxi driver to stop; a bullet grazed the forehead of Kouassi Amino Adeliz, a child returning from school. Another policeman took the young girl to the Treichville hospital; her condition was not serious.

On May 25, according to a newspaper article, Amani Alainthe, superintendent of the Dabou police, and two other police officers seriously beat Adou Nikpi Norbert, who was unable to work for 25 days following the attack. Police officers accused Norbert of attacking them while they were on duty; 3 days after the beating, Norbert was arrested and detained again. On June 14, he was tried for verbally offending a magistrate and refusing arrest; he was found guilty and sentenced to 2 months in prison, a fine of \$40 (30,000 CFA francs), and damages of \$200 (150,000 CFA francs). He reportedly served his sentence and paid the fines. According to the same newspaper article, on May 25, the police beat eight other persons, including Konate Lassina, a secondary school teacher, and two girls.

On June 6, Police Superintendent Viviane Atsain and her officers beat Sylla Mory, a judge-trainee at the courthouse of Korhogo. Sylla Mory was detained for several hours at the police station of Marcory. The Trade Union Association of Magistrates (Association Syndicale de la Magistrature) protested the treatment of Sylla Mory and alleged that police intimidation of the judiciary had increased. On July 15, after she was interviewed by the Prefect of Police of Abidjan and the deputy public prosecutor, Atsain was arrested and jailed at the Abidjan House of Arrest and Corrections (MACA); Sylla Mory also filed a lawsuit against Atsain. In December Viviane Atsain was tried by a grand jury and removed from her duties as a criminal investigating officer for 5 years.

On June 22, CMI police officers used tear gas and beat employees at Blohorn Unilever; several employees were injured seriously (see Section 6.a.).

Security forces continued to beat and harass journalists regularly (see Section 2.a.).

Many unemployed and homeless detainees reported that authorities beat them while they were in detention.

Police and security forces continued to use excessive force to disperse demonstrations (see Section 2.b.).

Police routinely harassed and abused noncitizen Africans. Police entered the homes and businesses of citizens, noncitizen Africans, and other noncitizens, and extorted money from them (see Sections 1.f. and 2.d.). Foreigners continued to complain that the police often stopped them for identity checks and confiscated their documents, later to sell them back to the original owners. They reported that even when their residence permits were valid, police occasionally would take them to police stations, where they were beaten and detained overnight if they did not pay a bribe to the officers. In December 2000, a newspaper quoting some of the hundreds of Nigerians who returned to Nigeria to escape the anti-foreigner violence reported that security forces had tortured Nigerians. Anti-foreigner speech and violence, which was prevalent early in the year, decreased greatly in the later months of year coinciding with the 10-week Forum of National Reconciliation.

The police sometimes also abuse and harass citizens from the north or those with names that sound foreign. On March 13, the Ivoirian Human Rights League (LIDHO) publicly denounced the practice of taking persons to police stations for document checks and demanding \$7 (5,000 CFA francs) from each person. Security forces searched the belongings of those who refused to pay and took their valuables before they were released. According to LIDHO, on February 28, security forces detained a 15-year-old girl in Yopougon, took her to the military camp in Yopougon, and stole \$4 (3,000 CFA francs) from her. The girl had to walk home at night after her release because she no longer had any money for transportation.

Unlike in the previous year under the Guei regime, military and other forces were not responsible for numerous robberies, carjackings, widespread looting, and acts of intimidation. Persons apprehended attempting such acts were prosecuted during the year. These abuses previously were widespread particularly during the military mutiny of July 2000. Mutineers robbed, looted, destroyed property, and terrified the citizenry. The mutineers targeted the cities of Abidjan, Bouake, Katiola, Korhogo, and Yamoussoukro in particular. Following the July mutiny, the Government arrested 114 soldiers and 6 officers for their actions during the uprising. The Government released 74 of the soldiers after questioning and tried the remaining 40; 35 soldiers were convicted of participating in the mutiny and sentenced to prison terms; however, the length of these terms was unknown at year's end. Four of the six officers were awaiting trial at year's end; charges against the other two officers were dismissed following an investigation.

During the July 2000 military mutiny, soldiers seriously injured more than 10 civilians, including several who suffered gunshot wounds.

No action has been taken against gendarmes and police officers who violently dispersed members of the RDR in December 2000 during protests against the invalidation of Ouattara's candidacy in the legislative elections.

No action was taken against the members of the security forces responsible for torturing, raping, beating, or otherwise abusing the persons in the following cases from 2000: The December beating of Traore Foussemi, his wives, and his brother-in-law; the December beating of Muslims in a mosque; the December violent dispersal of an RDR demonstration against the invalidation of Ouattara's candidacy; the December severe beating of Jean Philippe Kabore, the son of RDR Secretary General Henriette Dagri Diabate; the December rape of at least 10 arrested female protestors during RDR protests; the December beating death by presidential guards of Abou Coulibaly, RDR president Ouattara's private Secretary; the December reported torture of several persons following RDR demonstrations; the November shooting of a minibus driver and union leader; the November severe beating of a minibus driver; the October killing and injuring of hundreds of persons following the presidential elections; the October beatings of Raphael Lakpe, the publisher of the pro-RDR newspaper *Le Populaire*, his bodyguard, and Bakary Nimaga, chief editor of the pro-RDR newspaper *Le Liberal*; the September torture of 13 soldiers who allegedly participated in the attack on General Guei's residence; the September beating of students from the Federation of Students' and Schoolchildren's Organization (FESCI) on the Cocody campus; the September forcible dispersal of an RDR meeting; the July beating and torture of Soumbiala Doumbia; the May abuse of a judge; the July beatings of civilians following a military mutiny; the July forcible dispersal of demonstrators supporting statements by the French Government on candidate participation in the presidential election; the March beating in Man of a gendarme who was mistaken for a robbery suspect; the February beating of nurse Boua Keke; the February beating of singer Honore Djoman; the February beating of a university student by "Dozos" (traditional northern hunters); the February case in which police used tear gas to disperse striking workers at the Commune of Cocody City Hall; the January beating of Daoukro residents; and the January beating and kicking of students on a bus.

No action was taken against the two police officers who shot and injured Momble Roger Zemon, a driver for Sucrivoire, in Abidjan's Yopougon district in 1999. No action was taken against police officers who beat and detained Issa Traore, a member of the Truck Drivers and Truck Owners Trade Union in Abidjan's Adjame district in 1999.

Liberian refugees in the western part of the country reported that they faced harassment and threats from the local population and from supporters of Liberian President Charles Taylor during the year.

There were numerous incidents of ethnic violence during the year, some of which resulted in deaths and injuries (see Section 5).

Even though prison deaths have declined, harsh and life threatening conditions still result in fatalities during the year. There were reportedly 200 prisoner fatalities during the year. Problems include overcrowding, malnutrition, a high incidence of infectious disease, and lack of treatment facilities and medications in sufficient quantities. In May the MACA held 3,600 prisoners, although it was designed to hold only 1,500. Many prisoners escape every year, especially outside Abidjan. During the year, overcrowding decreased; however, living conditions worsened because many prison buildings are in a state of physical decay, and the Government lacks sufficient funds to upgrade or maintain the 33 prisons. There is a severe shortage of beds, and many prisoners sleep on the floor. The Government allocates each prisoner \$.20 (120 CFA francs) per day for food; with the financial help of international NGO's, prisoners have created vegetable gardens around most prisons with to supplement their insufficient food ration. HIV/AIDS, diarrhea, and tuberculosis also reportedly are significant causes of death. On September 26, PANA News Service reported that cholera had killed 40 prisoners at the Man civilian prison. In September the prisoners from Man prison sent a petition of complaint to President Gbagbo criticizing the poor treatment, poor conditions, and the daily rations of corn porridge that allegedly caused diarrhea and led to the cholera outbreak, which resulted in 160 deaths during the year. In 2000 the Director of Penitentiary Administration stated that the death rate at the MACA had dropped due to improvements to the sanitation and health care systems. Improvements were financed jointly by the Government, Doctors Without Borders, and World Doctors. On June 5, the administration of the country's 33 prisons went on strike (see Section 6.a.).

Prison conditions for women and children remained especially difficult. Female prisoners are segregated from male prisoners and are housed in a separate building that uses female guards. That building can hold up to 120 residents, and as of May, there were 93 women, including 13 juveniles between the ages of 17 and 18. The women are divided into two groups: one cell is for smokers and one for nonsmokers. During the year, there were no reports that guards raped female prisoners; however, there still were reports that female prisoners engaged in sexual relations with their wardens in exchange for food and more privileges. There still are no health facilities for women. Pregnant prisoners go to hospitals to give birth and then return to prison with their babies. Among the 93 women in detention at MACA in May, some were pregnant (before being jailed) and some others were living in prison with their babies. The penitentiary administration accepts no responsibility for the care or feeding of the infants; the women receive help from local NGO's such as L'Amour en Action and the International Catholic Office for Children (BICE), a Catholic association that promotes children's rights. During the year, BICE removed more than 30 children from the prison and placed them with family members or foster families. BICE also provided female inmates with food, medical care, clothing, soap, and other necessities. BICE constructed a multipurpose room for pregnant women, mothers, and children.

Juvenile offenders are held separately from adults. At year's end, 170 juveniles ages 13 to 17, including 11 girls, were in detention. According to a report published in a local newspaper, in 2000: Approximately 2,500 children spent time in the country's 33 prisons; 1,747 children were treated in the prisons' health centers; and 424 children were treated for malaria, 227 for worms, 168 for wounds, 218 for chest infections, and 197 for diarrhea. During the year, BICE began teaching juvenile prisoners trades, such as sewing, carpentry, gardening, house painting, and drawing, in five workshops.

Pretrial detainees are held with convicted prisoners.

The Government permits access to prisons by local and international NGO's that seek to provide food and medical care, as well as spiritual and moral support to prisoners. In addition to BICE, humanitarian NGO's, including the International Committee of the Red Cross (ICRC), Prisoners Without Borders, Doctors Without Borders, World Doctors, and local NGO's such as Action Justice, French Speaking Countries Outreach (FSCO), and International Prisons' Friendship had access to the prisons in Abidjan and up country. However, none of these NGO's monitor human

rights conditions in the prisons. The LIDHO and the MIDH, which monitor human rights conditions in prisons, do not have authorization to visit prisons without advance notice; LIDHO and MIDH usually must write to the prison warden if they want to visit inmates. Wardens rarely grant approval on the first request. However, LIDHO and MIDH did not visit the MACA during the year because the overcrowding problem temporarily was alleviated, and conditions had improved somewhat following the December 1999 release of all inmates in MACA and the intervention of numerous international and local humanitarian and religious NGO's.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, in practice arbitrary arrest and detention remained problems. Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for only 48 hours without bringing charges. A magistrate may order detention for up to 4 months but also must provide the Minister of Justice with a written justification for continued detention on a monthly basis. However, the law often is violated. Police often hold persons for more than 48 hours without bringing charges. According to members of the jurists' union, this practice is common, and magistrates often are unable to verify that detainees who are not charged are in fact released.

Although it is prohibited by law, police restrict access to some prisoners. Despite the frequency of arbitrary arrest, there is no accurate total of suspects held. There have been no reports of lawyer harassment during the year. Unlike in the previous year, police did not verbally abuse lawyers who tried to assist their clients, and police treatment of lawyers and access to their clients improved during the year.

Defendants do not have the right to a judicial determination of the legality of their detention. A judge may release pretrial detainees on provisional liberty if the judge believes that the suspect is not likely to flee. Many inmates continue to suffer long detention periods in the MACA and other prisons while awaiting trial. In March 1,340 of 2,921 MACA inmates were awaiting trials. Despite the legal limit to 10 months of pretrial detention in civil cases and 22 months in criminal cases, some detainees have spent as many as 5 years in detention awaiting trial.

On February 1, 20 antiriot police arrested Mamadou Coulibaly, after an arrest warrant was issued for his son, Chief Sergeant Ibrahima Coulibaly, also known as I.B., a leading figure in the December 1999 coup. The antiriot police also arrested two of I.B.'s brothers, Moussa, Losseni, and one sister, and Amy Coulibaly, and they searched the family's house for evidence. The security forces wanted to question I.B. about the attack on General Guei's house in September 2000 and the aborted coup on January 7 and 8. The Government also accused him of desertion. I.B.'s family members were detained for several hours at the main police precinct in Bouake then released with no charges filed; they claimed that I.B.'s sister was beaten while in custody to extract information from her. I.B. was out of the country at the time and remained abroad at year's end.

On February 2, Gagnoa gendarmes arrested and detained for 2 days at their camp Vado Coulibaly, the former director of the primary school in Kabia in the department of Gagnoa. The gendarmes accused him of hiding his cousin, Chief Sergeant I.B. Coulibaly; however, they released him when they realized he was not related to I.B. and did not know him.

On February 28, Constance Yai, former minister and women's rights activist, told Agence France Presse (AFP) that police harassed her family because she called for charges against security forces who allegedly raped several girls during the December 2000 demonstrations (see Section 5). Yai's son was arrested at Abidjan international airport, where police accused him of forging the picture on his passport. In February the police detained and questioned him.

On July 6, gendarmes and members of the research brigade, an investigative category of the gendarmes, summoned and questioned Ibrahima Doumbia, vice president of the MIDH, following the publication of a MIDH press release describing the CCER.

Foreigners complained that they were subject to police harassment; however, harassment and violence against foreigners decreased during the year. In particular foreigners complained that police took them to police stations where they beat and detained them overnight if they did not pay a bribe to the officers (see Sections 1.c. and 2.d.).

Authorities arrested numerous persons following the attempted coup on January 7 and 8. On January 19 and 24, security forces arrested Amara Sidibe, deputy mayor of Anyama, and Amidou Sylla, mayor of Anyama, in connection with the attempted coup on January 7 and 8. They were accused of subversion, and Sidibe was accused of hiding guns at his home. After the search produced no guns, he was accused of having provided 30 trucks to the coup plotters to leave the country. On Feb-

ruary 1, Sidibe and Sylla, who are members of the Ouattara's RDR political party, were released; the charges later were dropped.

On September 13, lawyers representing 75 persons arrested following the January 7–8 coup attempt demanded the release, on provisional liberty, of their clients. According to the lawyers, the investigating judges completed their investigation in July and did not find any charges or serious evidence against their clients. The 75 persons still in detention include 42 army officers, 1 commander of the gendarmerie, and 32 civilians, including 1 Burkinabe and 2 Malians.

Political party leaders frequently were arrested, detained, or questioned without being charged. On August 27, airport police arrested and detained for several hours former Minister Morifere Bamba, leader of the opposition Party for the Progress and Socialism (PPS), as he prepared to leave for Paris. The police seized Bamba's diplomatic passport, plane ticket, cellular phones, luggage, and other documents; however, they allowed him to return home. His lawyers wrote an open letter of protest to the President; the next day, the authorities allowed him to leave for Paris with his documents and belongings.

Since December 2000, hundreds of RDR supporters have been arrested and detained without trial; however, by year's end, all but one RDR supporter had been released.

On January 12 in Abidjan, gendarmes arrested and questioned French national Marc Nouvian, the brother-in-law of RDR president Alassane Ouattara. The gendarmes searched his house and office for arms; he was released the same night after the French Embassy intervened.

On January 31, 10 gendarmes arrested former Minister Jean Jacques Bechio, an advisor for diplomatic affairs to Alassane Ouattara, at his home in Abidjan. The gendarmes searched his house and, according to the gendarmes, seized several military weapons; Bechio said he had some collectors' arms at home but no military weapons. The gendarmes also arrested five members of his household staff for suspected coup plotting. Bechio told Amnesty International and the press that after his arrest a special service took him to the Presidency and tortured him on the second floor of the Presidency. Bechio also confirmed that he was detained briefly at the Presidency before being transferred to MACA. On February 15, Bechio and his staff were charged with attacks against the security of the State, attacks against the authority of the State, organization of armed groups to destabilize the country, and illegal possession of weapons; they were transferred to the MACA pending trial. He later was released but remained on parole at year's end. On February 1, four gendarmes searched the house of Bechio's mother and seized an old hunting gun.

On February 6, RDR spokesperson Camarah Yerefe, also known as "H," went on a hunger strike in the MACA to protest the detention without trial since December 4, 2000, of himself and other RDR supporters. In July he was tried, found not guilty, and released from prison.

On February 14, security forces detained RDR Secretary General Henriette Diabate and brought her before a judge investigating the violent December 2000 demonstrations. The investigating judge questioned Diabate for several hours, charged her with attacks against the security of the State, complicity in the destruction of property, detention without authorization of fourth category weapons (military type weapons and tear gas), and rebellion, and then released her. On February 24, the judge again summoned and questioned her for 4 hours about the December 2000 events. She was released after the hearing. On April 12, she was summoned a third time and questioned about the same events. In July all charges against her were dropped.

On February 20, the senior investigating judge questioned for several hours Odje Tiacore, RDR Youth Section President, about the December 2000 demonstrations. A journalist had accused Tiacore of inciting persons to violence during a December 4 meeting at the soccer stadium.

On March 8, the senior investigating judge summoned and questioned several persons about the December 2000 demonstrations, including Aly Keita, RDR Deputy Spokesperson, and Thierry Legre, president of a pro-RDR organization; no charges were filed against them.

During the electoral campaign in March, the police arrested and later transferred to MACA prison a student named Diarrassouba, a campus campaign director for RDR leader and newspaper editor Hamed Bakayako. Diarrassouba was accused of attempted murder by a friend of Charles Ble Goude, the president of FESCI, a student organization associated with the FPI at the time. In April Diarrassouba and several RDR leaders were released without charge.

On April 10, Sibi Kamagate and Omar Diarrassouba were arrested and transferred to MACA after protesting the outcome of a FESCI election. In June they re-

portedly still were in detention in the MACA; no further information was available on their status at year's end.

On August 9, three armed men kidnaped Ben Sylla, RDR youth section leader, and police detained him for 2 days at the main police precinct in Abidjan. According to the RDR, the police beat and tortured Sylla and searched his house for documents linking him to the RDR. Police reportedly told Sylla that they had received information implicating him and three army officers in a coup plot.

On September 2, airport police arrested Hamed Bakayoko, supporter of the RDR president and president and director general of Radio Nostalgie, as he was leaving for Dakar, Senegal, to attend a corporate board meeting. The police seized his passport as well as his personal belongings and documents. The Territorial Surveillance Police (DST) detained him more than 7 hours. The next day, the DST in Abidjan's Cocody district summoned and questioned Bakayoko for 6 hours. His belongings were returned and he was released.

During the year, several RDR members arrested in 2000 were released from the MACA on provisional liberty: On April 26, RDR spokesperson Ally Coulibaly and RDR national secretary Kafana Kone were released following 145 days of detention; on April 28, Camarah Yerefe was released; on May 2, Henriette Diabate's son, Jean Philippe Kabore, driver Coulibaly Seydou, and other 3 RDR members were released; on May 29, Jean Jacques Bechio was released; however, 39 RDR members still were in jail in Abidjan and in the north at year's end. Most RDR detainees were released gradually after more than 4 months of detention, without any charges being filed against them. Some were tried and acquitted, while others were released without charge. At year's end, only one RDR member still was in prison; most were released in early October as a condition of RDR participation in the Forum for National Reconciliation.

On April 29, airport police arrested Louis Andre Dacoury Tabley, a former leader of the FPI and owner of *Le Front*, a local newspaper critical of the Government, who was arriving from Burkina Faso; police also seized his passport and identity cards. He was questioned and then released. On August 28, airport police arrested Tabley again as he prepared to board a flight for Burkina Faso. The police seized his identity card, other documents, and videotapes of an interview he gave on national TV. On September 4, the airport police summoned and questioned him for 2 hours about his trip. The police returned his property and documents and released him. On each occasion, he was detained and questioned for several hours and then released; no charges were filed.

Security forces arrested several members of the former Guei Government as they attempted to leave the country. On September 4, airport police arrested General Abdoulaye Coulibaly, a former member of the CNSP (Guei Government), as he was leaving for France and Canada. According to the police and Ministries of Interior and Defense, the General had a forged military authorization to leave the country. Coulibaly may face trial for carrying a travel authorization with a forged signature. By year's end, General Coulibaly still had not been allowed to travel outside the country because, according to the DST, the Ministerial signature on his travel documents was not authorized; previously, they said it was forged. The DST have retained his official documents; however, no legal action has been taken, and no charges have been filed. During the first week of September, airport police detained General Lansana Palenfo, another former member of the CNSP. He also lacked the proper Ministry of Defense authorization to leave the country, according to the airport police. His children, who were on their way back to school in Europe, were denied new passports.

Journalists frequently were arrested, detained, or questioned for short periods of time without being charged (see Section 2.a.).

Unlike in the previous year, members of the military did not enter businesses unannounced and use threats to force local and expatriate businessmen to accompany them for questioning.

In November 2000, police arrested Quartermaster General Lassana Palenfo and Air Force Brigadier General Abdoulaye Coulibaly and charged them with orchestrating an assassination plot against General Guei in September 2000. Their trial began on February 21; during the trial, military prosecutors continued to introduce new evidence in order to keep the two generals incarcerated (see Section 1.e.). On March 13, the judge found Palenfo guilty, with extenuating circumstances, and sentenced him to 1-year imprisonment; Coulibaly was acquitted. Palenfo appealed the judgement but refused to ask for a presidential pardon. On July 31, the Supreme Court annulled the verdict, and Palenfo was released August 1. Other soldiers arrested in September 2000 for suspected involvement in the attempted assassination of Guei also were tried during the year; 11 soldiers received 10-year prison sentences, and the remaining 22 were acquitted.

Security forces arrested former Minister of State for the Interior and eventual PDCI presidential candidate, Emile Constant Bombet, following the December 2000 overthrow of Bedie and detained him for 1 month without charge. He was rearrested in February 2000 and held for 33 days for allegedly having organized gatherings that endangered national security and for his alleged involvement in embezzling state funds set aside for organizing presidential and legislative elections in 1995. In September 2000, the same day that Bombet was invested as the PDCI presidential candidate, the prosecutor reopened his case for further investigation. All charges were dropped in July, and there was no trial. There were no developments in the December 2000 detention of an imam who attempted to intervene to prevent beatings by BAE members of Muslims (see Section 2.c.) and the July 2000 arrest of a student leader.

During and following the December 1999 coup, the mutineers arrested approximately 150 ministers, military officers, and other officials known as supporters of the Bedie Government; however, formal charges were not filed. Many of these officials subsequently were released and rearrested during the next several months following the coup. All of those persons detained were released by year's end.

In December 1999, the Bedie Government issued a warrant for Ouattara's arrest for the alleged falsification of documents and their use. The warrant was annulled in early 2000. Newspaper accounts speculated that Bedie ordered the warrant issued to intimidate Ouattara and to prevent him from returning to the country.

The Constitution specifically prohibits forced exile, and no persons were forcibly exiled during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is subject to executive branch, military, and other outside influences. Although the judiciary is independent in ordinary criminal cases, it follows the lead of the executive in national security or politically sensitive cases. Judges serve at the discretion of the executive, and there were credible reports that they submit to political pressure. On June 6, Police Superintendent Atsain beat and detained Sylla Mory, a judge-trainee at the Courthouse of Korhogo (see Section 1.c.).

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts. The Constitutional Chamber, whose main responsibility is to determine presidential candidate eligibility, is part of the Supreme Court. At year's end, Kone Tia remained president of the Supreme Court. The Constitution grants the President of the Republic the power to replace the head of the court once a new parliament is in place.

Military courts do not try civilians. Although there are no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal's verdict and order a retrial.

In rural areas, traditional institutions often administer justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution is by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly is superseding these traditional mechanisms. A Grand Mediator settles disputes that cannot be resolved by traditional means. The Constitution specifically provided for the office of Grand Mediator, which is designed to bridge traditional and modern methods of dispute resolution. The President names the Grand Mediator, and Mathieu Ekra has been Grand Mediator since his nomination by the Bedie Government.

The law provides for the right to public trial, although key evidence sometimes is given secretly. The presumption of innocence and the right of defendants to be present at their trials often are not respected. Those convicted have the right of appeal, although higher courts rarely overturn verdicts. Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for court-appointed attorneys; however, no free legal assistance is available, except infrequently when members of the bar provide pro bono advice to defendants for limited time periods. In April 1999, the bar began operating a telephone hotline for free legal advice from volunteer attorneys. In November 1999, the president of the bar announced that the bar would not continue to provide free legal assistance to poor accused persons who are tried by a civil or criminal court if the Government did not furnish lawyers' transportation and lodging expenses. The bar has more than 200 members normally available to give free legal advice; however, lawyers are no longer providing free legal assistance to poor defendants since their expenses are not paid. In practice many defendants cannot afford private counsel, and court-appointed attorneys are not available readily. Unlike in the previous year, security forces allowed lawyers' access to their clients during the year (see Section 1.d.).

In previous years, members of the military interfered with court cases and attempted to intimidate judges. They also intervened directly in labor disputes, some-

times arresting and intimidating parties. There were no reports of the military attempting to influence court cases during the year.

On February 21, the trial of Quartermaster General Palenfo and Air Force Brigadier General Abdoulaye Coulibaly began at the gendarme camp in Agban; the military prosecutor requested 20 years' imprisonment for each of the two generals for allegedly organizing the September 2000 attempted assassination of General Guei. President Gbagbo's Government considers the two generals to be pro-RDR, and military prosecutors repeatedly introduced new charges to keep them incarcerated. On March 13, the court found Palenfo guilty of complicity in the attempt against the security of the State, with extenuating circumstances, and sentenced him to 1 year's imprisonment; General Coulibaly was acquitted. A total of 42 military officers were tried for involvement in the assassination attempt: 9 were sentenced to 10 years' imprisonment; the court acquitted the other 33. General Palenfo appealed the verdict but refused to ask for a presidential pardon. On July 31, the judicial chamber of the Supreme Court annulled Palenfo's guilty verdict, and he was released the following afternoon. General Coulibaly was released from Agban camp on August 1.

On June 26, Belgian NGO Genocide Prevention entered more than 150 complaints in a Brussels court against President Gbagbo, former President Guei, Minister of Defense Moïse Lida Kouassi, and Minister of Interior Emile Boga Doudou for crimes against humanity. Belgian law extends universal competence to Belgian courts in matters of crimes against humanity. The charges were filed on behalf of victims of the October and December 2000 violence and their relatives. Previously the LIDHO and international NGO's publicly demanded a new trial for the eight gendarmes acquitted in the Yopougon massacre trial (see Section 1.a.).

In late July, a short and procedurally flawed military trial was held on a gendarme compound with no protection offered to witnesses (see Section 1.a.). A number of prosecution witnesses reportedly feared reprisals and failed to appear at the trial. The judge acquitted all eight accused gendarmes, citing insufficient evidence. Several NGO's publicly demanded a new trial. The military prosecutor, who had requested life sentences for the accused, did not file an appeal.

The Constitution granted immunity to all CNSP members and all participants in the December 1999 coup d'état for all acts committed in connection with the coup, which implicitly included all criminal activity such as looting, robbery, carjacking, and intimidation that occurred during the coup.

In January 2000, the Guei Government granted amnesty for all offenses committed during the September and October 1999 political demonstrations. This amnesty included all of the RDR leaders who had been tried and convicted under the previous regime's antivandalism law, which held leaders of a group responsible for any violence committed by one of its members during a demonstration. All of the RDR prisoners had been released from prison in December 1999 by the mutineers leading the December 1999 coup (see Section 1.d.).

There were no reports of political prisoners; however, there were several political detainees (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Code of Penal Procedure specifies that a law officer or investigative magistrate may conduct searches of persons, vehicles, homes, or any other nonpublic place, with authorization of the appropriate judicial or administrative authority, if there is reason to believe that there is evidence on the premises concerning a crime. The official must have the prosecutor's agreement to retain any evidence seized in the search and is required to have witnesses to the search, which may take place at any time of day or night.

In practice police sometimes used a general search warrant without a name or address. On occasion police entered the homes of noncitizen Africans (or apprehended them at large), took them to local police stations, and extorted small amounts of money for alleged minor offenses (see Section 1.c.). Police and gendarmes entered the homes of members of the opposition throughout the country, often without a warrant, to look for guns that these persons allegedly were hiding to destabilize the country (see Section 1.d.). Police also searched the homes and offices of journalists (see Section 2.a.).

On February 24 in Bouake, five uniformed men searched the house of Konan Yao, RDR Deputy National Secretary for the center region (see Section 1.d.). They found no weapons in Yao's house or the houses of his mother and grandmother. Also in February, uniformed men also searched for weapons in the house of Yacouba Sylla, RDR representative in Sakassou.

On January 13, unknown persons searched and ransacked the home of Patrice Guehi, publisher of *Le Patriote* newspaper (see Section 2.a.).

Airport and special territorial police seized the luggage and personal documents of several opposition leaders at the airport (see Section 1.d.).

Unlike in the previous year, there were no reports that gendarmes searched mosques and the homes of imams.

Unlike in the previous year, gendarmes and members of the military did not make frequent visits, sometimes heavily armed and in armored vehicles or in boats, to the residence of RDR presidential candidate Alassane Ouattara, whose house is located on the Ebrie Lagoon. Ouattara left the country in early December 2000 and chose to remain in France; however, he returned in October after President Gbagbo invited him to participate in the Forum for National Reconciliation and guaranteed his security.

Security forces reportedly monitored some private telephone conversations, but the extent of the practice was unknown. There were reports that the luggage of several prominent persons was subject to search and seizure at the airport; identity papers, travel and business documents, computer disks, and videotapes were seized without legal warrants during the year. In 2000 General Guei claimed to have a copy of a taped telephone conversation between RDR Deputy Secretary Amadou Gon Coulibaly and a student union member, which Guei claimed revealed the RDR's intention to endanger national security. Government authorities monitored letters and parcels at the post office for potential criminal activity; they are believed widely to monitor private correspondence, although no evidence of this has been produced.

Members of the Government reportedly continued to use students as informants. For example, in August Ouattara Billon, a student in Abidjan, stated that several influential government members and high army officers had recruited him. They reportedly requested that he accuse RDR spokesperson Ally Coulibaly of asking him to pick up weapons at Coulibaly's house in Niemene for a coup in Abidjan. On August 24, gendarmes entered and searched the house of RDR spokesperson Ally Coulibaly for weapons. Coulibaly was absent from his home in Niemene village at the time. The gendarmes found three traditional hunting guns in the house. Billon told his father and leaders of the RDR about the plot. Members of Government denied being involved in a plot against the RDR.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, and private newspapers frequently criticize government policies; however, in practice the Government restricted this right. Although the arrest, prosecution, and imprisonment of journalists decreased significantly during the year, members of the security forces continued to beat and harass journalists during year. Journalists no longer practiced self censorship. Outspoken members of the press continued to receive death threats and physical intimidation from groups aligned with the ruling FPI party.

The two government-owned daily newspapers, *Fraternite Matin* and *Ivoir' Soir*, offer little criticism of government policy. In July the Government announced the planned privatization of these two newspapers; the Minister of Communication and New Information Technologies stated that state newspapers are out of fashion in democratic societies. No further action was taken by year's end. There are a number of private newspapers: more than 20 dailies, 30 weeklies, 5 semimonthlies, and 10 monthlies. Given the strong competition among newspapers and their promoters, as well as the readers' limited financial resources, every week some newspapers disappear, and others take their place. While these newspapers voiced their disapproval of government or presidential actions frequently and sometimes loudly, the Government did not tolerate what it considered insults or attacks on the honor of the country's highest officials; however, no legal action was taken against journalists during the year.

On November 22, the National Press Commission (CNP) was installed officially; its function is to enforce regulations relating to the creation, ownership, and freedom of the press.

The law authorizes the Government to initiate criminal libel prosecutions against persons who insult the President, the Prime Minister, or foreign chiefs of state or government or their diplomatic representatives, who defame institutions of the State, or who undermine the reputation of the nation. In addition the State may criminalize a civil libel suit at its discretion and at the request of the plaintiff. Criminal libel is punishable by 3 months to 2 years in prison. The Gbagbo Government has not used this law against journalists; however, in the previous year, the Guei Government used the libel law against a number of journalists. The Government and the Union of Journalists of Cote d'Ivoire began work on new legislation that will decriminalize the press law. The proposed legislation was not passed by year's end.

On May 14, the court of Abidjan sentenced in absentia Patrice Guehi, publisher of *Le Patriote*, and Sindou Meite, chief editor, to 3 months' imprisonment and fines

of \$140 (100,000 CFA francs) for libel. Their lawyer requested a retrial; he argued that his clients never had been summoned to court and that he only learned of the trial and sentence through the newspapers. No further information was available at year's end. In June 2000, *Le Patriote* had published an article asserting that the Ivoirian Public Treasury under former President Bedie had transferred \$140,000 (100 million CFA francs) into a Swiss bank account in the name of the president of human rights NGO LIDHO.

Security forces continued to search the offices of journalists. On February 7, 30 gendarmes, police officers, and civilians searched the premises of printing company Roto Presse Ivoire for guns; no guns were found. The company prints *Le Jour* newspaper, a daily regarded as mildly sympathetic to the RDR. Biamari Coulibaly, manager of the printing company and administrative and financial director of *Le Jour*, left the country after receiving a number of death threats; he later returned to the country.

On April 12, the National Press Commission (CNP) suspended the operating license of Paalga, the newspaper of the Burkinabe community living in the country. The CNP said the newspaper was run by a Burkinabe publisher, who did not employ any professional journalists and had not complied with the legal deposit requirement, including samples of articles and government forms; the publisher maintained that he had complied with the provisions of the press law. RSF protested the suspension and argued that nothing justified it. On May 3, the CNP lifted the suspension and ordered Paalga to comply with the provisions of the press law; they complied as requested and were allowed to resume publishing.

Security forces continued to beat and harass journalists regularly. For example, on March 15 five policemen beat Franck Konate, a journalist for the pro-PDCI newspaper *L'Aurore*, who was investigating the shooting of a thief by five policemen near the commando camp in Koumassi. The policemen beat the journalist and left him in a critical condition reportedly because newspapers often characterize policemen as racketeers. By year's end, no action was taken against the policemen.

On April 7, police attacked and beat journalist Cesar Ekrokie of the ruling party newspaper *Notre Voie*. The police released the journalist; however, they kept his press card and refused to let him near the house of a political personality he wanted to interview.

On September 7, GMI security forces beat Doua Gouly, a journalist for the official daily newspaper *Fraternite Matin*, and confiscated his cellular phone in Abidjan. Gouly had gone to the headquarters of a taxi insurance company to cover a dispute among the associates of the company. The professional journalists' association protested to the Ministry of Interior and Security and asked for an open investigation and an end to such practices; however, no investigation was initiated by year's end.

The Government arrested numerous journalists during the year.

On January 15, gendarmes and members of the research brigade, an investigative arm of the gendarmes, detained and questioned for 1 hour D. Al Seni, Kore Emmanuel, Charles Sanga, and Yves M'Abiet, four journalists for *Le Patriote*, and Patrice Guehi following the publication of their articles on January 10 about the January 7-8 coup attempt. Unknown persons also searched and ransacked Guehi's house during the night of January 13.

On January 17 in Abidjan, security forces in Abidjan arrested AFP journalist Ouattara Muhamed Junior and accused him of being involved in the January 7-8 coup attempt. AFP protested his arrest and explained that Ouattara had spoken with arrested coup suspects because he was covering the coup attempt for the AFP. Following the intervention of the AFP, the Association of Journalists Without Borders (RSF), and of the Union of Ivoirian Journalists (UNJCI), Ouattara was released without charge on January 22.

On June 25, police arrested and detained for several hours three journalists who went to the courthouse jail to see if executive board members from a taxi insurance company were being detained as reported.

In October 2000, 50 FPI members detained Raphael Lakpe, the publisher of *Le Populaire*, a pro-RDR newspaper. They then handed Lakpe over to gendarmes who took Lakpe and his bodyguard to the Koumassi Camp Commando where the gendarmes beat them with their belts, made them swim in dirty water, and insulted them for supporting Ouattara. Lakpe was released, but no action was taken against the responsible gendarmes.

No action was taken against members of the military who severely beat Joachim Buegre, a journalist and the political affairs editor for the Abidjan daily *Le Jour* in September 2000. The beating occurred immediately following a meeting between Buegre and General Guei, during which Guei warned Buegre about an article that had appeared in *Le Jour* the previous day that called into question Guei's parentage and his eligibility to participate in the 2000 presidential election. After forcing

Beugre to show them where he lived, the soldiers beat him and left him on the side of an Abidjan road near the presidency. Beugre remained hospitalized for several days after the incident. In response private newspapers did not publish on September 21, 2000, and on September 22, 2000, journalists marched from the headquarters of the journalists' union to the presidency. Immediately after the march, General Guei met with the journalists and told them to concentrate on constructive criticism rather than on news that was false or could divide the country. Minister Sama also warned the media to stop publishing stories about the military, on the grounds that such articles created divisions in the military. On September 9, a presidential press aide called two journalists from the daily *Le Patriote* to the Presidency to discuss that newspaper's running of the same story for which *Le Jour* journalist Beugre was beaten. The press aide questioned the journalists, who then were released unharmed several days after their initial detention.

In August 2000, the public prosecutor had gendarmes detain *Notre Voie* journalist Freedom Neruda and publisher Eugene Allou and bring them in for questioning. Gendarmes released the journalists after 1 day of questioning but warned them not to leave the country. Under the Gbagbo Government, Freedom Neruda was named an ambassador, and Eugene Allou became Chief of Cabinet.

In June 2000, following rumors of a coup on June 24, the Director of the Cabinet for the Ministry of the Interior questioned Asse Alefe, the Director of Publication of *Le National*, and his assistant, Traore Bouraima, for several hours on their role in the coup rumors. The public prosecutor's office also questioned the two; they were released but told to remain available to the courts. They never were charged.

On June 20, two unknown men entered the house of Tape Koulou, the founder of the extremist daily *Le National*, and shot and killed his elder sister, Tape Ziadou Madeleine, and a friend of the family, Takore Clovis Desire. A third person also was injured. During the incident, Tape Koulou was in France covering the visit of President Gbagbo. The police opened an investigation, which was pending at year's end. Journalists Without Borders asked the Ivoirian Government to identify the culprits and bring them to justice to prevent such actions from occurring again.

Radical elements close to the FPI continued to harass and threaten journalists who criticized government officials. Foreign journalists also have complained to the Gbagbo Government of similar threats.

Because literacy rates are very low, and because newspapers and television are relatively expensive, radio is the most important medium of mass communication. The government-owned broadcast media company, RTI, owns two major radio stations; only the primary government radio station is broadcast nationwide. Neither station offers criticism of the Government; both government-owned stations frequently criticize opposition parties and persons critical of the Government. There also are four major private international radio stations: Radio France Internationale (RFI), the British Broadcasting Company (BBC), Africa Number One, and Radio Nostalgie. They broadcast on FM in Abidjan only, except for RFI, which broadcasts via relay antennas to the north and center of the country. The RFI and BBC stations only retransmit internationally produced programming. The Africa Number One station, which is 51 percent domestically owned, broadcasts 6 hours a day of domestically produced programming; the rest of the time it retransmits programming from Africa Number One's headquarters in Libreville, Gabon. Radio Nostalgie is 51 percent owned by Radio Nostalgie France, but it is considered a local radio station. The RFI, BBC, and Africa Number One stations all broadcast news and political commentary about the country. The private stations, except for Radio Nostalgie, have complete control over their editorial content. The Government monitors Radio Nostalgie very closely because the major shareholders of the company are close to RDR president Alasane Ouattara. National broadcast regulations forbid the transmission of any political commentary, and Radio Nostalgie's operations were suspended temporarily several times during the year for allegedly violating that regulation. In May the Government announced that five new private TV stations and eight new private radio stations would begin broadcasts in the country, but by year's end, no further action had been announced. In July the Government granted an FM radio frequency to Voice of America (VOA), which is expected to begin retransmission operations in 2002.

In October the Government shut down Radio Youpougon for 8 days and fined the station \$750 (551,250 CFA francs); the penalty was imposed because the station broadcast a press conference held by former President Bedie following his return from self-imposed exile in France.

Radio station license applications are adjudicated by a commission under the Ministry of Communication and New Information Technologies, which has accepted applications and awarded licenses only once, in 1993. On that occasion, the commis-

sion denied 7 of 12 applications on a variety of grounds, including, in one case, affiliation with a major opposition political party.

In 1998 the Government authorized 43 community radio stations with very limited broadcast strength, no foreign-language programming, no commercial advertising, and public announcements limited to the local area. While the number of authorized community stations now stands at 52, only 27 stations were broadcasting at year's end. In August 2000, Edmond Zeghehi Bouazo, then-President of the National Council of Audiovisual Communication, met with the promoters of community and commercial radio stations to remind them of programming restrictions and the prohibition on political content in programming. Roman Catholic Church groups operate four community radio stations: Radio Espoir in Abidjan, Radio Paix Sanwi in Aboisso, Radio Notre Dame in Yamoussoukro, and Radio Dix-Huit Montagnes in Man. On February 2, the Catholic Church began operating a national radio station, and the Protestant denominations started operating Radio-Vie. The religious stations broadcast a mix of religious services, debates, and sacred music. The Muslim associations received a broadcast license in 1999, and a Muslim station called Al Bayane began broadcasting on November 11.

There are two television stations that broadcast domestically produced programs. Both are owned and operated by the Government. Only one broadcasts nationwide. Neither station criticizes the Government, but they frequently criticize the opposition or persons who opposes the Government's actions. The only private television broadcaster, Canal Horizon, is foreign owned and operated via satellite from South Africa; it broadcasts no domestically produced programs. The Government has not accepted any applications to establish a privately owned domestic television station.

The Government continued to exercise considerable influence over the official media's program content, news coverage, and other matters, using these media to promote government policies and criticize the opposition. Much of the news programming during the year was devoted to the activities of the President and the Government. After President Gbagbo took office, he indicated that the official media would no longer be pressured to devote programming to his and the Government's activities; however, many official media outlets continue to devote a large part of their news reports to the President and the Government's activities.

The National Council of Audiovisual Communication (NCAC), established in 1991 and formally organized in 1995, is responsible for regulating media access during the 2-week formal political campaign period prior to national elections and for resolving complaints about unfair media access. Following the December 1999 coup, the previously PDCI-dominated NCAC was taken over by the military Government. It continues to operate under the Government, with new members appointed by President Gbagbo. Because domestic television is controlled by the Government, the NCAC is unable to fulfill its mandate at times.

Beginning in August 2000, when the presidential campaign began, government television provided almost exclusive coverage of General Guei's activities and excluded coverage of the other candidates and their activities. While the political parties and print journalists complained about this practice, the content of the programming did not change; government television only occasionally provided time to other candidates. In October 2000, Edmond Zeghehi Bouazo, president of the NCAC, announced that each of the five candidates in the October 2000 presidential elections would be granted 5 minutes per day on the radio as well as on television between October 9 and October 21. All of the radio channels broadcast the messages of the candidates simultaneously. However, during the campaign, the FPI complained that Guei was granted more than the allotted 5 minutes on television daily; he and his wife's activities were broadcast at length.

Unlike in the previous year, there were no reports that international journalists were subject to government harassment and intimidation. The Government does not restrict access to or distribution of other electronic media. There are 12 domestic Internet service providers, of which 4 are major providers. All 12 are privately owned and relatively expensive. The licensing requirements imposed by the Government telecommunications regulatory body, ATCI, reportedly are not unduly restrictive.

There is no known law specifically concerning academic freedom, although academics have cited laws of French origin concerning the operations of universities to support their claims of academic freedom. In practice the Government tolerates much academic freedom, but it inhibits political expression through its proprietary control of most educational facilities, even at the post-secondary level.

Many prominent scholars active in opposition politics have retained their positions at state educational facilities; however, some teachers and professors suggest that they have been transferred or fear that they may be transferred to less desirable positions because of their political activities. According to student union state-

ments, security forces continued to use students as informants to monitor political activities at the University of Abidjan.

In the first half of the year, members of FESCI repeatedly attacked teachers, and there were numerous violent conflicts between FESCI rival groups, which resulted in the mutilation or death of several students. Following a request by the Union of University Teachers and Researchers (SYNARES), the Minister of Higher Education sent the security forces to monitor the campuses; on April 6, SYNARES initiated a strike on to protest the climate of insecurity on campuses. In May the Minister signed a decree requiring authorization for all meetings on campuses.

There were numerous student protests at the end of the year (see Section 2.b.). In July police forcibly dispersed a demonstration by school faculty (see Section 6.a.).

b. Freedom of Peaceful Assembly and Association.—The Constitution allows for freedom of assembly; however, the Government restricted this right in practice. Groups that wished to hold demonstrations or rallies were required by law to submit a written notice of their intent to do so to the Ministry of Security or the Ministry of Interior 3 days before the proposed event. No law expressly authorizes the Government to ban public meetings or events for which advance notice has been given in the required manner. In practice the Government prohibits specific events deemed prejudicial to public order; even if authorization is granted, it later can be revoked. Police forcibly dispersed numerous demonstrations during the year.

In April 2000, the military Government repealed the 1992 Antivandalism Law that held organizers of a march or demonstration responsible if any of the participants engaged in violence. The LIDHO, a leading civil rights NGO, and all major opposition parties criticized the law as unduly vague and as one that imposed punishment on some persons for the crimes of others.

Police forcibly dispersed numerous demonstrations during the year, including demonstrations for which a written notice had been sent to the Ministry of Interior and Security and to local administrative authorities.

On March 19 in Plateau, security forces used tear gas to disperse forcibly a student demonstration against a recruitment test at the National Training Institute for Health Agents (INFAS). Nine demonstrators were injured seriously, and two demonstrators in charge of the Health Students' Association, nurses Koko Samuel and Lanani Mohamed, were arrested and detained for several days.

On March 19, police used tear gas to disperse forcibly students demonstrating in front of a private management school (ESAM) in Vridi, Abidjan. The students were demanding the reopening of their school and the settlement of a conflict between school officials and teachers. A few students were arrested and detained briefly.

On March 19, hundreds of university students demonstrated in front of the office of the Director of Cabinet of the Minister of Higher Education in the Plateau district of Abidjan to demand the payment of 6 months' scholarship arrears and the assignment of rooms in Bouake campus dormitories. The police violently dispersed the demonstration by beating students with truncheons and firing tear gas; however, no persons were injured seriously.

On May 2, the police violently dispersed employees of OMEIFRA, a company that employs watchmen, with tear gas and truncheons, who were demonstrating to demand back pay. The manager of the company reportedly called in the police because the employees had started to destroy the company's equipment.

In July police forcibly dispersed a demonstration by school faculty (see Section 6.a.).

On July 19, police used tear gas and truncheons to disperse approximately 100 students. The students had organized a sit-in in front of the Presidency in the Plateau district of Abidjan to demand scholarships.

On July 19, security forces dispersed forcibly 15 highway construction managers who were protesting the nonpayment of \$270 million (1,906 billion CFA francs) that the State allegedly owed them.

On July 24, prior to the opening of the trial of the 8 gendarmes charged with murder in the case of the Yopougon massacre (see Section 1.a. and 1.e.), approximately 100 members of the CVCI held a sit-in demonstration in front of the gendarmerie camp of Agban. Although the CVCI reportedly had written to the Ministry of Interior and Security to inform them of their intent to stage a peaceful sit-in, the security forces, including police officers and four vehicles full of gendarmes, violently beat the demonstrators with belts, guns, and truncheons. Several demonstrators were injured badly, and those who could not run were arrested. Many of the arrested persons still are missing, and the total number of missing persons is unknown. Only Bah Mamadou, who was injured, arrested, and handed over to police, was released on July 27.

On August 23, security forces in Baouake used tear gas and truncheons to disperse demonstrators from the FESCI; the authorities arrested 20 students and in-

jured seriously 10 others. The students were demanding an increase in the number of scholarships and a list of scholarship recipients. Following the incident, other students attacked 4 banks and damaged more than 30 cars.

No action has been taken against gendarmes and police officers who violently dispersed members of the RDR in December 2000 during protests against the invalidation of Ouattara's candidacy in the legislative elections. No action was taken against the members of the security forces who used excessive force to disperse demonstrations on September 9 and July 31, 2000.

In 2000, prior to the October 2000 elections, the Guei Government restricted freedom of assembly. The Government banned mass political meetings and demonstrations for several months, and the Ministry of the Interior forbade Ouattara and the RDR from holding a press conference announcing their party platform for the elections. In June and September 2000, the major political parties and General Guei generally ignored the electoral code's ban on campaigning until 15 days before the election. In September 2000, following the postponement of the presidential election until October 2000, Minister of the Interior Grena Mouassi banned all election meetings until the official opening of the campaign; the definition of meeting changed several times. For example, groups who supported Guei's candidacy were allowed to meet, assemble, and put up public posters. Police forcibly disrupted some demonstrations surrounding the 2000 presidential elections. Following his inauguration, gendarmes loyal to the Gbagbo violently suppressed RDR street demonstrations held to demand new presidential elections. Following the November 2000 Supreme Court announcement of the disqualification of Ouattara for legislative elections, thousands of RDR supporters demonstrated in protest of the decision (see Sections 1.a., 1.b., 1.c., 1.d., and 3).

The Constitution provides for freedom of association and allows the formation of political parties, and the Government generally respects this right in practice.

The Constitution states that all parties must respect the laws of the Republic, including the requirement that all organizations be registered with the Ministry of Interior before commencing activities. In order to obtain registration, political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution. At year's end, there were approximately 108 legally recognized political parties, 7 of which were represented in the National Assembly (see Section 3). There were no reports that the Government denied registration to any group.

The Constitution prohibits the formation of political parties along ethnic or religious lines; however, in practice ethnicity and religion are key factors in some parties' membership (see Section 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government at times limited this right in practice. There is no state religion; however, for historical as well as ethnic reasons, the Government informally favors Christianity, in particular the Roman Catholic Church. Catholic Church leaders had a much stronger voice in Government affairs than their Islamic counterparts, which led to feelings of disenfranchisement among the Muslim population. In November 2000, the Gbagbo Government announced steps to bring religious groups into the national dialog and included religious representatives in a national forum to promote reconciliation.

The Government establishes requirements for religious groups under the law. All religious groups wishing to operate in the country must submit to the Ministry of the Interior a file including the group's bylaws, the names of the founding members, the date of founding (or date that the founder received the revelation of his or her calling), the minutes of the general assembly, the names of members of the administrative board, and other information. The Interior Ministry investigates the backgrounds of the founding members to ascertain that the group has no politically subversive purpose. However, in practice the Government's regulation of religious groups generally has not been unduly restrictive since 1990, when the Government legalized opposition political parties. Although nontraditional religious groups, like all public secular associations, are required to register with the Government, no penalties are imposed on a group that fails to register. In practice registration can bring advantages of public recognition, invitation to official ceremonies and events, publicity, gifts, and school subsidies. No religious group has complained of arbitrary registration procedures or recognition. The Government does not register traditional indigenous religious groups.

The Catholic Church operates community radio stations. The Government authorized Muslims to operate a similar station in 1999; in November in Abidjan, a Muslim radio station began operations (see Section 2.a.).

The Government does not prohibit links to foreign coreligionists but informally discourages connections with politically radical fundamentalist movements, such as Islamic groups based in Iran and Libya.

In December, in his closing speech of the Forum for National Reconciliation, President Gbagbo again announced that he would hold a forum of religious groups to include a review of the relationship between the Government and Religion, as well as promoting intra-faith reconciliation; however, there were no further developments by year's end.

Some Muslims believe that their religious or ethnic affiliation makes them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards (see Section 5). Due to the tense political situation in the country and the ethnic divisions along which political party lines are drawn, northern Muslims sometimes are scrutinized more closely in the identity card process. As these northern Muslims share names, style of dress, and customs with several of the country's predominantly Muslim neighboring countries, they sometimes are accused wrongly of attempting to obtain nationality cards illegally in order to vote or otherwise take advantage of citizenship. This creates a hardship for a disproportionate number of Muslim citizens.

The Government's treatment of Muslims improved during the year; however, some tensions between the Government and the Muslim community persisted. Unlike in the previous year, there were no reports that security forces detained, questioned, or beat Muslims or that security forces questioned Islamic leaders on suspicions that they were plotting civil unrest.

Unlike in the previous year, there were no reports of violent clashes among security forces, RDR militants, and militants from the FPI.

Citing the killings of hundreds of Muslims during the October and December 2000 demonstrations, National Islamic Council (CNI) President Koudouss accused the authorities and the armed forces of having planned a genocide, adding that Muslims would not feel "reconciled" until the Government apologized to the Muslim community. There was no government apology during the year; the Government chose instead to refer to all those who lost their lives in the violence surrounding the presidential elections of 2000 as "heroes of democracy."

In December 2000, gendarmes killed a 60-year-old Guinean man in front of his family as he was preparing for Muslim prayers; he was shot reportedly because he was wearing a Moslem robe, which the gendarmes believed marked him as a supporter of the RDR. In addition to the killings, security forces and rival political groups allegedly damaged or destroyed four mosques and four churches. Furthermore, following the RDR's December 2000 demonstration, security forces arrested imams and approximately 200 Muslim worshippers in several mosques in the Abidjan's Abobo district. Security forces beat Imam Bakary and others, stripped them of their clothes, and detained them for several days in Abidjan's police and gendarme camps. The Minister of State for Interior and Decentralization publicly accused the imams of hiding arms in their mosques. The Government released the imams and their worshippers by the end of 2000, following mediation by the Mediation Committee on National Reconciliation.

In December 2000, after youths set fire to a mosque in Abidjan's Abobo district, the antiriot brigade used tear gas against and beat Muslims who had gathered to inspect the damage. When Imam Bassama Sylla attempted to intervene, the police stripped and detained him. Police also entered at least two other mosques in Abobo and detained persons inside. In addition to searching the homes of Islamic leaders, security forces also summoned Islamic leaders for questioning on several occasions based on suspicions that they were plotting civil unrest with the RDR.

In July 2000, the military government briefly detained and questioned CNI President Imam El Hadj Idriss Kone Koudouss for encouraging Muslims to vote against the new Constitution, which he argued reinforces the concept of "Ivoirity," a doctrine that discriminates against Ivoirians of mixed or foreign origins. Imam Koudouss also claimed that harassment of Muslims has increased since former President Bedie introduced "Ivoirity" in 1994. The CNSP noted that sermons such as Koudouss's could be considered inciting violence and rebellion. Koudouss was released after the warning.

In August 2000, the gendarmes detained and questioned Imam Koudouss, four other prominent imams from the CNI, and one Islamic youth leader. The Government accused them of procuring arms, in cooperation with RDR presidential candidate Ouattara, in order to destabilize the country. The gendarmes released all six after questioning. According to the imams, this was the fifth time that leaders of the CNI had been called in for questioning since the coup. Muslims say that such acts by the Government are an attempt to make the Muslim community a "scape-

goat” for the country’s problems. There were no additional detentions of CNI members during the year.

According to official sources, the violence resulting from the demonstrations in 2000 and the attempted coup in January resulted in the deaths of 303 persons; another 1,546 persons were injured, 65 persons disappeared, and there were another 76 unidentified bodies. Leaders of the CNI noted that many of the victims were Muslims, and they requested a meeting with President Gbagbo. Imam Koudouss stated that many Muslims were dragged out of their houses and mosques, arrested in the streets, and killed because they were Muslims. He asked to meet with the President in order to receive an official apology from the Government for the abuses against the Muslim community; at year’s end, according to Koudouss, the CNI had not received a response.

In April 2000, local governments closed some Harrist churches to prevent an escalation of intrareligious violence; all the churches reopened during the year (see Section 5). The Bingerville church had been closed in April 1999 following an appeals court decision, but a decision from the judicial chamber of the Supreme Court reopened it in December 1999.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution does not provide specifically for these rights, and the Government on occasion restricted them in practice. The Government generally does not restrict internal travel. However, police, gendarmes, and water, forestry, and customs officials commonly erect and operate roadblocks on major roads, where they demand that passing motorists or passengers produce identity and vehicle papers and regularly extort small amounts of money or goods for contrived or minor infractions. For example, on April 20 in Daloa, a police officer shot at a taxi driver who refused to stop for a routine police check (see Section 1.c.). On January 7 and 8, the Government imposed a curfew during the coup attempt.

Citizens normally may travel abroad and emigrate freely and have the right of voluntary repatriation. However, airport police and the special police in charge of monitoring the territory severely restricted political party leaders from traveling outside of the country. In April, August, and September, five members of the opposition, or persons considered by the Government as close to the opposition, were stopped at the airport and prevented from traveling. No official ban had been issued, and they were not given a reason for being prevented from traveling (see Section 1.d.). On September 5, following the strong protest raised by the RDR and several human rights NGO’s, the Ministry of Interior stated that it had not banned the travel of any political personalities. According to the Ministry, if Bakayoko, Dacoury Tabley, and Bamba had been prevented from traveling, it was an administrative error. The DST returned all three men’s travel documents and property and allowed them to travel.

There are no known cases of revocation of citizenship. The citizenship issue was debated extensively during the year, and many citizens challenged the citizenship of other Ivoirians. The public debate over Alassane Ouattara’s citizenship, electoral eligibility, and his reinstatement in his political and citizenship rights continued at year’s end. In November 2000, the Supreme Court’s Constitutional Chamber declared him ineligible for the legislative seat in his ancestral home of Kong (see Section 3).

Unlike in the previous year, Nigerian authorities did not complain during the year about the harassment of Nigerian citizens; however, foreigners of several other nationalities continued to leave the country (see Section 5). In December 2000, the Nigerian Government announced that it had begun repatriating its citizens who were subjected to repeated harassment by Ivoirian authorities (see Section 1.c.). Approximately 300 Nigerians stated that Ivoirian authorities regularly tore up their identity cards and stole goods. The Nigerians also accused the police of encouraging groups of youths to steal from them. Police would take them to police stations where they were beaten and detained overnight if they did not pay a bribe to the officers.

Thousands of persons were displaced internally during the year as a result of ethnic violence (see Section 5).

The country has not enacted legislation to provide refugee or asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The only domestic statute in force is the 1990 immigration law, which includes refugees without specifying a separate legal status for them. Nevertheless, the Government respects the right to first asylum and does not deny recognition to refugees, either by law or custom. Following the end of the Liberian civil war, an estimated 150,000 to 200,000 refugees returned to Liberia either under U.N. auspices or independently; however, in May more than 5,000 Liberian refugees arrived in the western part of the country. At year’s end, there were approximately 120,000 Liberian refugees in the country, 2,000 from Sierra Leone, and

less than 1,000 from the Great Lakes region of Africa, including Rwanda and Burundi.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) in health, education, and food distribution programs for refugees. Approximately 6,000 refugees arrived in the country from Liberia and Guinea during the year; however, unlike in the previous year, overcrowding was not a severe problem due to an increase in funding and the allocation of additional land for refugee camps. The UNHCR announced plans to close three field offices in the western part of the country; however, the Government protested the decision, and the UNHCR decided to retain two field offices: one in Guiglo and one in Tabou.

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

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

The Constitution provides for the right of citizens to change their government peacefully through democratic means. The Constitution and Electoral Code provide for presidential elections every 5 years and legislative elections every 5 years by a single and secret ballot. The Constitution also continues the tradition of a strong presidency. Presidential elections held in October 2000, and legislative elections held in December 2000, were marred by significant violence and irregularities.

The Constitution of the Second Republic was implemented formally on August 4, 2000. The Constitution was drafted by the CNSP-created Constitutional and Electoral Consultative Commission (CCCE), which was made up of members of major political parties and civil society; however, the CNSP and General Guei made changes to the CCCE's text prior to submitting the draft Constitution to a referendum. The Constitution was adopted in a referendum held on July 23 and 24, 2000, by 86 percent of those voting. A quasi-independent commission that included representatives from some government ministries, civil society, and political parties supervised the referendum.

The presidential elections followed several postponements and a controversial Supreme Court decision on October 6, 2000, disqualifying 14 of the 19 candidates, including all of the PDCI and RDR candidates. The Constitution includes language that is considered more restrictive than the Electoral Code of the previous Constitution on the subject of parentage and eligibility requirements for candidates. Ouattara was excluded from running in the presidential and legislative elections following the Supreme Court's October 6, 2000, and November 30, 2000, rulings that he had not demonstrated conclusively that he was of Ivoirian parentage. Furthermore, the Court maintained that Ouattara had considered himself a citizen of Upper Volta (Burkina Faso) earlier in his career. Emile Constant Bombet, PDCI candidate and former Minister of State for Interior and Decentralization, was disqualified because he faced outstanding charges of abuse of office from when he was Minister. Former President Bedie was disqualified for not submitting a proper medical certificate.

Following the Supreme Court decision, most international election observers decided not to participate in the election. As a result, there were only 75 observers nationwide, 29 of whom were European Union observers who originally were there assessing the overall security situation. The nationwide participation rate was 33 percent, and some polling places, especially in the north, closed early because of the lack of voters. Preliminary results showed that Gbagbo was leading by a significant margin. However, during the afternoon of October 23, 2000, soldiers and gendarmes entered the National Elections Commission (CNE) to stop the count. They expelled journalists and disrupted television and radio broadcasting. On October 24, 2000, Daniel Cheick Bamba, an Interior Ministry and CNE official, announced on national radio and television that the CNE had been dissolved and declared General Guei the victor with 56 percent of the vote. Thousands of Gbagbo supporters began protesting almost immediately, demanding a proper vote count. Mass demonstrations continued until October 26, 2000, and resulted in numerous deaths and injuries (see Sections 1.a. and 1.c.). On October 25, 2000, national radio and television reported that Guei had stepped down.

When Gbagbo was inaugurated on October 26, 2000, gendarmes loyal to him violently suppressed RDR street demonstrations held to demand new presidential elections. On December 4 and 5, 2000, gendarmes and police officers also violently dispersed members of the RDR who were demonstrating to protest against the invalidation of Ouattara's candidacy in the legislative elections (see Sections 1.c. and 2.b.).

The National Assembly election took place on December 10, 2000, and was marred by violence, irregularities, and a very low participation rate. The FPI won 96 out of 225 seats in the National Assembly; the PDCI, the former ruling party, won 77

seats; independent candidates won 17 seats; and 4 other parties won 7 seats. Largely because of the RDR boycott of the elections to protest against the invalidation of Ouattara's candidacy, the participation rate in the legislative election was only 33.12 percent. In addition the election could not take place in 26 electoral districts in the north because RDR activists disrupted polling places, burned ballots, and threatened the security of elections officials.

The legislative by-elections were held on January 7 in Agnibilekrou and on January 14 in the northern regions where the elections had been boycotted and disrupted by the RDR. Following the legislative by-elections, 223 of the 225 seats of the National Assembly were filled: the FPI won 96 seats, the PDCI 94 seats, the PIT 4 seats, very small parties 2 seats, independent candidates 22 seats, and the RDR (in spite its boycott of all of the legislative elections) 5 seats. The two seats from Kong, where Ouattara planned to run, remained unfilled as the RDR, the only party running in that electoral district, boycotted the elections.

Before the adoption of the new Electoral Code, the number of registered voters in districts of the National Assembly, each of which elects one representative, varied by as much as a factor of 10; these inequalities systematically favored the ruling party. In August 2000, the Guei Government announced a fairer redistribution of constituencies. Before the December 2000 legislative elections, the Gbagbo Government completed the redistribution of electoral constituencies based on with the 1998 national census.

Since assuming power in October 2000, Gbagbo has sought to include representatives from all political parties in his Government. Except for the RDR, which decided not to accept ministerial posts, most major political parties were represented in the Government, which is made up of 28 ministers including the Prime Minister; in January the Government added 4 ministerial positions. At year's end, 19 ministers were members of the FPI; 5 ministers were members of the PDCI, the former ruling party; 2 ministers were members of the PIT, a minor left-wing party; and 2 were nominally independent but in fact were members of the UDPCI, General Guei's party.

Citizens' ability to elect sub-national governments is limited. The State remains highly centralized. Sub-national government entities exist on several levels, and include 19 regions, 58 departments, 230 sub-prefectures, and 196 communities. However, at all levels except for communities, which are headed by mayors elected for 5-year terms, and traditional chieftancies, which are headed by elected chiefs, all sub-national government officials are appointed by the central Government. Sub-national governments generally must rely on the central Government for much of their revenue, but mayors have autonomy to hire and fire community administrative personnel.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal impediments to women assuming political leadership roles. Women hold 6 of the 26 ministerial positions in Gbagbo's Cabinet. There are 5 women on the Supreme Court, out of 29 justices. At year's end, there were 19 women in the National Assembly, out of 225 seats. One woman was elected as first vice president of the national assembly. Henriette Dagri Diabate serves as Secretary General of the RDR; she is the first woman to lead a political party.

There are no legal impediments to the exercise of political rights by any of the more than 60 ethnic groups in the country. President Gbagbo has improved ethnic and regional balance in the Government by including members from 13 different ethnic groups: 11 members of Gbagbo's cabinet were from the Krou group (Bete, Dida, Guere, and Wobe); 3 were from the Southern Mande group (Gban, Gouro, and Yacouba) in the western provinces from which Gbagbo comes; and 3 ministers from the north (Northern Mande and Senoufo). The remainder were mainly from the center, the east, and the south (Baoule, Agni, Attie, Ebrie, and Abbey). Three Ministers in Gbagbo's Cabinet were Muslims.

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

A number of domestic and international human rights groups, including the LIDHO and the MIDH, generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. However, on at least one occasion, authorities investigated an NGO for allegedly publishing false information; no charges were filed.

The MIDH continued to gather evidence and testimony on several events during the year. A judge did not recognize MIDH as a legitimate body to represent persons who tried to file complaints against the gendarmes allegedly responsible for the

Yopougon massacre (see Section 1.a.). However, the MIDH has assisted the October and December 2000 violence victims and their relatives in filing in a Belgian court 150 counts of charges of genocide and crimes against humanity against General Guei, President Gbagbo, and Gbagbo's Interior and Military Ministers (see Section 1.e.). At year's end, the case was scheduled to begin in February 2002.

The MIDH investigated the December 2000 demonstrations following Ouattara's disqualification from the legislative elections (see Sections 1.a., 1.c., 2.b., and 3). The MIDH stated that the Government had been accommodating to their investigation. However, on April 18, the MIDH published an open letter to the President criticizing the existence of a parallel police force at the Presidency and alleging the use of the Presidency office in Plateau as a center of judicial investigation and torture (see Sections 1.c. and 1.d.). On April 23, the Presidency denied the charge and invited a select group of journalists to visit the basement of the Presidency; however, the MIDH was not invited. Gendarmes in charge of investigating allegations of illegal activities at the Presidency opened a procedure against the MIDH for publishing false information and summoned MIDH vice president Ibrahim Doumbia and various witnesses to a hearing in July. RDR diplomatic advisor Jean Bechio testified that he had been confined and mistreated in the Presidency. At year's end, the gendarmes had finished their investigation; however, the file had not been given to the public prosecutor by year's end.

The Government cooperated with international inquiries into its human rights practices.

President Gbagbo invited the U.N. and several international human rights groups, including Human Rights Watch and the International Federation of Human Rights, to conduct independent investigations into the mass grave at Yopougon (see Sections 1.a. and 1.e.). Several investigations were conducted, and each implicated the gendarmes (see Sections 1.a., 1.e., and 5). All international reports were published in the local press, but the Government characterized the reports as "an attempt by foreigners to sully the image of Cote d'Ivoire."

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

The Constitution and the law prohibit discrimination based on race, ethnicity, national origin, sex, or religion; however, in practice women occupy a subordinate role in society. Ethnic discrimination and division are problems.

Women.—Representatives of the Ivoirian Association for the Defense of Women (AIDF) state that spousal abuse (usually wife beating) occurs frequently and often leads to divorce. A 1998 AIDF survey found that many women refused to discuss their experience of domestic violence; of women who completed the AIDF interview process, nearly 90 percent had been beaten or struck on at least one occasion. Doctors state that they rarely see the victims of domestic violence. A severe social stigma is attached to female victims of domestic violence, who are shamed for their presumed bad behavior and need of correction. Neighbors often intervene in a domestic quarrel to protect a woman who is the known object of physical abuse. The courts and police view domestic violence as a family problem unless serious bodily harm is inflicted, or the victim lodges a complaint, in which case they may initiate criminal proceedings. However, a victim's own parents often urge withdrawal of a complaint because of the shame that attaches to the entire family. The Government does not collect statistics on rape or other physical abuse of women. The Government has no clear policy regarding spousal abuse beyond what is contained in the civil code. The law forbids and provides criminal penalties for forced or early marriage and sexual harassment, but says nothing about spousal abuse.

Women's advocacy groups have protested the indifference of authorities to female victims of violence and called attention to domestic violence and FGM. The groups also reported that women who are the victims of rape or domestic violence often are ignored when they attempt to bring the violence to the attention of the police. In July 1999, the AIDF launched a petition drive to pressure the authorities to enact and enforce laws against domestic violence, especially spousal abuse; 18,000 signatures had been collected by the end of 1999. In 2000 AIDF opened a house for battered girls and wives, which reportedly received approximately 18 battered women per week. In December 2000, AIDF president Constance Yai accused security forces and FPI militants of raping 8 or 9 women during the December 2000 confrontations between members of the RDR and security forces (see Section 1.d.). Yai asked the Government to identify and punish the rapists. The Minister of Interior and Security declared on December 28, 2000, that only 3 women had been raped, and contrary to Yai's accusations, that the rapes did occur on the grounds of the police academy. Aided by another women's NGO, the Republican Sisters, AIDF continues to seek justice on behalf of the rape victims. The AIDF also opposes forced marriage

and defends the rights of female domestic workers. In July 2000, AIDF established a national committee with members of national and international institutions in Abidjan to fight violence against women. The committee's objective is to define programs and actions to reduce social inequalities and to make recommendations on combating violence against women. In March Henriette Lagou, Yai's replacement as Minister of Family, Women, and Children's Affairs, reported that women looking for help with family problems, such as forced marriage and domestic violence, approached the committee every day; a few committee members visited the families to mediate. If discussions are not successful, the committee refers the matter to the police and the justice system. The committee could not respond to urgent calls from the countryside because it did not have transportation.

FGM, which is condemned widely by international health experts as damaging to both physical and psychological health, is a serious problem. The law specifically forbids FGM and makes those who perform it subject to criminal penalties of imprisonment for up to 5 years and a fine of roughly \$650 to \$3,500 (360,000 to 2 million CFA francs); double penalties apply for medical practitioners. FGM is practiced particularly among the rural populations in the north and west and to a lesser extent in the center. The procedure usually is performed on young girls or at puberty as part of a rite of passage. It is almost always done far from modern medical facilities, and techniques and hygiene do not meet modern medical standards. According to the World Health Organization and the AIDF, as many as 60 percent of women have undergone FGM. The practice is becoming less popular, but in places it has continued. On June 11, FGM was performed on approximately 100 girls in Silakro, in the northern department of Touba, despite the village nurse's strong opposition. Approximately the same number of girls underwent FGM in the western department of Guiglo during the year. In June Yai visited the regions where FGM still is practiced and reminded practitioners and parents of the dangers of the practice and its illegality. In the summer, the Manh-Boya theater troupe campaigned against FGM in Abidjan using dance and theater.

As a result of the active campaign against FGM undertaken by the Government and NGO's, several practitioners were arrested in the north for performing excisions. In previous years, arrests were made only following the death of the FGM victim. In January one woman still was serving a sentence at the MACA for having performed FGM.

The Constitution and the law prohibit discrimination on the basis of sex; however, women occupy a subordinate role in society. Government policy encourages full participation by women in social and economic life; however, there is considerable informal resistance among employers to hiring women, whom they consider less dependable because of their potential pregnancy. The percentage of women in some professions and in the managerial sector as a whole does not correspond to their percentage of the population. Some women also encounter difficulty in obtaining loans, as they cannot meet the lending criteria mandated by banks. These criteria include such elements as title to a house and production of profitable cash crops, specifically coffee and cocoa. Women in the formal sector are paid on an equal scale with men (see Section 6.e.). In rural areas, women and men divide the labor, with men clearing the land and attending to cash crops like cocoa and coffee, while women grow vegetables and other staples and perform most menial household tasks.

Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that exclude women, and other practices considered harmful to women and girls.

Children.—The Ministries of Public Health and of Employment, Public Service, and Social Security seek to safeguard the welfare of children, and the Government also has encouraged the formation of NGO's such as the Abidjan Legal Center for the Defense of Children.

The Government strongly encourages children to attend school; however, primary education is not compulsory. Primary education is free but usually ends at age 13. Poverty causes many children to leave the formal school system when they are between the ages of 12 and 14 if they fail secondary school entrance exams. Students who pass entrance exams may elect to go to free public secondary schools. Secondary school entrance is restricted by the difficulty of the exam, which changes each year, and the Government's ability to provide sufficient spaces for all who would like to attend. Many children leave school after only a few years. According to government statistics, 57 percent of school age children attended primary school in the 2000–2001 academic year. According to UNICEF statistics, in 2000 62 percent of girls of primary school age reportedly were enrolled in school in 2000, compared to 58 percent in 1996. This improvement in percentage of girls attending school can be attributed to various initiatives undertaken in the past 10 years by the Government and such international organizations as UNICEF and the African

Development Bank. For example, the African Development Bank purchased textbooks for girls in northern areas of the country, and UNICEF carried out a similar project in the northeast. The World Food Program has worked with the Government to establish a countrywide system of school canteens that provide lunches for \$.03 (25 CFA francs). There were no new statistics on the number or percentage of boys enrolled in school.

There still is a parental preference for educating boys rather than girls, which is noticeable throughout the country but is more pronounced in rural areas; however, the primary school enrollment rate for girls is increasing in the northern part of the country. The Minister of National Education stated that almost one-third of the primary and secondary school dropout rate of 66 percent was attributable to pregnancies, and that many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favors in return for good grades or money. In 1998 in an effort to combat low enrollment rates for girls, the Government instituted new measures against the statutory rape of students by teachers.

The penalty for statutory rape or attempted rape of either a girl or a boy aged 15 years or younger is a 1- to 3-year prison sentence and a fine of \$140 to \$1,400 (100,000 to million CFA francs).

There are large populations of street children in the cities. The *Fraternite Matin* newspaper reported in 2000 that the number of street children in the country was 200,000, of which 50,000 were in Abidjan. Some children are employed as domestics and are subject to sexual abuse, harassment, and other forms of mistreatment by their employers, according to the AIDF, the BICE, the Ministry of Family, Women, and Children's Affairs, and press reports (see Section 6.d.).

In 1996 the Government announced a series of measures aimed at reducing the population of street children. These steps include holding parents legally and financially responsible for their abandoned children and the development of training centers where children can learn a trade; however, parents are not made accountable in practice. A training center opened in Dabou in July 1999; however, the Ministry of Family, Women, and Children's Affairs reports that many street children apparently are reluctant to stay in a center where they earn no money and are subject to strict discipline. A forum of approximately 15 NGO's, such as Children of Africa and the BICE, work with approximately 8,000 street children. NGO centers, including those run by BICE, are similar to half-way houses, paying the children a small amount of money while teaching them vocational and budgeting skills. NGO centers are more flexible and individualized in their approach and have had more success with the children.

FGM is performed commonly on girls (see Section 5, Women).

Children regularly are trafficked into the country from neighboring countries and sold into forced labor (see Sections 6.c., 6.d., and 6.f.). However, the Government is cooperating with neighboring countries, international organizations, and NGO's, to combat trafficking in persons. The country's cities and farms still provide ample opportunities for traffickers, especially of children and women. The informal labor sectors are not regulated under current labor laws, so domestics, most non-industrial farm laborers and those who work in the country's vast network of street shops and restaurants remain outside most government protection.

Child labor, including forced child labor, is a problem (see Sections 6.d. and 6.f.).

Persons with Disabilities.—The law requires the Government to educate and train persons with disabilities, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by persons with disabilities. The law covers persons with physical, mental, visual, auditory, and cerebral motor disabilities. The Government is working to put these regulations into effect; however, the law had not been implemented fully by year's end. Wheelchair accessible facilities for persons with disabilities are not common, and there are few training and job assistance programs for persons with disabilities.

Laws also exist that prohibit the abandonment of persons with mental or physical disabilities and enjoin acts of violence directed at them.

Traditional practices, beliefs, and superstitions vary, but infanticide in cases of serious birth disabilities is less common than in the past. Adults with disabilities are not specific targets of abuse, but they encounter serious difficulties in employment and education. The Government supports special schools, associations, and artisans' cooperatives for persons with disabilities, but many persons with physical disabilities still beg on urban streets and in commercial zones.

Religious Minorities.—Relations between the various religious communities generally are amicable; however, there is some societal discrimination against Muslims and followers of traditional indigenous religions.

The country's Islamic communities are subject to a great deal of societal discrimination. Some non-Muslims have opposed construction of mosques, such as the new mosque in Abidjan's Plateau district, because the Islamic duty to give alms daily may attract beggars to neighborhoods containing mosques. Some non-Muslims also object to having to hear the muezzins' calls to prayer. Some persons consider all Muslims as foreigners or fundamentalists, and they often are referred to as "destabilizing forces." Muslim citizens often are treated as foreigners by their fellow citizens, including government officials, because most Muslims are members of northern ethnic groups that also are found in other African countries from which there has been substantial immigration into the country. Many Muslims are northerners and tended to support the RDR and opposed the ruling FPI.

Unlike in the previous year, there were no reports of violent clashes among security forces, RDR militants, and militants from the FPI.

Followers of traditional indigenous religions are subject to societal discrimination. Many leaders of religions, such as Christianity or Islam, look down on practitioners of traditional indigenous religions as pagans, practitioners of black magic or human sacrifice. Some Christians or Muslims refuse to associate with practitioners of traditional indigenous religions. The practices of traditional indigenous religions often are shrouded by secrecy, and include exclusive initiation rites, oaths of silence, and taboos against writing down orally transmitted history. However, there have been no reports of human sacrifice in the country since well before independence. Although the purported practice of black magic or witchcraft continues to be feared widely, it generally is discouraged by traditional indigenous religions, aspects of which commonly purport to offer protection from witchcraft. Traditional indigenous religions commonly involve belief in one supreme deity as well as lesser deities or spirits that are to be praised or appeased, some of whom in some religions may be believed to inhabit or otherwise be associated with particular places, natural objects, or man-made images. However, many practitioners of traditional indigenous religions are unaware of societal discrimination and have not complained.

Conflicts between and within religious groups have surfaced occasionally. In the past, members of the Limoudim of Rabbi Jesus, a small Christian group of unknown origin, have criticized and sometimes attacked other Christian groups for allegedly failing to follow the teachings of Jesus; however, there were no reports of such attacks during the year. In January 1998, a conflict over land erupted between Catholics and Assembly of God members in Abidjan's Yopougon district. The same area was the scene of a land conflict between Baptists and their neighbors in August 1998; however, there were no reports of such conflicts during the year.

The Celestial Christians are divided because of a leadership struggle, as are the Harrists, who have fought on occasion. In March 2000, due to the internal struggle in the Harrist Church, clergy leader Barthelemy Akre Yasse struck from the church rolls Harrist National Committee president Felix Tchotche Mel for insubordination. This battle for church leadership at the national level led to violent confrontations between church members at the local level. In April 2000, local governments, in order to prevent further violence, closed some Harrist churches. All the churches reopened during the year, although the leadership struggle continues.

National/Racial/Ethnic Minorities.—The country's population is ethnically diverse. The citizenry—not including the large noncitizen part of the population—is made up of five major families of ethnic groups. The Akan family comprised more than 42 percent of the citizenry; the largest Akan ethnic group, and the largest ethnic group in the country, is the Baoule. Approximately 18 percent of citizens belong to the Northern Mande family, of which the Malinke are the largest group. Approximately 11 percent of citizens belong to the Krou family, of which the Bete are the largest group. The Voltaic family accounts for another 18 percent of the population, and the Senoufou are the largest Voltaic group. Approximately 10 percent belong to the Southern Mande family, of which the Yacouba are the largest group. Major ethnic groups generally have their own primary languages, and their nonurban populations tend to be concentrated regionally. President Gbagbo's Cabinet included three Muslim northerners, most significantly the Minister of State for Foreign Affairs. During the year, one northerner left the cabinet to become President of the National Assembly, but another northerner was appointed.

All ethnic groups sometimes practice societal discrimination on the basis of ethnicity. Urban neighborhoods still have identifiable ethnic characteristics, and major political parties tend to have identifiable ethnic and regional bases, although inter-ethnic marriage increasingly is common in urban areas.

At least 26 percent of the population is foreign, and of that group, 95 percent are other Africans. Most of the Africans are from neighboring countries such as Mali and Burkina Faso and may not claim citizenship legally. Birth in Ivoirian national territory does not confer citizenship. The ethnic composition of the whole population,

including these noncitizens, is quite different from that of the citizenry alone, in that about three of every four noncitizens originated from either Burkina Faso, Mali, or Guinea.

Some ethnic groups include many noncitizens, and their share of the electorate would be increased by enfranchising noncitizens. Other ethnic groups include few noncitizens, and their share of the electorate would be decreased by enfranchising noncitizens. There are societal and political tensions between these two sets of ethnic groups. This cleavage corresponds to some extent to regional differences; ethnic groups that include many noncitizens are found chiefly in the north. Members of northern ethnic groups that are found in neighboring countries as well as in the country often are required to document their citizenship, whereas members of historically or currently politically powerful ethnic groups of the south and west reportedly do not have this problem. Police routinely abuse and harass noncitizen Africans residing in the country (see Section 1.c.). Official harassment reflects the frequently encountered conviction that foreigners are responsible for high crime rates, as well as concern for national identity and identity card fraud.

The new Constitution includes a more restrictive presidential eligibility clause that not only limits presidential candidates to those who can prove that both parents were born citizens in the country, but also states that a candidate never can have benefited from the use of another nationality. Because of this restriction, Alassane Ouattara was found legally ineligible for both presidential and legislative elections in 2000 (see Section 3).

Differences between members of ethnic groups are a major source of political tensions, and since 1997 repeatedly have erupted into violence. Many members of the Baoule group, which long has inhabited the east-central region, have settled in towns and on previously uncultivated land in other areas, especially in more westerly regions. However, the new law does not transfer a land title from the traditional owner to the user simply by virtue of use.

Tensions continued in the west and the center of the country between ethnic Beoule Ivoirian natives and settlers from Burkina Faso and Mali, many of whom were born in Cote d'Ivoire or have lived in the country up to 30 years. In May violence in Bolequin between the Guere population and settlers from Burkina Faso resulted in the death of at least 6 persons; 19 persons were shot and injured and 30 persons disappeared.

In February fighting broke out between native Ivoirian Baoule and Malian Bozo fishermen in the area of Taabo, northwest of Abidjan, following a dispute between a Baoule man and a Malian, 12 persons were injured seriously, including one who was shot. The Baoule fishermen, who resented the presence of the Malians, burned two Bozo settlements. A government representative helped to restore calm and no arrests were made.

On March 25, four persons were killed in ethnic fighting between Dioula from the north and native Yacouba in the western town of Zouan-Hounien. A Guinean, a Malian, and two unidentified persons were killed. Several houses and cars were burned, and 773 persons, including foreigners and Dioula, were forced to leave Zouan-Hounien and seek refuge in Danane, the nearest large town. The March 25 municipal elections were canceled in Zouan-Hounien, and the authorities gradually restored calm. In April and May the persons who sought refuge in Danane gradually were able to return to Zouan-Hounien. When the National Electoral Committee deemed that calm had been restored, it organized and held new municipal elections in the town on June 10 (see Section 3).

In May six persons were killed in ethnic violence between Ivoirian Guere and settlers from Burkina Faso in Bolequin, in the western part of the country. Additionally 30 persons disappeared, 19 persons were shot and injured, and 2,097 persons were displaced. On May 17, approximately 20 persons from the Guere ethnic group were arrested for killing a Burkinabe in a fight over land ownership and 15 were handed over to authorities in Man. The brothers of the Burkinabe retaliated and killed one Guere; one gendarme was killed when security forces tried to restore order. In July the 15 Guere were released, and the 2 groups agreed to try to live together in peace.

On July 29, native Baoule attacked Malian Bozo fishermen in Bouafle and killed two Bozos. More than 3,635 Bozos left Bouafle to seek assistance from the Malian Consul in Yamoussoukro. On September 13, the Malian Press Agency (AMAP) reported that 48 Bozos returned to Mali, following violent conflicts between Bozos and young Ivoirians in Beoumi, Sakassou, Tiebissou, and Bouafle. According to AMAP, the conflicts resulted in the death of several Malians; *Le Patriote* reported that 5 persons were killed. Additionally the Baoule injured many Bozos and burned 23 of their settlements during the conflict. The conflict between the Malian fishermen and the young Baoule and Gouro from Sakassou, Beoumi, Tiebissou, and Bouafle con-

cerns control of the fishing activity on Lake Kossou. Malians have fished the waters for the past 30 years without competition; however, many young Ivoirians have returned to their villages as a result of high unemployment in the cities.

Unlike in the previous year, there were no further reports of violence between native Kroumen and settlers and migrant laborers from Burkina Faso. In 2000 violent conflicts between Kroumen and settlers from Burkina Faso in the southwest resulted in numerous deaths. The fighting drove approximately 2,500 persons from their homes, including citizen Baoules and Kroumen who were caught in the battles. Approximately 12,000 Burkinabe were forced to return to Burkina Faso as a result of land battles in 2000. Some of those who left had returned, but the majority remained in Burkina Faso.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code grant all citizens, except members of the police and military services, the right to form or join unions. Registration of a new union requires 3 months. The three largest labor federations are the General Union of Workers of Cote d'Ivoire (UGTCI), and the Federation of Autonomous Trade Unions of Cote d'Ivoire, and Dignite; there also are two other registered labor federations not affiliated with the Government, including the Dignite labor federation. Unions legally are free to join federations other than the UGTCI, although in the past the Government pressured unions to join the UGTCI. Only a small percentage of the workforce is organized, and most laborers work in the informal sector that includes small farms and a multitude of small roadside businesses and shops; however, large industrial farms and some trades are organized.

The right to strike is provided by the Constitution and by statute. The Labor Code requires a protracted series of negotiations and a 6-day notification period before a strike may take place, making legal strikes difficult to organize. Since the 1999 coup, the CNSP and the Labor Ministry arbitrated more than 80 labor-related conflicts. Due in large part to the weak economy, working conditions did not improve during the year and, in many cases, continued to decrease. There continued to be strikes in the private and government sectors over working conditions; however, the strikes generally were tolerated and did not result in violence.

The Labor Ministry arbitrated more than 20 labor conflicts during the year, in spite of the social truce asked for by the Government. Employees may appeal decisions made by labor inspectors to labor courts.

In June the Government started paying full salaries to the primary, secondary, and university teachers hired under a 1991 law that cut starting salaries to half the amounts of those hired previously. These payments put an end to a 10-year struggle of strikes and negotiations, led by the teachers' unions, against the Governments of four successive presidents.

On June 5, the administration of the country's 33 prisons went on strike to demand an improvement of prison guards' living and working conditions (see Section 1.c.). The guards locked the prison doors during the strike; visitors were not allowed inside the prison, and prisoners were not allowed to leave for scheduled trials during the strike. The guards complained about low pay, inadequate weapons, and a lack of vehicles to transport prisoners to court for trial.

In 2000 the union of employees of the company Blohorn-Unilever attempted to negotiate a reduction in the substantial difference in salary between foreign workers (especially European) and those hired locally. Complaining of what workers called "Salary Apartheid," union leaders called a 72-hour strike after talks failed. The strike ended when management promised to "look into the issue;" however, no improvements were made by year's end.

The police intervened directly in labor disputes, sometimes arresting and intimidating parties (see Section 1.c.).

On June 22, police officers used tear gas and beat employees at Blohorn-Unilever company in Vridi, an industrial area in Abidjan. Several employees were injured seriously, and 18 of them, including several department heads, were arrested. According to the employees, the beatings followed an incident on a bus between a Blohorn employee and a member of the mobile police squad. The management of Blohorn filed a complaint with the police station; however, no action was taken by year's end.

On July 17, police in Abidjan used tear gas and truncheons to disperse a demonstration by elementary school teachers, who were demanding payment of their overdue salary from the 2000–2001 school year. On August 30, the school teachers organized another march in Abidjan to demand payment before the start of the 2001–2002 school year; as of August 30, only 454 of 1,991 school teachers had received any salary for the previous school year. The Minister of Labor, Civil Service,

and Administrative Reforms promised to pay them at the end of October; however, by year's end, they had not been paid, and a strike was planned for 2002.

There were no developments in the trial of a gendarme who had shot a striking minibus driver in November 2000.

Unions are free to join international bodies.

b. The Right to Organize and Bargain Collectively.—The law protects persons working in the formal sector (approximately 1.5 million workers) from employer interference in their right to organize and administer unions; however, this number includes only approximately 15 percent of the workforce. The Constitution provides for collective bargaining, and the Labor Code grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements are in effect in many major business enterprises and sectors of the civil service. In most cases in which wages are not established in direct negotiations between unions and employers, salaries are set by job categories by the Ministry of Employment and Civil Service (see Section 6.e.).

Labor inspectors have the responsibility to enforce a law that prohibits antiunion discrimination. There have been no known prosecutions or convictions under this law, nor have there been reports of antiunion discrimination.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor or compulsory labor; however, the International Labor Organization's Committee of Experts in its 2000 annual report questioned a decree that places certain categories of prisoners at the disposal of private enterprises for work assignments without their apparent consent. Legislation exists allowing inmates to work outside of prison walls; however, because of a lack of funds to hire warden guards to supervise the inmates, the law often is not invoked. In 2000 the NGO Doctors without Borders funded a project in which inmates were hired to improve the sanitation system in their prison. Although it did not finance the project, the Government did permit the prisoners to receive a salary from the NGO for their work.

The law does not prohibit trafficking in persons, and there were credible reports that it occurs (see Section 6.f.).

The law prohibits forced and bonded child labor; however, the Government did not acknowledge the problem until recently and does not enforce the prohibition effectively (see Section 6.f.). Children regularly are trafficked into the country from neighboring countries and sold into forced labor on agricultural farms and plantations, where they are subject to widespread abuse.

d. Status of Child Labor Practices and Minimum Age for Employment.—In most instances, the legal minimum working age is 14; however, the Ministry of Employment and Civil Service enforces this provision effectively only in the civil service and in large multinational companies. Labor law limits the hours of young workers, defined as those under the age of 18. However, children often work on family farms, and some children routinely act as vendors, shoe shiners, errand boys, car watchers, and washers of car windows in the informal sector in cities. There are reliable reports of some use of children in "sweatshop" conditions in small workshops. Children also work in family-operated artisanal gold and diamond mines.

Although the Government prohibits forced and bonded child labor, it does not enforce this prohibition effectively. Children regularly are trafficked into the country from neighboring countries and sold into forced labor (see Section 6.f.).

e. Acceptable Conditions of Work.—The Government administratively determines monthly minimum wage rates, which last were adjusted in 1996. President Gbagbo promised an overall pay raise; however, no such raises were granted by year's end. Minimum wages vary according to occupation, with the lowest set at approximately \$52 (36,607 CFA francs) per month for the industrial sector, which is insufficient to provide a decent standard of living for a worker and family. A slightly higher minimum wage rate applies for construction workers. The Government enforces the minimum wage rates only for salaried workers employed by the Government or registered with the social security office. The majority of the labor force works in agriculture or in the informal sector where the minimum wage does not apply. According to a Labor Ministry survey, workers in the agricultural and fishing sector receive an average of \$1,040 (726,453 CFA francs) a year.

In June the Government started paying full salaries to the primary, secondary, and university teachers hired under a 1991 law that cut starting salaries to half the amounts of those hired previously (see Section 6.a.).

Labor federations such as Dignite are working to provide some relief to workers when companies fail to meet minimum salary requirements. For example, the sanitary services company ASH continues to pay wages as low as \$15.50 (12,000 CFA francs) a month to female employees who work sweeping the streets of Abidjan. According to Dignite, labor inspectors continue to ignore this clear violation of the law.

The shipbuilding company Carena discriminates between European engineers who are paid \$11,400 (8 million CFA francs) a month, compared with their African colleagues who receive \$114 (80,000 CFA francs) a month. Government labor and employment authorities have not been able to stop the discrimination.

Through the Ministry of Employment and the Civil Service, the Government enforces a comprehensive Labor Code that governs the terms and conditions of service for wage earners and salaried workers and provides for occupational safety and health standards. Those employed in the formal sector generally are protected against unjust compensation, excessive hours, and arbitrary discharge from employment. The standard legal workweek is 40 hours. The law requires overtime payment on a graduated scale for additional hours. The Labor Code provides for at least one 24-hour rest period per week.

Government labor inspectors can order employers to improve substandard conditions, and a labor court can levy fines if the employer fails to comply with the Labor Code. However, in the large informal sector of the economy involving both urban and rural workers, the Government's occupational health and safety regulations are enforced erratically, if at all. The practice of labor inspectors accepting bribes is a growing problem, and observers believe that it is widespread. Workers in the formal sector have the right under the Labor Code to remove themselves from dangerous work situations without jeopardy to continued employment by utilizing the Ministry of Labor's inspection system to document dangerous working conditions. However, workers in the informal sector ordinarily cannot remove themselves from such labor without risking the loss of their employment.

Foreign workers typically are found in the informal labor sector, where labor laws do not apply.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were credible reports that it occurs; however, the Government prosecutes traffickers under existing laws against the kidnaping of children. The country is a source and destination country for women and children.

Women and children are trafficked to African, European, and Middle Eastern countries. Children are trafficked to the country from Mali, Burkina Faso, Ghana, Togo, Benin, and Mauritania for indentured or domestic servitude, farm labor, and sexual exploitation. Women principally are trafficked to the country from Nigeria, Ghana, Liberia, and Asian countries. The extent of the problem was unknown. The country's cities and farms still provide ample opportunities for traffickers, especially of children and women. The informal labor sectors are not regulated under current labor laws, so domestics, most nonindustrial farm laborers and those who work in the country's vast network of street shops and restaurants remain outside most government protection.

Media reports continue to expose the widespread practice of importing and indenturing Malian boys for field work on Ivoirian farms and plantations under abusive conditions. For example, children recruited by Malians in the border town of Sikasso are promised easy and lucrative jobs in Cote d'Ivoire, transported across the border, and then sold to other Malians who disperse them throughout the farms and plantations of the central and western regions. Many are under 12 years of age, are placed in indentured servitude for \$140 (100,000 CFA francs), work 12-hour days under grueling conditions for \$135 to \$189 (95,000 to 125,000 CFA francs) per year, and locked at night in crowded sheds, with their clothing confiscated. The Governments of Mali and Cote d'Ivoire confirmed these reports in a joint February 2000 press conference with UNICEF. The Government of Mali and UNICEF took steps to halt this trafficking and repatriate the children in Mali; more than 420 Malian children were returned to their families during the year; 300 of the repatriated children had been working on small farms. It is estimated that thousands of Malian children work on Ivoirian cocoa and coffee plantations. The number is difficult to estimate because many Malian adults also worked on Ivoirian farms and plantations in the same area under difficult conditions, and no thorough survey has been conducted; however, the international NGO Save the Children estimated that approximately 15,000 trafficked children are working on plantations in the country.

During the year, the Minister of Employment and the Ministry of Family, Women, and Children's Affairs continued working with Malian authorities to prevent cross-border child trafficking. In August the Ivoirian Minister of Family, Women, and Children's Affairs and the Malian Minister for Women, Family, and Children's Promotion met in Sikasso, Mali, to discuss trafficking issues. The Ministers figure refuted the earlier estimates that 15,000 Malian children were working on plantations in Cote d'Ivoire. In August 2000, the Governments of Cote d'Ivoire and Mali signed the Bouake agreement, which recognized the need to increase the repatriation of Malian children from Cote d'Ivoire. During the year, the Malian Government opened

a rest and transit center in Sikasso for children being repatriated from Cote d'Ivoire.

Children also are trafficked into the country from countries other than Mali. During the year, there were reports of children, some as young as 6 years of age, being trafficked from Benin to work as agricultural laborers and maids. Burkina Faso, Ghana, Togo, and Mauritania are other sources of child labor. The Government discussed a labor agreement with the Governments of Togo, Burkina Faso, and Mali but had not signed an accord by year's end.

Generally it is accepted that children are regularly trafficked into the country from neighboring countries and put to work in the informal sector in exchange for finder's fees.

In May the Minister of Interior and Security handed over to the Guinean Ambassador 32 young persons, including 19 children aged 2 to 19 years and 13 persons aged 21 years and older, for repatriation. The Government said they were removed from a bus during a routine identity check, detained briefly, and then repatriated to Guinea. The Government said they were trying to enter the country clandestinely, but the Guinean Ambassador said they were coming to be reunited with their families.

In May 54 persons from Burkina Faso, between the ages of 12 and 20, were arrested at the Cote d'Ivoire-Burkina Faso border as they were being trafficked into the country to work on farms of Burkinabe farmers in southwestern Soubre and San Pedro. Their 15 escorts, also Burkinabe, were arrested and handed over to the Korhogo police; there was no additional information by year's end. The children were repatriated to Burkina Faso by the Ivoirian Government and the Embassy of Burkina Faso.

In May a convoy containing 12 children coming from Burkina Faso was stopped in Ferkessedougou in northern Cote d'Ivoire. The children and their two escorts, also Burkinabe, were handed over to the Bouake police; there was no additional information by year's end. The children were repatriated.

In May in southwestern Lakota, 26 young persons were arrested as they traveled from Guinea to work in the forest region. Their two escorts were handed over to police and the children were repatriated; there was no additional information by year's end.

In May gendarmes removed five children between the ages of 16 and 17 from a bus traveling from Burkina Faso to Cote d'Ivoire. Their Burkinabe escorts, Bounkounnon Nanga, Zongo Balibi, Koula Zana and Bonda Benewende, were arrested for trafficking. In June they were tried and sentenced to 2 months in prison and fined \$75 (50,000 CFA francs). The children were taken to the Burkinabe Consul's office in Bouake for repatriation.

In June a convoy of 146 Burkinabe between the ages of 10 and 26 was stopped at the border and handed over to the Ouangolodougou police. Except for the adults among them, those detained were students planning to vacation in Cote d'Ivoire. They were handed over to the Burkinabe Ambassador in Abidjan for repatriation; however, the Burkinabe authorities complained that the fight against child trafficking should not lead to abuses. Following this incident, Burkinabe authorities decided that all Burkinabe children traveling to Cote d'Ivoire should have proper authorization papers.

In June seven children from Burkina Faso, between the ages of 14 and 20, were arrested as they traveled with their escort to work on a 10-acre pineapple plantation belonging to a man from Burkina Faso. The owner of the plantation and the escort were arrested and detained in Aboisso, and the children were repatriated. There were no reports of a trial during the year.

In June 17 children from Ghana, Burkina Faso, and Cote d'Ivoire (Bouna) between the ages of 7 and 22, were arrested in Bondoukou department as they traveled from Bouna to work in various places in the western and southern areas of the country. The children's escort, a Ghanaian woman, also was arrested; there were no reports of trial during the year. The children were turned over to the chiefs of communities in Bouna to be sent back to their families.

In June security forces stopped 26 children from Benin as they were transiting northern Cote d'Ivoire toward the forest regions. Two escorts from Benin were arrested and jailed in Bondoukou; there were no reports of trial during the year. The children were repatriated.

In July six Mauritanian children between the ages of 13 and 17 were stopped while entering northern Cote d'Ivoire. They were sent back across the Malian border and returned to Mauritania; their escort escaped.

In September the court in Abengourou, which is located in the southern cocoa region, convicted of child trafficking Magate Magouaffou, a citizen of Togo. Magouaffou was sentenced to 3 years' imprisonment and ordered to leave the coun-

try for 5 years after his release in 2004. He was accused of trafficking three 10-year-old children from Togo work on Ivoirian farms. While trying to find farmers who wanted them, he forced them to work for him without pay. At year's end, no information was available on regarding the whereabouts of the children.

In February 2000, Ivoirian authorities working with the Malian Consul in Bouake repatriated 19 Malian men and children who were working as forced labor on a plantation in the western region of Bangolo. The youngest was 13 years of age, although 14 of them were under the age of 20. The police filed criminal charges against the farm owner and the traffickers in February 2000, but at year's end, their trial had not begun.

The Government is cooperating with neighboring countries, international organizations, and NGO's to combat trafficking in persons. In July a national committee for the fight against child trafficking was created. The committee includes representatives from the Ministries of Foreign Affairs, Interior, Security and Decentralization, Justice, Labor, Agriculture, Communication, Social Affairs and National Solidarity, and Family, Women, and Children's Affairs. Representatives from several national and international organizations and NGO's, such as UNICEF, REFAMP-CI (network of women ministers and parliamentarians), and the BICE, also are part of the committee.

UNICEF reported that approximately 20 traffickers were arrested and detained during the year; however, there were limited reports of trials by year's end.

DJIBOUTI

In April 1999, Djibouti elected its second president since gaining independence from France in 1977. Ismael Omar Guelleh, the candidate of the ruling party, the People's Rally for Progress (RPP), won the election with 74 percent of the vote. Opposition candidate Moussa Ahmed Idriss, of the Unified Djiboutian Opposition (ODU), received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the election. The ODU later challenged the results based on election "irregularities" and the assertion that "foreigners" had voted in various districts of the capital; however, international and locally based observers considered the election to be generally fair and cited only minor technical difficulties. Guelleh took the oath of office as President in May 1999, with the support of an alliance between the RPP, which has been the ruling power since independence, and the government-recognized section of the Afar-led Front for the Restoration of Unity and Democracy (FRUD). Two main ethnic groups hold most political power: Somali Issas (the tribe of the President) and Afars. Citizens from other Somali clans (Issak, Gadabursi, and Darod), and those of Yemeni and other origins, are limited unofficially in their access to top government positions. In 1994 the Government and a faction of the FRUD signed a peace accord, ending 3 years of civil war. In the accord, the Government agreed to recognize the FRUD as a legitimate political party. The Government named two FRUD leaders to Cabinet positions in 1995. In 2000 the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. On May 12, the two sides signed the final peace agreement, officially ending the more than decade-long civil war between the Government and the armed faction of the FRUD, and laying the groundwork for this faction's participation in the Government. Two other legal political parties have existed since 1992, the National Democratic Party (NDP) and the Party for Democratic Renewal (PRD); neither holds a parliamentary seat or a cabinet level post. In 1997 the ruling party coalition that includes the FRUD party won all 65 seats in legislative elections, which took place without international observers and amid opposition claims of massive fraud. The judiciary is not independent of the executive.

The 8,000-member National Police Force (FNP) is responsible for internal security and border control and is overseen by the Ministry of Interior. The Ministry of Defense oversees the army. The Gendarmerie Nationale, a police force responsible for the President's security, is an autonomous unit under the Ministry of Defense. A small intelligence bureau reports directly to the President. Civilian authorities generally maintain effective control of the security forces, but there were instances in which the security forces acted independently of the Government's authority. Some members of the security forces committed human rights abuses.

The country has little industry and few natural resources. Services provide most of the national income; its population is estimated at 650,000. Minor mineral deposits remain mostly unexploited. Only one-tenth of the land is arable and only 1 percent is forested. Outside the capital city, the primary economic activity is nomadic

subsistence. Citizens are free to pursue private business interests and to hold personal and real property. The part of the annual gross domestic product not generated by and for the foreign community, which includes approximately 8,000 French citizens, is estimated at no more than \$250 (44,000 DF) per capita annually. Unusually low rainfall caused drought conditions that negatively affected some of the population. The Government only paid the salaries of teachers, security forces, and civil servants sporadically during the year, and they were owed 6 months' worth of wages by year's end.

The Government's human rights record remained poor, and serious problems remain. The 1999 presidential elections were considered generally fair; however, the 1997 parliamentary elections took place amid claims of massive fraud, and the RPP continued to control the political system to suppress organized opposition. Members of the security forces continued to commit extrajudicial killings. There were credible reports that security forces beat, otherwise abused, and at times tortured detainees, and raped female inmates. There were credible reports that police beat protesters. Prison conditions remained harsh. The Government continued to harass and intimidate political opponents, and to arrest and detain persons arbitrarily. Prolonged detention and incommunicado detention remained problems. The judiciary is not independent of the executive and does not ensure citizens' due process. The Government infringed on citizens' privacy rights. The Government at times restricted freedom of the press. The Government limited freedom of assembly, used force to disperse demonstrations and strikes, and restricted freedom of association. While the Government respected freedom of religion in general, it discouraged proselytizing. There were some limits on freedom of movement. The Government remained antagonistic to the formation of human rights groups. Violence and discrimination against women persisted, and the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnicity and clan background persisted. The Government restricted unions and harassed and intimidated their leaders. Child labor exists.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed several extrajudicial killings. On February 17, a police officer shot and killed Mohamed Assa Ali, who was with some friends in an alley behind the officer's home; the officer apparently mistook him for a suspected criminal. No known action was taken against the responsible officer by year's end.

On February 25, police shot and killed Asari Mohamed Moussa; the reason was unknown at year's end. No known action was taken against the responsible officer by year's end.

On June 13, soldiers from a military camp located near Hol-Hol refugee camp killed one refugee and injured three others following an argument over use of a well. Military headquarters was investigating the incident at year's end.

The Government has not used landmines since signing the Mine Ban Treaty in 1997; however, the armed wing of the FRUD used landmines during its conflict with the Government. Both parties signed a peace accord in February 2000 and a final peace agreement on May 12, and demining efforts in the areas in which the FRUD operated have been ongoing during the year. FRUD was cooperating with the Government to locate landmines laid in northern areas of the country. Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord. There were no confirmed reports of deaths due to landmines during the year.

No action was taken against the members of the security forces responsible for the following killings in 2000: The December killings of 9 persons when approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government (see Sections 1.c., 1.d., and 3); the October killing of a demonstrator; the June killing of Daher Guedi Fourreh, the nephew of Moumin Bahdon Farah, the leader of the opposition party Groupe pour la Democratie et Republique (GDR).

There were no reports of any action, nor is any likely against members of the security forces responsible for the following killings in 1999: The September killing of one person by police attempting to arrest Moussa Ahmed Idriss; the August killing of eight persons in Tadjourah district when an army helicopter exploded; the April killings of Abdallah Ahmed Mohamed Rebeh, Moussa Abdallah, Ahmed Yagouri, and Ali Mohamed Ali "Derbi;" and the March death of a political detainee in the main prison.

In March 1999, the Paris-based Association for the Respect of Human Rights in Djibouti (ARHRD) and an unidentified citizen presented a complaint in a French court against former President Gouled and President Guelleh alleging human rights violations, including summary executions. The complaint listed a series of human rights abuses and judicial abuses dating back to 1995. No action was known to have been taken by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances. In 1999 police detained an Ethiopian guard at a private residence, allegedly because he was an illegal immigrant. The guard never was found, and the police are unlikely to investigate this case.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there continued to be credible reports that police and gendarmes beat, physically abused, and at times tortured prisoners and detainees. Torture is punishable by 15 years' imprisonment.

On January 27, police used tear gas and clubs to disperse a group of striking union workers (see Section 6.a.).

On May 1, police used tear gas to disperse a gathering of workers celebrating May Day (see Section 1.d.).

On October 10, police used tear gas to disperse an unruly demonstration by 800 high school students; there were no reports of injuries.

Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord. There were no confirmed reports of injuries due to landmines during the year.

There was no known action taken against members of the security forces responsible for raping, beating, or stealing from the approximately 5,000 undocumented foreigners arrested and detained in December 2000.

There also was no known action taken against members of the security forces responsible for injuring several persons in the following 2000 cases: The December injuring of 10 persons during a clash between police and Gendarmerie; and the October police shooting and injuring several demonstrators.

There was no known action taken, nor is any action likely to be taken, against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The May reported beating of a civilian after he refused to walk on a landmine; the April reported torture of Saleh Mohamed Dini while in custody; the April reported physical abuse of approximately 20 Afars while in detention in Obock district; and the rape case of Zenaba Agoden.

In 1999 an unidentified citizen in conjunction with the ARHRD presented a claim in a French court against President Guelleh and former President Gouled, alleging that he had been detained arbitrarily and tortured, and had suffered physical and psychological damage as a result. There were no reported developments in the case at year's end.

In previous years, there have been credible reports that security force personnel raped at least 120 Afar women in the northern districts of Obock and Tadjourah (see Section 5). In almost all of the cases, the victims did not press charges due to shame and fear. There were no reported cases of rape of Afar women by security forces during the year, and there were no developments in the 1999 rape case of Zenaba Agoden.

In 2000 unknown persons beat and robbed the cousin of Ali Dahan, a FRUD official, several days after the delegation of FRUD leaders returned to the country (see Sections 2.d. and 3); Dahan was residing at his cousin's residence. The perpetrators were unidentified at year's end.

On April 4, police arrested Aden Robleh Awaleh, president of the opposition National Democratic Party (PND), pending trial for the 1990 bomb attack at the Cafe de Paris restaurant. On April 9, a criminal court found him and the four other defendants guilty. The court gave Awaleh a 6-year suspended sentence. Two others, Mohamed Hasan Farah and Abdi Bouh Aden, who had been in detention since 1993, were sentenced to 8 years, including time served. Another defendant, Mohamed Ali Arreyteh, detained since 1995, was sentenced to 6 years, including time served. The final defendant, Awallah Guelleh Assoweh, was tried in absentia and sentenced to life imprisonment.

Prison conditions are harsh, and overcrowding is severe. Gabode prison, built for 350 persons, at times housed nearly twice that number. The Government sometimes shortens prison terms to reduce overcrowding. The Ministry of Justice estimates that 60 percent of prisoners are illegal Ethiopian immigrants who have committed crimes in the country, but that the majority of the more than 200 prisoners in Gabode prison at year's end were citizens. Prisoners reportedly must pay authorities to obtain food. Several prisoners were reported to be suffering from untreated ill-

nesses or gunshot wounds received during arrest. Medical care is inadequate, and the prison infirmary lacks sufficient medication. There are no educational or rehabilitation facilities within the prison. The lack of funding hampers the ability of Ministry of Justice officials to provide even minimal services.

Women and men are detained in separate cells. Health care sources reported that prison guards raped female inmates. Children of female inmates under the age of 5 sometimes are allowed to stay with their mothers; authorities say that milk is provided for them. In principle juveniles are housed separately from adult prisoners; however, in practice this is not always the case. Pretrial detainees usually are not held separately from convicted prisoners.

There were no known developments, nor are there likely to be any developments, in the 1999 case of the death in prison of Abdi Houfaneh Liban.

An International Committee of the Red Cross (ICRC) delegate from Kenya made quarterly visits to the main prison. During the year, the ICRC visited the detained police officers who were accused of plotting to overthrow the Government in December 2000 (see Section 1.d.). The president of the Djiboutian Human Rights League (LDDH) was granted permission to visit prisoners in Gabode Prison in 2000.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government does not observe these prohibitions. The law stipulates that the State may not detain a person beyond 48 hours without an examining magistrate's formal charge. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within 8 months of arraignment; however, the police occasionally disregarded these procedures, typically arresting persons without warrants, and sometimes detaining them for lengthy periods without charge. Incommunicado detention is used. The law provides for bail and expeditious trial. However, two persons in detention—one since 1993 and another since 1995 for a bomb attack—were not tried until April (see Section 1.c.).

On January 15, an opposition newspaper editor was arrested on charges of defamation and dissemination of false information (see Section 2.a.). On June 11, the same editor and two other persons were arrested for publishing false information (see Section 2.a.).

On January 27, police detained for 2 days 57 strikers in Nagad Detention Center (see Section 6.a.).

On May 1, after using tear gas to disperse a gathering of workers celebrating May Day, police detained several dozen workers at Nagad Detention Center for 24 hours (see Section 6.a.).

On May 8, the police detained and questioned for 3 hours Hasna Moumin, President of the Women's and Children's Affairs section of the LDDH, after she signed a petition calling on the Government to forego international assistance.

Conditions at Nagad detention center, where Ethiopians and Somalis are held prior to deportation, also are extremely harsh. Detainees at Nagad are held in unsanitary conditions and often are not fed for several days before their deportation (see Section 2.d.).

In December 2000, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopians (see Sections 1.c., 1.f., 2.d., and 5); many of those detained were deported from the country by year's end. There were no reports that undocumented Ethiopians arrested in 2000 remained in detention at year's end.

In March 2000, Abdoufatah Moussa Ahmed, the son of opposition leader Moussa Ahmed Idriss, was sentenced to 3 years' imprisonment and a fine of \$129,980 (23 million DF) for misappropriation of public funds. He had been in provisional detention since June 22, 1999. He was released in April 2000, and his appeal of the sentence was pending at year's end.

There were no developments in the case of Saleh Mohamed Dini, chief of Mabla, who was arrested in April 1999 allegedly for insulting the President. He remained in detention pending trials at year's end.

The law prohibits forced exile; however, some released citizen prisoners are pressured to go overseas, most often to France.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent of the executive. Constitutional provisions for a fair trial are not respected universally, even in non-political cases, because of interference from the executive branch. The Minister of Justice is responsible officially for human rights.

The judiciary, based on the French Napoleonic code, is composed of a lower court, appeals courts, and a Supreme Court. The Supreme Court can overrule decisions of the lower courts. Magistrates are appointed for life terms. The Constitutional Coun-

cial rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties; however, its rulings are not respected always.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Shari'a law, and nomadic traditions. Urban crime is dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. Shari'a law is restricted to civil and family matters. The Government promulgated a new law on judicial organization in 2000, which included the establishment of a National Committee for the Promotion and Protection of Human Rights and provided for the separation of the court system from the Ministry of Justice; however, the law was not implemented by year's end.

Traditional law (Xeer) often is used in conflict resolution and victim compensation. For example, traditional law often stipulates that a blood price be paid to the victim's clan for crimes such as murder and rape.

The Constitution states that the accused is innocent until proven guilty and has the right to legal counsel and to be examined by a doctor if imprisoned. Although trials officially are public, in politically sensitive cases security measures effectively prevent public access. Legal counsel is supposed to be available to the indigent in criminal and civil matters; however, defendants often do not have legal representation. Court cases are heard in public before a presiding judge and two accompanying judges. The latter receive assistance from two persons, lay assessors, who are not members of the bench, but who are thought to possess sufficient legal sophistication to comprehend court proceedings. The Government chooses lay assessors from the public at large, but credible reports indicate that political and ethnic affiliations play a role in the selection.

In June human rights attorney Aref Mohamed Aref was readmitted to the bar. He and his colleague, Djama Amareh Meidal, had been disbarred for alleged irregularities in their representation of a client in a 1994 commercial dispute. Meidal remained disbarred at year's end.

In November 2000, the Government sponsored a series of judicial assessment workshops to analyze the judicial system and to propose recommendations for strengthening the judiciary. The Government invited representatives from all opposition parties (see Section 3); however, some opposition leaders refused to participate because they had been invited in their personal capacity and not as political party leaders. The final workshop report and recommendations were not completed by year's end.

In November 2000, in honor of Ramadan, the Government announced that the President had signed a decree approved by the Council of Ministers, which granted a general amnesty to all prisoners serving sentences of 2 years or less, and reduced the sentences by 6 months of all prisoners serving sentences of more than 2 years. By the end of 2000, the Government had released 201 prisoners in accordance with the amnesty. During the year, in honor of the holy month of Ramadan, 80 prisoners were granted amnesty. On September 6, the Government proposed an amnesty bill for five former RPP leaders, paving the way for their return to politics. The amnesty bill was pending approval before the National Assembly at year's end (see Section 3).

On June 7, General Yacin Yabeh Galab, former chief of police, was given a provisional release from prison for health reasons. He remained at liberty at year's end. Yacin, along with 11 other police officers, was arrested for his participation in the December 2000 attempt to overthrow the Government. On August 12, the criminal court ordered that two police officers, Major Fathi Mohamed Guelleh and Officer Bouh Ahmed Omar, who also were arrested in connection with the attempt, be released from prison due to insufficient evidence against them. The court initially released a third officer, Colonel Mohamed Abdillahi God, for the same reasons, but he was rearrested several hours later (see Section 3). At year's end, he remained in detention pending trial.

In April two defendants, one in detention since 1993 and another since 1995, were tried; a third defendant was tried in absentia (see Section 1.c.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government does not respect these prohibitions in practice. The law requires that the authorities obtain a warrant before conducting searches on private property; however, in practice the Government does not always obtain warrants before conducting such searches, and it reportedly monitors and sometimes disrupts the communications of some Government opponents.

There was no known action taken against members of the security forces responsible for raping, beating, or stealing from the approximately 5,000 undocumented

foreigners (mostly Ethiopians) arrested and detained in December 2000 (see Sections 1.c., 1.d., 2.d., and 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, at times the Government restricted these rights in practice. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owns the principal newspaper, *La Nation*, which publishes bi-weekly. There are several opposition-run weekly and monthly publications that circulate freely and openly criticize the Government.

On January 15, police arrested Daher Ahmed Farah (also known as DAF), president of the opposition Party for Democratic Renewal (PRD), for publishing an article critical of a government decision to move forcibly fruit vendors to a new area; publication of the newspaper *Le Renouveau* was suspended. DAF was charged with defamation and dissemination of false information and was released on his own recognizance after 7 hours. On March 31, the court found DAF not guilty of defamation, but guilty of disseminating false information. The court ordered him to pay a fine of \$1,695 (300,000 DF) and suspended publication of *Le Renouveau* for 3 months, retroactive to January 15. *Le Renouveau* began publishing again in April.

On June 11, the police again arrested DAF for receiving and publishing false information in the June 4 issue of *Le Renouveau*. The article questioned the legality of a monetary advance of \$33,908 (6,000,000 DF) allocated to the Minister of Finance. The police also arrested Hachi Abdillahi Ahmed and Mohamed Sougueh Waiss, employees of the National Treasury, and charged them with providing the information to DAF. The three were released after spending 14 hours in prison and were ordered to appear in court. On June 9, the Government published a presidential decree, dated October 1, 2000, authorizing the advance. On June 12, Ahmed, Waiss, plus two additional Treasury employees, Abdoukader Abdillahi Abaneh and Ahmed Khaireh Rayaleh, were forbidden access to the Treasury. On June 16, Anissa Barkat Soubagleh, an employee in the office of the Deputy Director of Receipts at the Ministry of Finance and DAF's wife, was suspended from her job.

In 2000 the Government banned the importation and sale of the Somaliland newspapers *Jamhuuriya* and *The Republican*, and the ban remained in effect at year's end.

The Government also owns the radio and television stations. The official media generally are uncritical of government leaders and government policy. In 2000 the British Broadcasting Corporation (BBC) began broadcasting its World Service in the country in conjunction with Radio-Television Djibouti (RTD), the official government station. The BBC and RTD broadcast 24 hours a day in four languages on the radio. Radio France Internationale also broadcasts in the country.

The country has one Internet service provider, which is owned by the Government.

There are no specific laws or criminal sanctions that threaten academic freedom. In general teachers may speak and conduct research without restriction, provided that they do not violate sedition laws.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. While permits generally are approved, the Government commonly uses a show of police force and threatening tactics to intimidate and discourage potential demonstrators. Some opposition leaders effectively practiced self-censorship and, rather than provoke a government crackdown, refrained from organizing popular demonstrations.

After the September 11 terrorist attacks in the U.S., the Minister of Interior stated on television that public demonstrations would not be permitted for security reasons.

On January 27, police forcibly dispersed a group of striking union workers (see Section 6.a.).

On May 1, police used tear gas to disperse a gathering of workers celebrating May Day.

On October 10, police used tear gas to disperse a demonstration of unruly high school students; there were no reports of injuries.

No action was taken against the members of the security forces who forcibly dispersed demonstrations in October 2000.

The Constitution provides for freedom of association provided that certain legal requirements are met; however, the Government restricts this right in practice. A

1993 referendum approved limiting the number of political parties to four; however, this result has not yet been codified into law.

Nonpolitical associations must register and be approved by the Ministry of Interior. The LDDH said that it was registered by the Minister of Interior.

c. Freedom of Religion.—The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respects this right in practice; however, proselytizing is discouraged.

Although Islam is the state religion, the Government imposes no sanctions on those who choose to ignore Islamic teachings, or practice other faiths. More than 99 percent of the population is Sunni Muslim.

The Qadi is the country's senior judge of Islamic law and was appointed by the Minister of Justice in June 1999. His predecessor was named Minister of State for Charitable and Religious Affairs under the Ministry of Justice—a position that was created in May 1999, when President Guelleh formed his Cabinet and declared that Islam would be a central tenet of his Government.

Islamic law based on the Koran is used only with regard to family matters and is administered by the Qadi. Civil marriage is permitted only for non-Muslim foreigners. Muslims are required to marry in a religious ceremony, and non-Muslim men may marry a Muslim woman only after converting to Islam.

The Government requires that religious groups be registered. There were no reports that the Government refused to register any religious groups.

There is no legal prohibition against proselytizing; however, proselytizing is discouraged. Unlike in the previous year, there were no reports that members of the Baha'i Faith were detained and questioned by the police for possible proselytizing activities.

There were credible reports that the police targeted Ethiopian Pentecostal Christians living illegally in the country when conducting the apprehension and deportation of illegal aliens in December 2000.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times limits these rights in practice. For example, a judge may order a passport seized for those under judicial surveillance or awaiting trial. On August 3, airport police prevented PRD president DAF from boarding a despite his having received permission from the court to depart (see Section 2.a.). It was unclear why DAF was refused permission to leave. However, in October DAF was permitted to attend a conference in Lebanon. During the year, Ali Dahan and Aden Robleh Awaleh, who were denied passports in 2000, were issued passports.

Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord, and landmines laid in Tadjoura and Obock districts restricted freedom of movement (see Section 1.a.).

Customary law, which is based on Shari'a (Islamic law), discriminates against women (see Section 5). Women are not permitted to travel without the permission of an adult male relative.

On April 15, following a commercial dispute, the Government closed its border with Somaliland, including land, sea, and air routes, as well as all telecommunications; however, the border reopened on October 22.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government offers first asylum; however, the government committee responsible for determining refugees' status has not met since 1995. While the Government officially does not recognize those refugees under the protection of the U.N. High Commission for Refugees (UNHCR) absent this approval, the refugees are permitted to remain in the country.

The country hosts up to 100,000 refugees and illegal immigrants from neighboring countries, equal to approximately one-fifth of the population. The UNHCR assists more than 21,000 Somali and Ethiopian residents of the two remaining refugee camps. Approximately 2,500 Ethiopian and Somali urban refugees are registered with the UNHCR office in Djibouti City.

In 2000 the UNHCR repatriated more than 1,700 Ethiopian refugees who had fled to the country in 1984–85 and ceased to register Ethiopians as refugees. In previous years, the Djiboutian National Office for the Assistance of Refugees and Displaced Persons reported that it deported up to a thousand Ethiopians each week. Although the number of deportations still was believed to be high, no figures were available during the year.

There are reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation.

In December 2000, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 1.f., and 5). Police and gendarmes cordoned off entire neighborhoods and conducted house to house searches for these persons. Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained. Many of those detained were deported from the country by the end of 2000.

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, and citizens exercised this right through a generally democratic process in presidential elections held in 1999.

The RPP candidate Ismael Omar Guelleh, the designated successor of former President Hassan Gouled Aptidon, won the 1999 election with 74 percent of the vote. The ODU candidate Moussa Ahmed Idriss received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the vote. Although Moussa Ahmed Idriss and the ODU challenged the results, alleging election "irregularities" and asserting that "foreigners" voted in various districts of the capital, international and domestic observers considered the election to be generally fair and transparent, citing only minor irregularities. All 5 of the districts were visited by at least 1 of the 22 international observers on election day. Observers representing the Arab League, the International Organization of Francophone States (La Francophonie), and the OAU issued a joint communique that expressed satisfaction with the transparency of the election, citing only minor technical problems. Representatives of both candidates were present in virtually all voting stations, and there was no ethnic strife among Afars, Yemenis, and Somalis. Large numbers of persons of all communities supported both candidates.

In the December 1997 legislative elections, the RPP alliance with the legal FRUD party won all 65 seats. The elections took place without international observers amid opposition claims of fraud.

The RPP, which has been in power since independence in 1977, continues to rule the country. The RPP also continues to control carefully the implementation of the four-party system to suppress any organized opposition. Previous efforts by both the legal and unrecognized opposition parties to unify also floundered due to disagreements among their leaders over who should lead a unified opposition. There is no independent election commission.

The 1994 peace agreement between the Government and the FRUD required that FRUD members be included in senior government positions. Two FRUD members were named to the Cabinet in 1995, and in 1999 two new FRUD members were appointed to the Cabinet: A former FRUD military commander was appointed to the Defense portfolio and another FRUD member assumed the Health portfolio. The government-recognized faction of the FRUD was registered as a political party in 1996. In 2000 the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. On May 12, the two sides signed the final peace treaty, officially ending the more than a decade-long civil war, and laying the groundwork for this faction of the FRUD to participate in the Government.

Government harassment of opposition leaders continued to be a problem; however, the number of incidents reportedly decreased during the year. DAF, president of the PRD, was arrested twice during the year (see Sections 2.a. and 2.d.). On September 6, the Government proposed an amnesty bill for five former RPP leaders, paving the way for their return to politics. In 1996 the five, Moumin Bahdon Farah, Ahmed Boulaleh Barreh, Ali Mahamade Houmed, Ismael Guedi Hared, and Abdillahi Guireh Rayaleh, were accused of insulting former president Hassan Gouled Aptidon and sentenced to 6 months in prison and a large fine. The amnesty bill was pending approval before the National Assembly at year's end.

In December 2000, approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government; 10 persons were killed and more than 10 others were injured during clashes in front of the presidential offices between the police and gendarmes, who were supporting the President. The coup followed months of nonpayment of police salaries by the Government and rumors that the President had fired Yacin. On December 9, 2000, police arrested and detained Yacin and 12 others for attempting to overthrow the President. On December 13, 2000, the magistrate in charge of the investigation charged the 13 with conspiracy and breach of state security and cited them with calling on citizens to take

up arms illegally, carrying and making use of weapons of war, and damaging public property. On December 14, 2000, the President replaced Yacin as Police Chief with Colonel Ali Hassan. On June 7, former Police Chief Yacin Yabeh Galab, was given a provisional release from prison for health reasons, pending trial (see Section 1.e.). On August 12, the criminal court ordered the release of two other officers due to insufficient evidence (see Section 1.e.). The other 10 police officers remained in detention at Gabode Prison pending trial at year's end.

The percentage of women in government and politics does not correspond to their percentage of the population. Women generally have been excluded from senior positions in government and in the political parties even though they legally are entitled to participate in the political process. No women served in the legislature. In 1999 the President announced the appointment of the first female minister to his cabinet. Hawa Ahmed Youssouf serves as Minister of State for the Promotion of Women's, Family, and Social Affairs, and reports to the Prime Minister. Khadija Abeba, President of the Supreme Court, is the highest-ranking female official and, according to the Constitution, would become interim President should that position become vacant.

The percentage of minorities in government and politics does not correspond to their percentage of the population. The President's subclan, the Issa Mamassans, wields disproportionate power in affairs of state. Afars hold a number of high Ministerial posts; however, they are not well represented at lower levels. Somali clans other than the Issa and Djiboutians of Yemeni origin are limited unofficially to one ministerial post each, which they hold. There also are informal limits on the number of seats for each group in the Parliament.

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

The Government does not support the formation of local human rights groups. The Association for the Defense of Human Rights and Liberties (ADDHL), which ceased operations in 1997, briefly resumed activity as a progovernment organization in 1998; however, it has not resumed its investigations into, or criticisms of, human right abuses. The LDDH operated without government interference during the year. The Union of Djiboutian Women (UNFD) and the Djiboutian Association for the Promotion of the Family (ADEPF) promote the rights of women and children. The Committee in Support of Political Prisoners (CSPP) was formed in February 1998. The Committee's goal is to publicize the plight of political prisoners and mobilize support for the improvement of prison conditions and for the release of political prisoners.

The ICRC maintains a small office that is staffed with locally hired personnel. The ICRC regional representative, who is based in Nairobi, makes quarterly visits.

In 2000 the Government permitted a visit by a delegation of the Organization of African Unity (OAU) Human Rights Committee for the first time. The delegation met with senior government officials and had free access to prisons and human rights groups.

There is a government ombudsman, whose specific responsibilities are not well known. In 2000 the Government promulgated a new law on judicial organization, which included the establishment of a National Committee for the Promotion and Protection of Human Rights; however, there was no action establishing the Committee by year's end.

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

The Constitution prohibits discrimination on the basis of language, race, sex, or religion; however, discrimination against women and ethnic minorities persists. In particular the Government's enforcement of laws to protect women and children is ineffective.

Women.—Domestic violence against women exists but reported cases are few. Violence against women normally is dealt with within the family or clan structure rather than in the courts. The police rarely intervene in domestic violence incidents, and the media report only the most extreme examples, such as murder. The Government remained concerned about the problem of rape, and the law includes sentences of up to 20 years' imprisonment for rapists. The number of such cases prosecuted during the year was unknown.

Unlike in previous years, there were no reports that soldiers raped Afar women during the year (see Section 1.c.).

It is believed that as many as 98 percent of females more than 7 years of age have undergone FGM, which is condemned widely by international health experts as damaging to both physical and psychological health. FGM traditionally is performed on girls between the ages of 7 and 10. In 1988 the Union of Djiboutian

Women (UNFD) began an educational campaign against infibulation, the most extensive and dangerous form of FGM. The campaign has had only a limited impact on the prevalence of this custom, particularly in rural areas, where it is pervasive. After the 1995 U.N. Women's Conference in Cairo, Egypt, the UNFD declared that all forms of mutilation should be forbidden. The law states that "violence causing genital mutilation" is punishable by 5 years' imprisonment and a fine of more than \$5,650 (1 million DF). However, the Government has not yet convicted anyone under this statute. The efforts of the UNFD and other groups appeared to be having some effect, at least in the capital city. In 1997 some health workers reported a precipitous drop in the number of hospitalizations related to FGM in Djibouti City. Many believe that the incidence of infibulation has decreased, although no systematic data were available on the problem. U.N. and other experts believe that lesser forms of FGM still were practiced widely and that infibulation still was common in rural areas.

Women legally possess full civil rights, but custom and traditional societal discrimination in education dictate that they play a secondary role in public life and have fewer employment opportunities than men. Few women work in managerial and professional positions; women largely are confined to trade and secretarial fields. Customary law, which is based on Shari'a (Islamic law), discriminates against women in such areas as inheritance, divorce, and travel (see Sections 2.c. and 2.d.). Male children inherit larger percentages of an estate than do female children. The few women who are educated increasingly turn to the regular courts to defend their interests.

Children.—The Government devotes almost no public funds to the advancement of children's rights and welfare. A few charitable organizations work with children. Primary education is compulsory; however, the Government does not monitor compliance. The Government provides public education for free; however, there are extra expenses that may be prohibitive to poorer families, such as transportation, book fees, and chalk. Many schools are in poor condition and need upgrading. The number of classrooms for secondary students is inadequate, and only approximately 20 percent of children who start secondary school complete their education. More than 53 percent of the population is illiterate: Only 32 percent of girls are literate compared with 60 percent of boys. Only 62 percent of girls attend primary school compared with 73 percent of boys, and only 23 percent of girls attend secondary school compared with 33 percent of boys. Girls made up only 36 percent of all secondary students. In 1999 the Government reaffirmed its 1998 commitment to increase the number of female students in the educational system to 50 percent; however, there was no change in the number of female students or the literacy rate by year's end.

Child abuse exists; however, except for FGM, it is not thought to be common. FGM is performed on as many as 98 percent of young girls (see Section 5, Women).

The Government has not addressed child abuse, which often is punished lightly; for example, when a child is raped or abused, the perpetrator usually is fined an amount sufficient to cover the child's medical care. The Government has not used applicable existing provisions of the Penal Code to deal with child abuse more severely.

Child labor exists (see Section 6.d.).

Persons with Disabilities.—The Government does not mandate accessibility to buildings or government services for persons with disabilities. Although persons with disabilities have access to education and public health facilities, there is no specific law that addresses the needs of persons with disabilities, and there are no laws or regulations that prevent job discrimination against persons with disabilities. Persons with disabilities have difficulty finding employment in an economy where at least 60 percent of the able-bodied adult male population is underemployed or jobless.

National/Racial/Ethnic Minorities.—The Government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas are the majority ethnic group and control the ruling party, the civil and security services, and the military forces. Discrimination based on ethnicity and clan affiliation limited the role of members of minority groups and clans, particularly the Afar minority ethnic group, in government and politics.

The Government conducted periodic roundups of undocumented foreigners, which usually targeted Ethiopians and noncitizen Somalis. There was no known action taken against members of the security forces responsible for raping, beating, or stealing from the approximately 5,000 undocumented foreigners (mostly Ethiopians) arrested and detained in December 2000 (see Sections 1.a., 1.d., and 2.d.). The Government blames undocumented foreigners for the country's economy, unemployment rate, and rising crime.

Section 6. Worker Rights

a. The Right of Association.—Under the Constitution, workers are free to join unions and to strike provided that they comply with legally prescribed requirements; however, the Government restricts these rights. In 1999 the Government took control of the two largest labor federations, the General Union of Djiboutian Workers (UGTD) and the Union of Djiboutian Workers (UDT). Police broke into UDT offices and confiscated banners and the public address system that were to have been used in Labor Day ceremonies, and the Government dictated the election of its supporters to head the UDT and UGTD and took possession of union offices. The International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) criticized the Government's actions. In 1999 the ILO reported that the situation of the country's unions had "gravely deteriorated." In response to ILO and ICFTU criticisms, the Government agreed to hold new elections; however, union officials were not given any date, and the fired union leaders were not reinstated by year's end.

The ILO rejected the credentials of government officials claiming to represent the UDT and UGTD at several international conferences.

Prior to the Government takeover, approximately 70 percent of workers in the small formal economy were members of the UDT or UGTD; however, since the takeover, there have been almost no independent union activities. The Djiboutian Labor Congress (CIDJITRA), composed of Ministry of Labor officials, created by the Government to counter the UDT and UGTD, did not appear to exist any longer. According to the ICFTU, "trade union freedoms now exist only on paper." The Government "has created a collective of grassroots trade unions, whose affiliates do not include one single representative organization with elected officials."

The law requires representatives of employees who plan to strike to contact the Ministry of Interior 48 hours in advance. The Government paid the salaries of teachers, security forces, and civil servants sporadically throughout the year; however, their salaries remained 6 months in arrears by year's end. During the year, there were occasional demonstrations by teachers and other civil servants protesting salary arrears. The demonstrations generally took place on Thursday mornings and peacefully dispersed after 1 or 2 hours. Kamil Hassan, a schoolteacher, who previously had been detained in 1997 as a leader of a teacher's strike, still was not permitted to teach in public schools.

On January 27, police arrested 60 members of the Union of Buildings and Public Works Workers who were striking to protest the dismissal of 26 workers by the Ministry of Transport. Police used tear gas and clubs to break up the strike. The strikers remained in Nagad Detention Center for 2 days.

In 2000 the ILO Conference Committee on the Application of Standards cited the country for its failure to address specific issues of labor law reform outlined by the ILO.

At its 2000 annual conference, the ILO urged the Government to enact the labor resolutions that it had signed in 1998. The ILO noted ongoing abuses by the Government in forbidding union meetings and preventing union officials from receiving their mail. The ILO Committee of Experts report released during the year indicated that little progress had been made.

The law permits unions to maintain relations and exchanges with labor organizations abroad, and the Government does not restrict such contact. The UDT is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Although labor has the legal right to organize and bargain collectively, collective bargaining rarely occurs. Relations between employers and workers are informal and paternalistic. Wage rates generally are established unilaterally by employers on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encourages direct resolution by labor representatives and employers. The Government can and does select labor representatives. The election of representatives also is influenced by the relationship between clan elders and clans with unions and workforces. Workers or employers may request formal administrative hearings before the Ministry's inspection service; however, critics claim that the service suffers from poor enforcement, due to its low priority and inadequate funding. The law prohibits antiunion discrimination, and employers found legally guilty of discrimination are required to reinstate workers fired for union activities; however, the Government does not enforce the law.

An export processing zone (EPZ) was established in 1994. Firms in the EPZ are exempt from the Government's social security and medical insurance programs. Instead they must provide either government or private accident insurance. Employers within the EPZ have authority to pay less than minimum wage, offer less annual leave than the rest of the country, and in the EPZ the work week is longer (see

Section 6.e.). Plans for the EPZ largely have failed; and it does little business and employs few persons.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits all labor by children under the age of 14, but the Government does not always enforce this prohibition effectively, and child labor, although not common, exists. A shortage of labor inspectors reduces the likelihood of investigation into reports of child labor. Children generally are not employed for hazardous work. Children may and do work in family-owned businesses, such as restaurants and small shops, at all hours.

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

The law prohibits forced or bonded labor by children, and such practices are not known to occur.

e. Acceptable Conditions of Work.—Only a small minority of the population is engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor is charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, is approximately \$125 (22,000 DF). Most employers pay more than the minimum wage. Some workers also receive housing and transportation allowances. The national minimum wage does not provide a decent standard of living for a worker and family. The Government owed 6 months worth of salary arrears to teachers, security forces, and civil servants at year's end (see Section 6.a.).

By law the workweek is 40 hours, often spread over 6 days. Some employers ask employees to work up to 12 hours per day and pay them an additional wage. Workers are provided daily and weekly rest periods and paid annual leave. The Ministry of Labor is responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement is ineffective, workers sometimes face hazardous working conditions, particularly at the port. Workers rarely protest, mainly due to fear that others willing to accept the risks may replace them. There are no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardy to continued employment.

Only legal foreign workers are protected under the law; undocumented workers are detained and deported.

f. Trafficking in Persons.—There is no specific law prohibiting trafficking in persons; however, there were no reports of persons being trafficked to, from, or within the country.

EQUATORIAL GUINEA

Equatorial Guinea nominally is a multiparty constitutional republic; however, in practice power is exercised by President Teodoro Obiang Nguema and the small Mongomo subclan of the majority Fang tribe, which has ruled since the country's independence in 1968. President Obiang, who has ruled since seizing power in a military coup d'état in 1979, was elected to a 7-year term in February 1996 in elections that were marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controls the judiciary and the legislature; the latter was elected in elections in March 1999 that were criticized widely by the international community as seriously flawed. The judiciary is not independent.

President Obiang exercises control over the police and security forces through the Minister of the Interior, who also serves as President of the National Electoral Board. The Director General of National Security is the President's brother, Armengol Ondo Nguema. While civilian authorities generally maintain effective control of the security forces, there were some instances in which the security forces acted independently of government authority. The security forces committed numerous, serious human rights abuses.

The majority of the population of approximately 474,000 lives by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment are very high. Barter is a major aspect of the economy, and the monetary sector is based on exports of petroleum, cocoa, and timber. The per capita income during the year was \$2,822 (2,116,500 CFA francs). The per capita GDP for 2000 was

\$2,000 (1,502,940 CFA francs). Earnings from offshore oil exploitation are approximately \$194 million (25.9 billion CFA francs) per year. However, the investment and other use of oil revenues lacked transparency despite repeated calls from international financial institutions and citizens for greater financial openness. Poor fiscal management and a lack of transparency in public accounting of national finances have undermined the country's economic potential. There is little evidence that the country's oil wealth is being devoted to the public good. Most foreign economic assistance was suspended due to the lack of economic reform and the Government's poor human rights record. However, China, Cuba, France, and Morocco resumed aid during the year; Spain resumed aid in 1999.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses; however, there were improvements in some areas. Citizens do not have the ability to change their government peacefully in fair elections. The security forces committed numerous abuses, including torture, beating, and other physical abuse of prisoners and suspects; however, unlike in previous years, the security forces did not commit such abuses against opposition political members. Members of the security forces generally commit abuses with impunity. Unlike in previous years, however, the Government did not attempt to control opposition groups outside its borders by kidnaping citizens living in other countries. Prison conditions remained harsh and life threatening. There were reports that prison authorities tortured, beat, and otherwise abused prisoners; however, unlike in the previous year, such abuse, combined with a continuing lack of medical care, did not result in the deaths of prisoners. Prisoners often are tortured to coerce confessions. Security forces used arbitrary arrest, detention, and incommunicado detention. The judicial system repeatedly failed to ensure due process and remained subject to executive pressures. The Government restricted the right to privacy, and security forces conducted searches without warrants. The Government severely restricted freedom of speech and of the press; however, freedom of speech improved marginally during the year. The Government continued to restrict the rights of assembly and association. It continued to limit freedom of religion and freedom of movement. There were no effective domestic human rights nongovernmental organizations (NGO's), and the Government denied the requests of international NGO's to visit the country. In 1999 the Government promulgated a law that further restricted NGO's and precluded them from functioning in the area of human rights. Violence and discrimination against women remained serious problems. Discrimination against ethnic minorities, particularly the Bubi ethnic group, and foreigners continued. During the year, the Government restricted labor rights; however, the first legally recognized labor union was created. Child labor persists, and forced prison labor is used.

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 reports during the year that prison authorities tortured, beat, and otherwise abused prisoners; however, unlike in the previous year, such abuse, combined with a lack of medical care, did not result in the deaths of prisoners.

The Government did not prosecute any members of the security forces considered responsible for extrajudicial killings in previous years, nor is it likely to do so.

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

Unlike in previous years, the Government did not attempt to control opposition groups outside its borders by kidnaping citizens living in other countries.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law mandates respect for the liberty and dignity of persons, but does not prohibit specifically torture or cruel or inhuman punishment, and members of the security forces tortured, beat, and otherwise abused suspects and prisoners. The level of these abuses is serious. The Government does not provide medical care to prisoners or detainees.

Unlike in previous years, there were no reports that officials detained, interrogated, beat, and tortured opposition political activists.

Unlike in previous years, the Government did not attempt to control opposition groups outside its borders by kidnaping citizens living in other countries. Such individuals reportedly were detained, questioned, and tortured before being released.

Local authorities singled out foreigners from neighboring countries for harassment such as verbal intimidation and extortion. Several thousand citizens of Nigeria,

Ghana, and Francophone Africa continue to reside in the country; most are small traders and businesspersons (see Section 5).

During the year, the Special Representative of the U.N. Commission on Human Rights (UNCHR) reported that in June 2000, government authorities arrested and accused of suspected involvement in an alleged coup plot Augusto-Mba Sa Oyana (see Section 1.d.). Sa Oyana denied the accusation and refused to sign a confession; he then was hung head down from a pole while officials beat the soles of his feet until he fainted.

Before the 2000 municipal elections, four members of the Republican Democratic Force (FDR) were arrested and tortured for suspected involvement in an alleged coup plot (see Section 1.d.). One of the detainees, Gabriel Nve Manana, was beaten and tortured until he was unable to walk; he reportedly was suffering from injuries to his kidneys and to his hand when he was released.

In 2000 District Judge Jose Luis Abaga Nguema reportedly raped Milagrosa Obono Ndong, a Convergence for Social Democracy Party (CPDM) voting station representative, during her detention in Evinayong. According to the Government, it investigated the allegation and determined that Milagrosa Obono Ndong's claims were untrue and politically motivated. No further action was taken by year's end.

During the campaign period prior to the 2000 municipal elections, there were reports that government security forces beat and detained opposition politicians daily (see Section 3).

The National Commission on Human Rights of Equatorial Guinea (CNDH), an official Parliamentary organization, reported in 1999 that the general conditions of jails and prisons in the country were harsh and life threatening and that inmates were not provided with food, medical care, working toilets, drinkable water, clean and healthful living space, and minimum equipment, such as beds. For example, the CNDH found the prison in Bata to be in an advanced stage of deterioration and unfit for human habitation. The prison had no food, medical care, or sanitation facilities; beds and blankets were not provided. However, there were credible reports during the year that conditions have improved in some facilities, such as Black Beach prison in Malabo, where prisoners are provided with beds.

The 1999 report on prisons of the CNDH, found that male and female prisoners were not held in separate facilities, nor were adult and juvenile prisoners. The CNDH also reported that prisoners and prison authorities sexually assaulted female prisoners. Pretrial detainees and political prisoners were not held separately from convicted prisoners.

There have been reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners. The CNDH reported in 1999 that there was a lack of medical care, but stated that the prisoners were not mistreated; Amnesty International reported in 2000 that eight prisoners died as a result of torture and lack of medical assistance in 1999. Furthermore, the U.N. Special Representative reported in November 1999 that in October 1999, Dingo Sepa Tobache died at the Malabo prison as the result of injuries caused by beatings and mistreatment by guards during his incarceration.

In November 1999, the U.N. Special Representative reported that when he visited the Malabo prison, he witnessed eight persons being held in cells measuring 4.92 feet by 2.3 feet. A ninth prisoner normally held in the same cells had been hospitalized a few days earlier for a serious illness. The Special Representative was told that these prisoners were among those sentenced to death for the January 1998 alleged revolt, but whose sentences later were commuted to life imprisonment. The U.N. Special Representative confirmed that the nine persons were held in those cells permanently and were not allowed outside; that they received no medical care, although all of them were suffering from illnesses due to the prison conditions and the torture that they had suffered before trial; that their food was inadequate; and that they were allowed no contact with their families. All of the prisoners were in poor physical condition. The Special Representative also confirmed that the Bata Gendarmerie detained and tortured Dr. Antimo Oyono Mba and Dr. Joaquin Mban Nchama of the Popular Union (UP) by beating them on the soles of their feet.

In its 1999 study, the CNDH noted that prisoners were exploited as virtual slaves by local judges and by administrators of the prisons. Prisoners told the investigators that they were used habitually as labor for others and as workers on construction projects for certain officials, without pay or other compensation. The U.N. Special Representative found that Juan Obiang Late, a man detained at the police headquarters in Bata, was taken from the jail to do work for an official in 1999. Judges also reportedly used prisoners as domestic workers.

In March 2000, the 41 Bubi prisoners, who were convicted of crimes associated with the 1998 alleged revolt and formerly held at Malabo prison, were moved to a

mainland prison at Evinayong. The prison is approximately 300 miles from their homes, which made it difficult or impossible for their families to bring them medicines and food or provide moral support (see Sections 1.a. and 1.e.). An ICRC representative visited the 41 prisoners in 2000 and during a 2-week visit in May and June to the country's prisons.

There are no local NGO's other than the government-controlled CNDH; as a result, there are no local NGO's that visited prisons or promoted prisoners' rights. Prison conditions are monitored by the International Committee of the Red Cross (ICRC), which historically has made recommendations to the Government. In May and June, the ICRC visited all of the country's prisons over a 2-week period. The head of the regional ICRC office was not granted access to any prisons or detention centers during the first 11 months of 1999. In October 1999, a government body recommended that the Government enter into a dialog with the ICRC; as a result, the ICRC director was granted access in December 1999 to the prisons under the jurisdiction of the Minister of Justice.

d. Arbitrary Arrest, Detention, or Exile.—There are nominal legal procedural safeguards regarding detention, the requirement for search warrants, and other protection of citizens' rights; however, these safeguards are ignored systematically by security forces, which continued to arrest and detain persons arbitrarily and with impunity.

Police routinely hold prisoners in incommunicado detention. Foreigners from neighboring countries sometimes are targeted for arbitrary mistreatment and random arrest. In previous years, these included visitors and residents from Nigeria, Ghana, Togo, and Benin. Members of the security forces extorted money from them; however, reportedly such incidents were reduced during the year, and most checkpoints on the road from Luba to Malabo and within Malabo were removed (see Section 2.d.).

On May 13, airport police detained a journalist when he returned from attending a press seminar in Namibia (see Section 2.a.).

Security forces often detain individuals "on orders from superiors" without any further formality.

During the year, the Special Representative of the UNCHR reported that on June 17, 2000, government authorities arrested Augusto-Mba Sa Oyana, a citizen and resident of Spain who was born in the country, for alleged involvement in a coup plot. Sa Oyana was tortured and kept incommunicado at Black Beach prison until August 18, 2000 (see Section 1.c.). Government authorities did not inform Sa Oyana's wife of the arrest, denied that Sa Oyana was in detention, and did not respond to diplomatic inquiries on his behalf. After several weeks, government authorities admitted that Sa Oyana was in detention but said they considered him a citizen and, therefore, had not responded to the Government of Spain's diplomatic inquiries. Sa Oyana escaped and fled to the Spanish diplomatic compound, and after negotiations between the Government and Spanish authorities, he was permitted to return to Spain. According to the U.N. Special Representative, Sa Oyana was not brought before a judicial authority during the 60 days he was in detention, and he never was charged.

Security forces detained relatives of prisoners or criminal suspects in an attempt to force the prisoners or suspects to surrender. For example, in August 2000, after Sa Oyana's escape from Black Beach Prison, his cousin Jesus Miguel Ondo Miyone, also a citizen of Spain, was arrested and detained. The U.N. Special Representative reported that, according to Ondo Miyone, the authorities told him he would remain in detention until Sa Oyana returned to the country and surrendered.

During the year, authorities detained members of political opposition parties for short periods (see Section 2.d.). According to the U.N. Special Representative, a government official detained Antonio Eusebio, an official with the opposition Social Democracy Convergence Party (CPDS), for 24 hours. In April 2000, Eusebio was detained for several days in the district capital and physically mistreated because of his affiliation with the opposition. Jaime Ndong Edu, Secretary of the CPDS District Association, was detained for 3 months in Nsork-Esebekang and allegedly forced to renounce being an opposition member. Francisco Mba Obiang, CPDS representative in Akurenam, was detained allegedly in Bata. Amancio-Gabriel Nse Angue, Secretary for Organization and Civil Society of the CPDS, was detained for several hours in Akurenam for receiving visits in his home from CPDS members.

The U.N. Special Representative also reported that four members of the FDR were arrested and tortured on charges of involvement with an alleged coup plot before the 2000 municipal elections (see Section 1.c.). Gabriel Nve Manana y Oba (arrested on April 18, 2000), Marcelo Seme Nze (arrested on May 24, 2000), Ruben Sima (arrested on May 29, 2000), and Romualdo Angue Nbons (arrested on May 29, 2000), were held incommunicado at Black Beach prison, according to the U.N. Spe-

cial Representative. Nve Manana and Seme Nze claimed that their legs were broken during torture (see Section 1.c.). Nve Manana reportedly was released by year's end; however, it was unknown whether the other three detainees had been released. In 2000 Nigel Rodley, the U.N. Special Rapporteur on Torture, wrote to the Government requesting information about the four FDR detainees. Rodley had not received a response from the Government by year's end, according to the U.N. Special Representative.

In April 2000, Nve Maana was arrested and detained for nearly 9 months allegedly for giving monetary assistance to the wife of an imprisoned relative (see Section 1.c.). Following a traditional council at Mongomo presided over by the President, Nve Maana was restricted indefinitely to the environs of Mongomo, which is remote geographically from his family and job. Four other men reportedly are restricted to Mongomo with Nve Maana after similar periods of detention without trial. In all cases, friends and family believe that the reason for the detention and movement restrictions had to do with help given to a friend who was identified with the opposition.

Authorities often detain both men and women for failure to repay a dowry following the dissolution of a marriage; however, only divorced women or their responsible male relatives are imprisoned for not repaying a dowry. These cases arise from customary law, where the amount of money or goods due is set by traditional courts.

During the year, government security forces on occasion detained employees of foreign oil companies.

Unlike in previous years, the Government did not attempt to control opposition groups outside its borders by kidnaping citizens living in other countries. Such individuals reportedly were detained, questioned, and tortured before being released.

Security forces responsible for arbitrary arrest and detention and other abuses were not held accountable for their actions. The U.N. Special Representative noted that some executive officials closely related to the security apparatus of the Government are treated as being above the law.

In September 2000, authorities in Bata arrested Francisco Nsue Masie, the Director of Public Works and son of former president Macias Nguema, and others and charged them with conspiracy against the State; they were transferred to the prison in Malabo. There were unconfirmed reports that these detainees were tortured (see Section 1.c.). Nsue Masie and the others remained in custody at year's end, pending a trial.

After receiving orders from their superiors, authorities detained Teodoro Abeso Nguema and Juan Obiang Late in November 1999 at the Bata prison. According to Nguema, both men were detained because they copied an article on the health of President Obiang from the Internet (see Section 2.a.).

In September 1999, authorities arrested and detained Placido Miko Abodo, Secretary General of the opposition CPDS. Miko was held for a week, and upon his provisional release, he was told to report to the authorities in Bata twice a month; however, no formal charges ever were made against him. At year's end, Miko's case reportedly remained in the hands of a military examining magistrate.

Political detentions seldom lasted more than a few months. It was difficult to estimate the number of political detainees, although it was believed to be less than 100 persons. The Government used the psychological effects of arrest, along with the fear of beatings and harassment, to intimidate opposition party officials and members.

The Government uses forced internal exile, including against the five men reportedly restricted to Mongomo. The Government does not use forced external exile; however, some persons have fled the country for political reasons. During the year, President Obiang urged exiled opposition figures to return to the country and to legalize their parties. Florentino Ecomo Nsogo, a leader in the Party of Reconstruction and Social Wellbeing, was the first to return after spending 10 years in exile in Spain.

e. Denial of Fair Public Trial.—The Constitution provides for judicial independence; however, the judiciary is not independent. Judges serve at the pleasure of the President, and they are appointed, transferred, and dismissed for political reasons. Corruption is widespread.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and a Supreme Court. The President appoints members of the Supreme Court, who report to him and take their orders from him in practice; the President is the most powerful member of the judicial branch. Tribal elders adjudicate civil claims and minor criminal matters in traditional courts in the countryside.

There are no objective criteria for the selection of judges below the Supreme Court; the law allows the Ministry of Justice to undertake periodic inspections and

name judges. A government investigation noted in its 1999 report that some judges are absent regularly from their posts, resulting in delays in judicial proceedings. As a result of absences by judges, prisoners remain in detention at police stations awaiting hearings for longer than the 72 hours prescribed by law and the jails available become even more overcrowded and unsanitary (see Section 1.d.). In the past, some persons were detained indefinitely as an alternative to formal arrest, trial, and imprisonment; however, there were no reports of such abuse during the year.

Since 1999 the Minister of Justice and a Special Commission on Corruption have been investigating judicial corruption, in particular, the diversion of \$7 million (5.25 billion CFA francs) from judicial budgets. In January 2000, the President removed the entire Supreme Court, as well as a number of other judges. A subsequent investigation resulted in the implication and replacement of the President of the Supreme Court, two other justices, and the Secretary of the Court. Five other Supreme Court justices were not implicated and were returned to their positions or promoted to other positions. The President of the Constitutional Court, one justice, and an attorney also were implicated and removed from their positions.

The Constitution and laws provide for legal representation in trials and the right to appeal. In practice the authorities often do not respect these provisions. Civil cases rarely come to public trial. Cases involving national security are tried by the military tribunal. Cases that are essentially political in nature frequently are referred to military courts, even when the defendants are civilians and the charges are not related to the military. The Code of Military Justice permits persons who disobey a military authority to be tried in a military tribunal whether or not they are military personnel. The military courts do not provide for due process or other procedural safeguards, and their proceedings are not made public. For example, the case of Placido Mico, the civilian opposition leader, was heard in secret by a military judge (see Section 1.d.). Two other FDR members, Mariano Oyono Ndong and Carmelo Biko Ngua, were tried in 1999 by a military tribunal; they were released during the year.

During the year, as a result of weak courts, the Parliament's Complaints Commission became the de facto third branch of "judicial authority," although it has no formal legal jurisdiction. According to local media, the Parliament's President was acting as a court of last resort.

In 1998 Attorney Jos Ol Obono defended Martin Puye; after Puye died in prison, his family sought the attorney's assistance in recovering his body. Obono tried to help the family and as a result was arrested, charged with offenses and sentenced to 5 months and 1 day in prison even though the prosecutor withdrew the charges for lack of evidence. The judge of the Court of Appeal ruled that Obono should have refused to meet with his late client's family in order not to violate his professional ethics.

The Government holds a number of political prisoners. In May 1998, a public trial of 116 persons reportedly involved in the January 1998 alleged revolt on Bioko took place before a military tribunal; 63 persons (of whom 2 died shortly after the trial) were convicted of at least 1 charge and sentenced to between 4 and 26 years; 15 were sentenced to death, but later their sentences were commuted to life imprisonment. Many defendants claimed that the Government coerced confessions from them by torture. Father Eduardo Losoha Belope, a Catholic priest who was the head of the Catholic Relief Services on Bioko, was among those sentenced (see Section 2.c.). In January he was released from prison under an amnesty, which released all women and invalids. Twenty of those convicted remained imprisoned at Evinayong at year's end (see Section 1.c.); local church organizations were providing assistance to them.

During the year, former Education Minister Felipe Ondo and former Planning Minister Guillermo Nguema were released from prison. In 1998 Ondo and Nguema were convicted of libel against the Government and sentenced to 30 months' imprisonment after security forces repatriated them involuntarily from Gabon with the consent of the Government of Gabon.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government does not respect these prohibitions in practice. In previous years, security forces regularly searched homes and arrested occupants without warrants, and they generally did so with impunity; however, there were no reports of such actions during the year.

Unlike in previous years, there were no reports of government surveillance of members of the opposition parties and foreign diplomats.

For lawyers, government employees, and some others, PDGE party membership is necessary for employment and promotion. Even in the private sector, many citizens claim that party membership is required in order to be hired.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricted these rights in practice. Journalists practice self-censorship.

Freedom of speech has improved marginally in recent years. Citizens appear willing to speak their minds, and the Government allows mild criticism of infrastructure, public institutions, and public sector mismanagement and permitted some increased criticism of minor administrative decisions; however, it permits no criticism of the President or the security forces. Expatriates dependent on the good will of the Government do not voice complaints about the frequent government abuses against them. These practices range from the police demanding bribes for imaginary offenses to city, provincial, and federal officials extorting money for “licenses” for which there is no statutory basis. Complaints about official conduct in the country are accompanied with a request not to be identified to avoid reprisals.

There are five general-interest newspapers that were published regularly: La Gaceta, a Malabo-based monthly publication with informal connections to the Government; El Correo Guineo Ecuatoriano, a bimonthly newspaper published by the Gaceta group; La Opinion, an opposition newspaper published every 2 to 3 weeks; El Tiempo, an opposition newspaper; and Ebano, a publication of the Ministry of Information, Tourism, and Culture, which appears approximately twice a month. Students at the National University published a magazine, AYO; the Guinean-Hispano Cultural Center also published a monthly cultural review, El Patio. The PDGE published La Voz del Pueblo, and the opposition CPDS published La Verdad. Although no laws or regulations were published during the year, La Gaceta has a contract with the Government to regularly publish laws and regulations adopted by the administration.

All journalists must be registered with the Ministry of Information. According to the Ministry of Information, there were 18 independent reporters registered, and between 35 and 45 reporters employed by the official party or government publications at year’s end. In previous years, visiting foreign reporters were required to be accompanied by guides from the Ministry of Information; however, during the year, at least four foreign reporters with various publications traveled and reported independently in the country.

The law authorizes government censorship of all publications. Press sources and the Ministry of Information both confirmed that the Ministry sometimes required publishers to submit copy for approval prior to publication during the year. In addition all local publications exercised self-censorship and were subject to prior restraint. During the year, there was a significant increase in the availability of foreign publications, including publications from the United States, United Kingdom, France, Spain, and a variety of African countries. Unlike in previous years, security forces did not confiscate literature from Spain that was critical of the Government.

In February Malabo Mayor Gabriel Mba Bela ordered the shutdown of the Press Association (ASOPGE). Although Mba Bela did not justify his order, the press had criticized him for imposing a new regulation on city taxis prior to the order. In April 1999, shortly before a national symposium on press liberty was scheduled, the Minister of the Interior ordered the removal of the democratically elected president of ASOPGE, Manuel Nze Nzogo, even though the ASOPGE was a legally recognized association. The reason given was that Nzogo supposedly was not qualified for the position; he was not reinstated to his position during the year, and ASOPGE was inactive.

In December 2000, Equatorial Guinean Administrative Council President Manuel Nze Nzongo removed La Opinion Managing Editor and President of ASOPGE Pedro Nolasco Ndong from his position as editor. Nze Nzongo cited Ndong’s mismanagement of La Opinion as his reason. On May 13, Pedro Nolasco Ndong was detained at the airport in Malabo when he returned from a press seminar organized by UNESCO in Namibia for World Press Freedom Day. Police confiscated a report on press freedom in the country since 1991, all the paperwork from the conference, and extorted \$100 (75,147 CFA) from him. The report and the paperwork were returned after Reporters Without Borders, an international NGO, wrote a letter of protest on his behalf to the Minister of Interior. Nolasco Ndong discussed these incidents openly and filed an application to start another print publication. His articles continued to appear in El Patio.

In late 2000, the Government delegate of Mongomo district ordered the seizure of copies of both La Opinion and El Tiempo for reporting negative news on the country’s leadership. Readers and vendors were fined between \$13 and \$26 (10,000 and 20,000 CFA).

Radio is the most important and influential medium of mass communication. During the year, the Government continued to dominate effectively domestic radio

broadcasting. It owns and operates the state-run station Radio Malabo. The President's son, Teodorino Obiang Nguema, who also is Minister of Forestry, Environment, and Fisheries, owns the only private local radio station, Radio Asonga. The Government has not approved the one or two other applications for private radio stations that have been pending for several years.

In June security forces shut down Radio Asonga for criticizing the Government. General Antonio Mba Ngeuma, the owner and operator's uncle, shut down the station after Obiang Nguema released a press statement discussing his dissatisfaction with some of the new members of his father's government, particularly members of the security forces. The Government closed Radio Asonga's stations in both Bata and Malabo, as well as the television station that is incorporated into the Bata radio station. After resolving what likely was a family dispute, Radio Asonga reopened within a week of its closure.

The only domestic television station is government-controlled and broadcasts only a few hours a day. Television Asonga, owned by President Obiang and run by his son in coordination with Radio Asonga, broadcasts by cable only in Bata. Foreign cable television is available, and offers the Cable News Network, French news, movies, sports events, and cartoons, but relatively few citizens can afford it. Satellite reception increasingly is available.

The Government generally withholds access to domestic broadcasting from opposition parties and rarely refers to the opposition in anything but negative terms when broadcasting the news; however, in February Television Asonga granted a 30-minute interview to opposition leader Placido Miko, and aired segments of the CPDS congress in Bata.

International electronic media is available and includes Radio France International, which broadcasts in Malabo, and Radio Exterior, the international short-wave service from Spain. Radio Exterior often broadcasts news about the country and interviews with the opposition politicians. It is virtually the only means for the opposition to disseminate its views and positions widely. Its editorials, like those of most of the Spanish media, frequently are highly critical of the Government. The Government regularly accused Radio Exterior, sometimes with justification, of misrepresenting the situation in the country.

Internet service is available, although access is expensive, and computer ownership is not widespread. Unlike in previous years, there were no reports of censorship or arrests for possessing material retrieved from the Internet. According to Teodoro Abeso Nguema, authorities detained Nguema and Juan Obiang Late in 1999, at the Bata prison, because they copied an article on the health of President Obiang from the Internet (see Section 1.d.).

The Government generally respects academic freedom, and unlike in the previous year, there were no reports of limits on academic freedom or freedom of expression by the academic community. In 2000 students at the National University wrote a letter to the rector complaining about their food and housing. The students were brought before the President in March, publicly berated for their lack of gratitude for free accommodations, and then immediately evicted from the student housing.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricts this right in practice. Government authorization must be obtained for meetings of more than 10 persons in private homes for discussions that the Government considers political. Although the Government formally has abolished permit requirements for party meetings within party buildings, in practice opposition parties must inform the authorities in order to hold gatherings of any kind, regardless of location. Security forces generally monitor gatherings in public places, even small gatherings. The Government required notification for public events; however, unlike in previous years, it did not routinely deny permission for such events.

During the year, the Government lifted restrictions on meetings of the Catholic Church or affiliated organizations, except the Catholic NGO Autonomous Rural Development (DAR). The Government continued to require that the DAR in the diocese of Ebibeyin inform the locally appointed official delegate each time that it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present, and consequently it did not meet during the year (see Section 2.c.).

The Constitution provides for the right of association; however, the Government restricted this right in practice. The law prohibits the formation of political parties along ethnic lines. The law does not permit NGO's to defend or promote human rights; (see Section 4); however, no groups were prosecuted during the year for attempting to promote human rights.

Police continued to harass and detain members of opposition parties; however, there were fewer reports of such harassment than in previous years (see Section 1.d.). Reportedly the Government bribed members of the opposition. Opposition party members complained of disruption of meetings and of roadblocks at which they were forced to bribe soldiers in order to proceed.

The law prohibits coalitions between political parties; however, in 2000 five opposition groups formed a coalition (see Section 3).

There are 12 political parties that the Government calls "opposition parties;" 11 have allied themselves with the ruling PDGE. These opposition parties are advertised by the Government as examples of the country's multiparty democracy. During the year, the Government permitted the independent opposition CPDS party to hold a party congress in Bata. The Government also paid money owed to the CPDS by law so that it would have funds for the congress.

The Progress Party (PP) remains illegal due to a criminal sentence imposed on its leader Severo Motto in 1997 for having attempted a coup in 1996. In 2000 after the Supreme Court upheld the order banning the PP, party leaders petitioned the presidency to overrule the ban, arguing that a coup attempt would have been the act of Motto, not the PP. The presidency invited the PP to organize a new political party under another name; however, the PP did not do so by year's end. Persons identified with the PP are unable to find employment. The Democratic Republican Front (FDR) has been seeking recognition since 1995 without success. During the year, FDR party leader Felipe Ondo Obiang, former Minister of Education, was released from custody. The Independent Democratic Socialist Party (PIDS) still was seeking recognition. The law prohibits ethnic political parties, and the Bubi-dominated Movement for Self-determination of Bioko (MIAB) was banned.

In previous years, the Government reportedly attempted to force opposition members or officials to join the PDGE party (see Section 3); however, there were no reports of such action during the year.

c. Freedom of Religion.—The law provides for freedom of religion; however, in practice the Government limited this right in some respects.

The law includes a stated official preference towards the Catholic Church and the Reform Church of Equatorial Guinea due to their traditional roots and historic influence in the social and cultural life of the populace. For example, a Roman Catholic Mass normally is part of any major ceremonial function such as the October 12 national day. In the past, the Government restricted the activities of the Catholic Church; however, there were no reports of restrictions during the year. As of January, the Government no longer required that Catholic priests obtain government permission before celebrating Mass. This restriction had been put in place in previous years because of the Catholic Church's repeated criticisms of human rights violations, social injustice, and corruption in the country.

A religious organization must be registered formally with the Ministry of Justice and Religion before its religious activities are allowed. While religious groups must be approved and registered in order to function legally, there were no reports during the year that the Government had refused to register any group. However, information regarding the exact procedure for registering a religious denomination was not available. The approval process usually takes several years, but such delay apparently is due primarily to general bureaucratic slowness and is not the result of a policy designed to impede the operation of any religious group. The exact number of registered denominations is not available.

The Government continued to restrict the freedom of expression of the clergy, particularly regarding any open criticism of the Government. The Government requires permission for any religious activities outside the church building, but in practice this requirement did not appear to hinder organized religious groups.

The Government required that the Catholic NGO DAR in the diocese of Ebibeyin inform the local delegate each time that it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present, and consequently it did not meet during the year.

Religious study is required in schools and is usually, but not exclusively, Catholic. During the year, some schools considered banning a number of Jehovah's Witnesses students from class after their teachers complained that the students would not sing the national anthem. Discussions between the Minister of Justice and Religion and the students' parents resolved the issue.

In February 1998, security forces arrested a priest, Father Eduardo Losoha Belope, a member of the Bubi ethnic group and president of the Malabo chapter of the Catholic nongovernmental organization Caritas, in connection with the January 1998 revolt. Father Belope was one of the Bubi prisoners transferred in 2000 from

Bioko island to Evinayong on the mainland (see Sections 1.c. and 1.e.); in January he was released as part of a government amnesty.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the Government limited these rights in practice. Local police routinely extort bribes from occupants of cars, taxis, and other vehicles traveling outside the capital. The police routinely stopped citizens at roadblocks, subjected them to searches, and extorted money from them. Police and soldiers continued to target citizens of Cameroon, Gabon, and Nigeria. The Government justified these roadblocks as customs controls to compensate for its inability to control the country's borders effectively. In November 1999, the Special Representative concluded that these roadblocks effectively restricted the freedom of movement of members of the opposition and prevented them from either leaving or returning to their hometowns. During the 2000 municipal elections and the 1999 legislative election, the Government used roadblocks to identify and detain some members of opposition political parties. In 2000 the Government eliminated a number of military roadblocks on the island of Bioko between Malabo and Luba and also in the vicinity of Bata on the mainland.

Unlike in previous years, there were no reports that the Government restricted the movement of opposition political party members to their town of residence or of origin.

All citizens are required to obtain permission to travel abroad from the local Police Commissioner, and some members of opposition parties were denied this permission. Those who do travel abroad sometimes were interrogated upon their return (see Section 2.a.). Government officials attempt to control the movements of citizens by refusing exit visas or denying or confiscating passports. However, several prominent members of opposition parties were able to travel abroad without hindrance during the year, including CPDS Secretary General Placido Miko.

Unlike in previous years, the Government did not attempt to control opposition groups outside its borders by kidnaping citizens living in other countries. Such individuals reportedly were detained, questioned, and tortured before being released.

In previous years, the Government demanded that the Spanish Government repatriate Severo Motto, leader of the banned PP Party (see Section 2.b.), who led an attempt to overthrow the government by armed force in 1996 and to whom the Government of Spain had granted asylum in 1997. However, the Government reportedly made no such requests during the year.

During the year, President Obiang urged exiled opposition figures to return to the country and to legalize their parties Florentino Ecomo Nsogo of the Party of Reconstruction and Social Wellbeing (PRBS) was the first to return after 10 years of exile in Spain (see Section 1.d.).

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In recent years, an average of one or two persons requested refugee status in the country. The Government provides first asylum and generally grants asylum requests; the Government cooperates with the UNHCR. The police reportedly continued to harass several thousand citizens of Nigeria, Ghana, and Francophone Africa, most of whom are small traders and businesspersons (see Section 5).

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

Aquilino Nguema Ona Nchama, former Secretary General of Social and Democratic Union (UDS), a legal opposition party close to the ruling PDGE, had the status of political refugee in Gabon under the auspices of the U.N. High Commissioner for Refugees (UNHCR). Nchama told the U.N. Special Representative that three members of the Gabonese security forces abducted him in May 2000 on behalf of the Government, which had paid Gabon \$266,311 (200 million CFA.) to assist in Nchama's extradition to Malabo. Spanish authorities reportedly intervened, and the extradition was stopped. Gabon expelled Nchama, who found refuge in Spain.

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

The Constitution provides citizens with the right to change their government peacefully; however, in practice there have been no free, fair, and transparent elections since independence in 1968. The President exercised complete power as head of state, commander of the armed forces, and leader of the government party, the PDGE. Leadership positions within the Government in general were restricted to the President's Mongomo clan of the Fang ethnic group and its closest supporters. The elected Chamber of Deputies was dominated completely by the Government. The Minister of the Interior also acted as President of the National Electoral Board.

The February 1996 presidential election, in which President Obiang claimed reelection with 98 percent of the vote, was considered openly fraudulent by international observers. Some opposition politicians who campaigned were beaten and jailed. Voting was done in the open and without secrecy, with opposition parties allegedly being barred from access to polling areas. There were credible reports of widespread arrests and violence against opposition party members before the elections, as well as of beatings, roadblocks, stuffed ballot boxes, and the presence of security forces. Most opposition parties, claiming that it was futile to run amidst such blatant corruption, boycotted the election.

In 1997 the Government and 13 political parties promulgated a revised national pact following 3 months of debate. The pact called for the creation of a multiparty electoral commission and an observance commission to monitor compliance with the agreement. The pact also stipulated an end to various political and electoral abuses and the extension of voting rights already nominally provided in the Constitution. However, the Government has not abided by most of the pact's provisions. Opposition activists reported that the Government made virtually no effort to implement the pact. The Government's refusal to issue exit visas to some opposition figures violates the pact's principle of freedom of travel. The continued arrests of CPDS, UP, and FDR activists further undermined the Government's claims that it abides by the pact, as did its continued restrictions on freedom of movement and the continued lack of access to government media by the opposition (see Sections 2.a. and 2.d.).

In 1998 the Government enacted a new electoral law that mandates the replacement of open voting by secret ballots in future elections but prohibits coalitions between political parties. Nevertheless, in 2000 five opposition groups including the CPDS, Front for Democratic Opposition (PSD), PP, Progressive Democratic Alliance (ADP), and the Popular Union (UP) joined to form the Front of Democratic Opposition (FOD). At year's end, the Government had not responded to this action.

The legislative elections that should have been held in the fall of 1998 were postponed until March 1999. The new electoral census was completed in December 1998, but not all of the opposition parties agreed to sign it due to irregularities, such as the inclusion of the underaged, the dead, and nonresidents, and the exclusion of opposition party members. The three opposition parties initially called for a boycott of the polls to protest preelection irregularities; however, all but one of the parties, the CPDS, ultimately participated in the voting. One CPDS candidate was elected; however, he continued to refuse to take his seat during the year.

International observers considered the legislative election process to be seriously flawed. The elections were characterized by numerous irregularities and by restrictions on the ability of the opposition to campaign. Roadblocks impeded the opposition's ability to travel; and opposition leaders were detained intermittently and sometimes were mistreated, tortured, or assessed stiff fines. The UP and CPDS opposition parties won 5 of the 80 seats, refused to take their seats in the new legislature, and called for the results to be annulled and new elections held.

Significant segments of the political opposition either remained banned or had yet to be recognized by the Government by year's end, including the FDR, the PP, the PIDS, and the MIAB (see Section 2.b.).

The percentages of women or minorities in government or politics do not correspond to their percentages of the population; however, there are no legal restrictions on the participation of women or minorities in politics. There are 4 women in the 41-member Cabinet, and 5 in the 80-member legislature.

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

There are no effective domestic human rights NGO's. In 1999 the Government promulgated a law that restricted NGO's and identified specific areas in which they may operate; human rights is not one of these areas. The Government required that the Catholic NGO DAR in the diocese of Ebibeyin inform the local delegate each time it had a board meeting (see Section 2.c.).

No international human rights NGO is resident in the country; however, the Government claimed that it has invited Amnesty International and several European NGO's to establish themselves in the country.

During the year, the UNCHR Special Representative Gustavo Gallon made repeated requests for permission to visit the country. The Minister of Justice reportedly advised the Ministry of External Relations that a visit by the Special Representative was not convenient until the UNCHR signed a technical assistance agreement with the Government. The UNCHR has stated that the Government must show its commitment to reform by complying with nontechnical recommenda-

tions made repeatedly by the UNCHR over the last 20 years before a technical assistance pact can be signed.

The President of the African Commission on Human Rights of the African Union (AU) has made seven unsuccessful attempts to obtain an official invitation to visit the country.

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

The Constitution prohibits all forms of discrimination; however, both governmental and societal discrimination against women and ethnic minorities continued.

Women.—Domestic and societal violence against women, particularly wife beating, is common. The public beating of wives is forbidden by government decree; however, violence in the home generally is tolerated. The Government does not prosecute perpetrators of domestic violence.

Many prisons do not have separate areas for men and women, and women are subjected to sexual abuse from both the authorities and other prisoners while in detention (see Section 1.c.).

The massive influx of single foreign men in the petroleum sector has contributed to an increase in prostitution.

Although the Constitution provides for equal rights, women largely are confined by custom to traditional roles, particularly in agriculture. Polygyny, which is widespread among the Fang, contributes to women's secondary status, as does limited educational opportunities.

There is no discrimination against women in formal inheritance and family laws; however, in the Fang, Ndowne, and Bisio cultures, primogeniture is practiced, and because women become members of their husband's family upon marriage, they usually are not accorded inheritance rights. When her husband dies, the widow either remains with his family in a dependent, marginalized position or she returns the dowry and leaves with nothing.

There is discrimination against women in traditional practice. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife (or her father or brother) must return the dowry given her family by the bridegroom at the time of marriage. In many instances, the woman has no money or property after the divorce with which to repay the dowry, and, as a result, is incarcerated (see Section 1.d.). Tradition also dictates that if a girl's family accepts a dowry from a man, she must then marry him, regardless of her wishes. If the marriage does not take place the family is required by tradition to return the dowry, which they sometimes cannot do. This can lead to imprisonment of the bride or a family member for the debt. A 2000 study by CNDH found that as many as 20 persons were detained solely for failure to repay dowries. According to the Government, all 20 were released, and no one was incarcerated for such offenses during the year. Government representatives visited villages during the year to encourage local officials, village chiefs, and the police to encourage the substitution of gifts for cash to eliminate the problem of dowry repayment. If a marriage dissolves, the husband also automatically receives custody of all children born after the marriage, while the mother maintains custody of all children born prior to the marriage.

According to the law, women have the right to buy and sell property and goods; however, in practice the male-dominated society permits few women access to sufficient funds to engage in more than petty trading or to purchase real property beyond a garden plot or modest home.

Children.—No provisions for the welfare of children are legislated. The Government devotes little attention to children's rights or their welfare and has no set policy in this area. Education is compulsory until the age of 14, but the law is not enforced. In practice boys are expected either to complete an additional 7 years of secondary school or to finish a program of vocational study following primary education. Pregnancy and the requirement to assist in agricultural work make this level of education less likely for girls. The 1999 report by the U.N. Special Representative noted that only 12 percent of girls reach the secondary level of education compared with more than 24 percent of boys. Only 9 percent of girls finish fifth grade. In 1998 only 24 percent of girls completed primary education. Generally women have only one-fifth the educational level of men. In 1999 only 1.8 percent of the national budget was committed to education. Children suffer poor health and a high mortality rate.

There was no societal pattern of abuse directed against children. When children or adolescents are arrested, they are imprisoned with adults (see Section 1.c.). There were no reports of abuse by guards or other inmates.

Child labor is common particularly on family farms and businesses (see Section 6.d.).

Persons with Disabilities.—There is no constitutional or legal provision to protect persons with disabilities from discrimination in employment, education, or the provision of other state services; however, there is no evidence of discrimination against persons with disabilities in practice. The law does not mandate access for persons with disabilities to buildings.

National/Racial/Ethnic Minorities.—Discrimination against ethnic or racial minorities is not legal, and the Government does not overtly limit their participation in politics; however, the monopolization of political power by the President's Mongomo clan of the Fang ethnic group persists. In practice some members of ethnic minorities face discrimination because they are not members of the Fang ethnic group, or belong to a Fang subclan other than the President's. Ethnic minorities do not face discrimination in inheritance, marriage, or family laws.

Differences between the majority Fang ethnic group and the Bubi ethnic minority are a source of political tension and historically have erupted into frequent violence. Bubis allegedly led the January 1998 separatist revolt on Bioko, after which the Fang-dominated Government and the security forces intensified their longstanding institutionalized repression of the Bubis and allowed Fang vigilante groups to abuse Bubi citizens with impunity. Before independence the Bubis were a majority of the population on the island of Bioko (then Fernando Po), which was both administratively distinct from and more economically developed than the larger and more populous mainland (then Rio Muni), where the Fang were a majority. The two Spanish colonies were united 9 years before independence, after which many Fang migrated to Bioko, where Malabo, the capital, is located. The Fang dominated the united independent state; during the first decade after independence, misrule and repression by Obiang's uncle, Macias Nguema, reduced the country's population by approximately one-third and devastated the economy.

Differences among clans of the Fang ethnic group, in particular resentment of the political dominance of the Mongomo clan, also were sources of significant political tensions and in past years, of occasional violence; however, there were no reports of such violence during the year.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continued to reside in the country. Most are small traders and businesspersons. The police reportedly continued to harass them as well as harassing asylum seekers on an individual basis (see Section 1.c.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to organize unions, and during the year, the Small Farmers Syndicate (OSPA) became the first legally recognized labor union. According to the International Confederation of Free Trade Unions (ICFTU), the Government never has allowed the registration of unions; as a result, the Equatorial Guinea Trade Union, which was founded in 1990, has been forced to carry out its activities in secret. There are a few cooperatives with limited power. The law stipulates that a union must have at least 50 members who are from a specific workplace and located in the same geographic area to register; this effectively has blocked union formation. Since 1992 the CPDS has tried unsuccessfully to legalize its affiliated Union Sindical de Trabajadores (UST). An independent union, Sindicador Independiente de Servicios (SIS), initially applied for registration twice in 1995 with subsequent reapplication in 1996, but the Government denied SIS's applications. Although SIS's registration met the requirements of the law, the authorities denied it.

The 1992 Law of Associations and Syndicates provides that a separate law be enacted to govern unions for civil servants; however, this law has not been enacted. The law guarantees the right to strike. The Labor Code contains provisions to uphold worker rights, but the Government generally does not enforce them, in part because of inadequate staffing in the Ministry of Labor.

Membership in the PDGE generally is a prerequisite for hiring and promotion, both in the public and private sectors (see Section 1.f.). Membership in a rival political organization is considered grounds for dismissal from any position, public or private. Opposition politicians who are not participating in the Government often claimed to have been dismissed from their jobs after joining alternate political groups.

During the year, the country's major private employer, the oil industry, which is dominated by foreign firms, continued to take steps to reduce government control of hiring in the industry. The companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by non-

Equatoguineans only, in their attempt to eliminate the former political bias in the hiring process.

During the year, the Government ratified the six remaining International Labor Organization (ILO) conventions, including Convention 87 on freedom of association and Convention 111 on nondiscrimination in employment (see Sections 6.b., 6.c., and 6.d.). In May an ILO team met with the Government to discuss reform of the country's labor laws and ILO assistance for labor inspectors; however, no subsequent action was taken by year's end.

b. The Right to Organize and Bargain Collectively.—The law guarantees workers the right to organize and bargain collectively; however, there are many legal requirements before collective bargaining is permitted, which limits unions' ability to organize. There is no evidence of collective bargaining by any group; however, the Labor Ministry sometimes mediates labor disputes (see Section 6.e.). The Government and employers set wages, with little or no participation by workers. Employers must pay the minimum wages set by the Government, and most companies pay more than the government-established minimum wage (see Section 6.e.). During the year, the Government ratified six ILO conventions, including Convention 98 on the right to organize and bargain collectively (see Sections 6.a., 6.c., and 6.d.).

There is no law prohibiting antiunion discrimination. Apart from the Labor Ministry, workers have few other places to seek redress. Members of the National Assembly reportedly try to mediate employee-worker disputes over wages or dismissals. However, parliamentarians can only rely on moral authority in reaching agreements.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law forbids forced or compulsory labor and slavery; however, detainees and convicted felons perform extensive labor outside prison, including for prison officials, without compensation (see Section 1.c.). During the year, the Government ratified six ILO conventions, including Conventions 29 and 105 on forced labor (see Section 6.a., 6.b., and 6.d.).

The law prohibits forced or bonded labor by children, and there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for the employment of children is 14 years, but the Ministry of Labor does not enforce this law, and child labor is common particularly on family farms and businesses. The Government also does not enforce the law that stipulates mandatory education up to the age of 18. Underage youth perform both family farm work and street vending. While the Ministry of Labor is responsible for the enforcement of labor legislation, the Government does not have a comprehensive policy on child labor.

During the year, the Government ratified ILO Convention 182 on the worst forms of child labor, which the Chamber of Deputies had approved in 2000 (see Sections 6.a., 6.b., and 6.c.).

The law prohibits forced or bonded labor by children, and there were no reports that it occurred.

e. Acceptable Conditions of Work.—The minimum monthly wage ranges from \$100 (75,000 CFA) per month for unqualified workers to \$1,000 (750,000 CFA) per month for oil sector professionals. Oil sector workers receive a much higher scale than elsewhere in the national economy, often 10 times the minimum wage. The mandated minimum wage in the oil sector is twice the minimum wage in commercial enterprises. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. The law prescribes a standard 35-hour workweek and a 48-hour rest period, which are observed in practice in the formal economy.

In January several employees of the Malabo city administration sought payment of overdue wages and asked for assistance from the Labor Ministry. An inspector from the Labor Ministry called a meeting with the workers and asked the Malabo city administration to send a representative. The Mayor of Malabo, a senior PDGE official, came to the meeting, berated the Ministry inspector for meddling, refused to discuss the case, and warned the inspector to drop the case. The Labor Ministry reportedly took no further action on the case.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government does not enforce this in practice. The Government has seven labor inspectors in Malabo and five based in Bata, which was an insufficient number to oversee local industry. The Government began training more inspectors during the year.

Employees who protested unhealthy or dangerous working conditions risked losing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that the country increasingly was being used as a transit point

for trafficked persons. A 1998 UNICEF study also stated that the country is a source for traffickers that feeds the domestic labor market in urban centers of countries such as Cote d'Ivoire and Gabon.

ERITREA

Eritrea became an independent state in 1993, following an internationally monitored referendum in which citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has controlled the country since it defeated Ethiopian armed forces in 1991; its leader, Isaias Afwerki, serves as the President. The EPLF became the People's Front for Democracy and Justice (PFDJ) and redefined itself as a political party in 1994; it is the sole political party in the country. Elections, which were scheduled originally for 1997, were postponed again due to the outbreak of an armed conflict with Ethiopia that began in 1998. Following the end of the conflict in 2000, the Government announced that elections would be held in December; however, elections did not take place during the year. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the private press. Two committees established by the Government in 2000 to develop guidelines and rules for new elections and the formation of political parties completed their work in April. The draft electoral law and the draft law regulating the formation and activities of political parties were the subject of ongoing public discussions under government auspices. The Constitution provides for democratic freedom; however, while it was ratified in 1997, its provisions were not yet implemented by year's end. The judiciary is formally independent; however, it is weak and subject to executive interference.

The police are responsible for maintaining internal security, although the Government may call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. These forces were under the full control of, and responsive to, the Government. In 1998 fighting broke out between the armed forces and Ethiopian militia along the border, which led to a 2-year war with Ethiopia. The Government responded to an escalating military conflict by calling up reserves and increasing its armed forces to approximately 300,000 soldiers. In addition to the border conflict, the army has had to deal with the Eritrean Islamic Salvation (EIS), a small, Sudan-based insurgent group that has mounted terrorist attacks in the north and west since 1993. Some members of the security forces committed human rights abuses.

While trade, services, and manufacturing account for the greatest portion of gross domestic product (GDP), the rural economy is based largely on subsistence agriculture, and more than 70 percent of the population of 3.6 million is engaged in farming and herding. The small industrial sector consists mostly of light industries, many using outmoded technologies. Principal exports include salt, leather products, and fish. Principal imports include machinery, spare parts, food, and military material. The economy recovered somewhat from the severe disruption inflicted in 2000 by the conflict with Ethiopia, which resulted in the dislocation of more than 1 million persons, an almost four-fold rise in inflation, an increased fiscal deficit, a drop in economic activity, increased pressure on the local currency as foreign exchange reserves fell, and a severe drop in agricultural production that made the country partially dependent on food donations. During the year, inflation fell to approximately 15 percent from 27 percent in 2000, and economic growth rose to 7 percent from negative 9 percent. The severance of trade relations with Ethiopia, the country's largest trading partner before the conflict, resulted in a 79 percent drop in exports between 1996 and 2000. The integration of as many as 75,000 Eritreans or Ethiopians of Eritrean origin deported from Ethiopia, 21,000 long-term Eritrean refugees from camps in Sudan, and the unknown number of internally displaced persons (IDP's) remaining, continued to aggravate economic pressures. In addition much of the skilled labor force continued to serve in the military. Although more foreign exchange has been made available to importers, it remains scarce and the prices of basic consumer goods have not declined much from their post-war highs. International economic assistance has accounted for a significant portion of external revenues. Eritreans who live abroad also provide a major source of external revenues, estimated to be approximately \$300 million in remittances per year. Nominal GNP was estimated at \$695 million. The country has an annual per capita income of less than \$200 (less than 2,700 Nakfa), and approximately one-third of the population depends on foreign emergency assistance. The PFDJ continues to exert a

strong economic influence through a variety of investments and party-owned businesses.

The Government's poor human rights record worsened, and it committed serious abuses; however, there were improvements in a few areas. Citizens did not have the ability to change their government, which is dominated by the PFDJ. Many observers believe that the police occasionally resorted to torture and physical beatings of prisoners, particularly during interrogations, and police severely mistreated army deserters and draft evaders, although less frequently than in the previous year. There were no reports that authorities beat Ethiopian detainees or that soldiers beat and raped female Ethiopian deportees as in previous years. Prison conditions remained Spartan. The Government generally does not permit prison visits by local or international human rights groups, although it permitted some independent monitoring of conditions in detention facilities after the conflict with Ethiopia began. The Government allows the International Committee of the Red Cross (ICRC) access to Ethiopian civilian detainees and POW's, although almost all Ethiopian civilians were released from detention by year's end. Arbitrary arrests and detentions continued to be problems; the Government held incommunicado 11 persons who expressed political opinions about the Government. Their whereabouts were unknown at year's end. An unknown number of additional persons also were detained without charge, apparently for political reasons, and denied visitors. An unknown number of persons suspected of association with the Ethiopian Mengistu regime, radical Islamic elements, or terrorist organizations remained in prolonged detention during the year. The judiciary is weak and subject to executive influence. The provision of speedy trials was limited by a lack of trained personnel, inadequate funding, and poor infrastructure. The use of a special court system limited due process.

The Government infringed on the right to privacy. The Government severely restricted freedom of speech and press, including the rights of the religious media, by closing the private press and arresting most independent journalists, which effectively prevented all public and much private criticism of the Government. There were some limits on freedom of assembly. The Government restricted freedom of association and religious freedom in the case of Jehovah's Witnesses. The Government restricted freedom of movement. Violence and societal discrimination against women continued to be problems, and female genital mutilation (FGM) remains widespread despite government efforts to discourage the practice. Members of Jehovah's Witnesses and members of the Kunama ethnic group also face some government and societal discrimination. The Government restricted workers' rights. There were reports of forced labor. Students are required to participate in a summer work program. Child labor occurs.

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. Unlike the previous year, there were no reports that security forces killed Ethiopian detainees.

The Government continued to deploy military police in Asmara to find deserters and draft evaders (see Section 1.d.). The Government continued to authorize the use of deadly force against anyone resisting or attempting to flee; however, there were no reports that such force was used during the year.

Two students who were detained for protesting a government-mandated summer work program died of heat-related causes (see Section 1.d.).

There were continued reports that POW's died of diseases such as tuberculosis and HIV/AIDS during the year; however, these deaths were not caused by inadequate medical treatment (see Section 1.c.).

During the year, an unknown number of Ethiopian civilians were killed by explosions of landmines laid by Eritrean forces withdrawing from occupied territories. In 2000 approximately 100 Ethiopian civilians were killed in landmine explosions. According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, there are an estimated 3 million landmines and unexploded ordnance in the country, including between 500,000 and 1 million landmines from the 1962–91 war for independence. On occasion some new mines reportedly were laid by the EIS or others. The Government reported that between July 1999 and August 2000, there were 17 deaths from mines or unexploded ordnance; 54 percent of those killed were children under 10 years of age. There were 46 deaths and 96 injuries as a result of landmines and unexploded ordnance during the year. However, it is not clear which landmines in particular were responsible for these casualties. It is probable that there were additional, unreported deaths in remote areas.

No reported action was taken by year's end against the camp guards who killed approximately 30 Ethiopian detainees at a camp in Wia in 2000.

In 2000 the Government deported thousands of Ethiopians to Ethiopia under difficult and dangerous conditions, which resulted in a number of deaths; a few deportees reportedly disappeared and are believed to have died. After August 2000, forced, mass deportations stopped after the end of the war with Ethiopia.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances. There was an unconfirmed report that in August four ethnic Kunama disappeared after they were picked up by Eritrean soldiers. There was no further information available on the case by year's end.

In September, the Government arrested 11 senior PFDJ and National Assembly members; however, their whereabouts were unknown at year's end (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The transitional Penal Code prohibits torture; however, many observers believe that the police at least occasionally resorted to torture and physical beatings of prisoners, particularly during interrogations. During the year, the police severely mistreated and beat army deserters and draft evaders, although less frequently than in the previous year, and the army subjected deserters and draft evaders to various military disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit or the tying of the hands and feet for extended periods of time (see Section 1.d.).

In August two students died and others were hospitalized for heat stroke after they were detained and made to participate in a mandatory summer work program (see Sections 1.d. and 6.c.).

Unlike in the previous year, there were no credible reports of beatings of Ethiopian detainees or rapes of female Ethiopian detainees by security forces.

During the year, there were 96 reported injuries, in addition to 46 deaths, from landmines and unexploded ordnance (see Section 1.a.). It is probable that there were additional, unreported injuries that occurred in remote areas.

No reported action was taken by year's end against the guard at the Keren detention facility, who in 2000 shot in the shoulder an Ethiopian detainee who locked himself into a room with 68 other detainees for fear of being punished.

In 2000 the Government deported to Ethiopia thousands of Ethiopians under potentially difficult and dangerous conditions without the participation of the ICRC (see Section 1.d.); some reportedly disappeared or died. The deportations stopped in August 2000 after the end of the war with Ethiopia.

In 2000 there were some instances in which private Eritrean individuals threatened and beat Ethiopians. It was not known whether any police action was taken in these cases. In some cases, police intervened too late to prevent the abuse or were unable to halt the abuse. During the year, abuse of Ethiopians by individuals was not systematic, and there were fewer cases than in the previous year.

Prison conditions remained Spartan. The Government permits three visits per week by family members. There were no confirmed reports that any prisoners died due to lack of proper medical care. Women and men are held in separate facilities. There are no juvenile detention centers or correction facilities, and juvenile offenders often are incarcerated with adults. Pretrial detainees generally are not held separately from convicted prisoners; however, in some cases, detainees may be held separately. For example, the group of 11 political detainees were held separately, although their whereabouts remained unknown. It was unknown whether other detainees were held separately, because they were denied visitors during the year.

In 2000 the Government established detention camps for Ethiopians scheduled for repatriation or deportation in a number of areas. The Government had closed all detention camps by year's end (see Section 1.d.).

It was estimated that fewer than 400 POWs were being held at a camp in Nakfa at year's end; however, the Government committed to the unconditional release of all POWs after the end of the war with Ethiopia. Conditions at the POW camp reportedly were generally good; however, some POWs died of illnesses during the year. In 2000 POWs were forced to work on road-building projects; however, following an ICRC visit in August 2000, the POWs were no longer forced to perform such labor.

The Government allowed the ICRC to visit and register Ethiopian civilian detainees in internment camps, police stations, and prisons, and to visit Ethiopian POWs; however, the ICRC was not permitted to visit the approximately 750 Ethiopian soldiers who the Government claims are deserters from the Ethiopian army. Local groups were not permitted to monitor conditions in prisons.

During the year, the Government reportedly continued to deny officials from the Government of Sudan access to 14 Sudanese prisoners arrested in 1994 (see Section

1.d.). There also was a report that there were additional, prolonged detentions of Sudanese non-political prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice the authorities sometimes detain persons suspected of crimes for much longer periods. The Government held a number of pretrial detainees during the year. The Government continued to detain a small number of Ethiopians during the year; however, the majority were prisoners who were convicted of common crimes.

In July the Government arrested without charge Semere Kessete, the president of the independent Asmara University Students' Association; he remained in detention at year's end. Some observers believe he was arrested for leading student opposition against the Government's requirement that university students participate in a summer work program (see Section 6.c.). Many university students subsequently refused to participate in the summer work program to protest the arrest. The Government retaliated by detaining approximately 450 university students and ordering the others to report for the work program. Approximately 2,000 students of a university student population of approximately 3,300 students complied with the Government's order. The detained students were sent to a work program under harsher conditions than the original program. The students were taken to Wia where temperatures routinely exceed 113 degrees Fahrenheit. There were reports that the student detainees were not given adequate food, water, or shelter at Wia. The male students were held at a military facility with no shelter from the sun. At least two students died from heat-related causes. The students completed the work program in late September and early October and were permitted to return to classes. However, the president of the student association remained in detention without charge at year's end.

In 2000 a journalist for the independent newspaper Tsigenai was arrested and detained without charge. He reportedly remained in detention at year's end. In September the Government shut down the independent press and arrested a number of journalist, editors, and publishers (see Section 2.a.). Approximately nine journalists and editors from independent newspapers, who were not able to flee the country, were arrested. At year's end, they remained in detention without charge and were denied access to visitors.

In September and October, at least two members of a group of elders who tried to mediate between the President and political dissidents were arrested. In July police dispersed a demonstration by villagers from a town near Asmara over land distribution issues and arrested the demonstrators (see Section 2.b.).

In September the Government arrested and detained incommunicado 11 senior PFDJ and National Assembly members, including former Cabinet ministers and army generals, who were part of the "Group of 15," after they expressed political opinions critical of the Government. The detainees were not charged; however, their whereabouts remained unknown at year's end. In addition to these arrests, in September the Government began arresting other individuals, most of them with known ties to political dissidents, and detained them without charge and without access to visitors. The Government continued to make such arrests sporadically through the end of the year. It was estimated that a total of 80 political detainees had been arrested by year's end.

On October 11, authorities arrested two Eritrean citizens who were employed at a foreign embassy in the country and detained them without charges. The detainees remained in custody without charge and were denied visitors at year's end.

An unknown number of persons suspected of association with the Ethiopian Mengistu regime, radical Islamic elements, or suspected terrorist organizations remained in detention without charge, in some cases for years. There were unconfirmed reports that the Government continued to hold numerous members of the Eritrean Liberation Front (ELF), an armed opposition group. Authorities sometimes arbitrarily arrested and detained former combatants or members of the PFDJ who violated an unwritten code of conduct (see Section 1.e.).

Approximately four members of Jehovah's Witnesses remained in detention without charge for failing to participate in national service. Some have been detained for more than 5 years without charge (see Section 2.c.).

Approximately 14 Sudanese remained in detention at year's end. Officials from the Government of Sudan reportedly were denied access to these prisoners. There was no additional information available on the detainees at year's end.

The few deportees of Eritrean origin from Ethiopia who cannot demonstrate their ties to Eritrea have been issued documents that identify them as Ethiopians, which permit them to stay in the country (see Section 2.d.). Government and army officials who routinely check the identification cards of citizens in order to find draft evaders

and deserters reportedly consider these Ethiopian deportees to be Eritreans who are trying to avoid national service. As a result, they are subjected to harassment and detention while the authorities check their status. Unlike in the previous year, there were no reports that authorities arrested Ethiopians for raising the Ethiopian flag in public places.

During the year, the Government deployed military police in Asmara to find deserters and draft evaders (see Section 1.a., 1.c., and 1.f.). The military police detained persons who had not completed the national service requirement (see Section 6.c.). Unlike in the previous year, there were no known reports that military police detained persons with physical or mental disabilities during the year. Those who were deemed unfit for military training by a military medical board were released; the others were required to fulfill their national service obligations. In some instances, authorities arrested and detained for hours individuals who had proper documentation showing they had completed or were exempt from national service while the military police checked their stories.

An unknown but believed to be small number of Ethiopians, particularly men, are believed to be held in police stations, prisons, and jails in Asmara and possibly in other areas. The Government stated that Ethiopians detained in such places were in detention because they had committed a crime or legal infraction. International monitors have access to the majority of detainees in police stations and jails.

In 2000 the Government detained between 10,000 and 20,000 Ethiopians, many of whom were repatriated or deported to Ethiopia. In 2000 the Government established detention camps for Ethiopians scheduled for repatriation or deportation in a number of areas, including Wia, Sheib, Alla, Afabet, Megarih, Shiketi, and Wekerti. Monitors who visited the camps at Afabet, Adi Abieto, and Alla reported that conditions in the camps were Spartan but generally adequate; however, there were reports that numerous detainees became sick due to camp conditions at Afabet, and that some died. There were credible reports that at least some of these detainees were forced to work outside their camps (see Section 6.c.). By the end of 2000, the Government reported that most of the camps were closed; however, 1,500 detainees remained at Afabet, and 150 Ethiopians who did not want to leave the country remained at Alla. In mid-January the Government closed the Ethiopian detention center in Afabet, leaving open only the center at Alla, where 50 Ethiopians continued to reside. In July the Government closed the Alla camp and permitted the 50 detainees to live in Asmara, although some are believed to have left voluntarily.

There was no further information available on the several members of the Kunama ethnic group who were detained without charges on suspicion of collaborating with Ethiopian forces in 2000.

In 2000 authorities detained eight journalists; six of the detainees were released within 1 week of detention, but two reportedly were inducted into the military to fulfill their national service obligations and reportedly remained in the army at year's end.

The Government generally does not use exile as a means of political control, and the law has no provisions concerning exile. The Government continued to repatriate Ethiopians to Ethiopia during the year. By mid-August the Government had repatriated more than 21,000 Ethiopians to Ethiopia; however, all of these persons were repatriated voluntarily and with ICRC participation (see Section 2.d.).

e. Denial of Fair Public Trial.—The judiciary is formally independent; however, it is weak and subject to executive interference. The continued use of an executive special court system allowed ongoing executive interference with the judicial process. In addition the judiciary relies on the Ministry of Justice for logistical and budgetary support, which further limits the judiciary's independence. On August 7, the Minister of Justice fired the president of the High Court after he publicly complained of executive interference with the High Court.

The judicial system has three parts: civilian, military, and special courts. The civilian court system consists of village courts, subregional courts, regional courts, and the High Court, which also serves as an appellate court. The developing judicial system suffers from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limit the State's ability to grant accused persons a speedy trial. However, the judicial system has functioned with few delays, due in large part to a low crime rate, relatively few civil cases, and a culture of informal dispute resolution. Although 16 new courthouses were completed in 1998, further development of the judicial infrastructure was constrained due to the conflict with Ethiopia. At independence the Government chose to retain the Ethiopian legal system but made some modifications to it. The Government has developed new commercial, penal, and criminal codes, which remained ready for ratification by the National Assembly, although ratification had not occurred by year's end. A new civil code was drafted during the year; however, it was not enacted by year's end.

Under the legal system, minor infractions are brought to village courts and sub-regional courts. More serious offenses are argued before regional courts, and cases involving murder, rape, and other serious felonies are heard by the High Court. All cases except those argued before the High Court are heard by a single judge; on the High Court, panels of three judges hear cases.

Defendants have access to legal counsel, usually at their own expense. Although there is no formal public defender's office, the Government has requested successfully that attorneys work without fee to represent defendants accused of serious crimes punishable by more than 10 years in prison, who are unable to afford legal counsel. Defendants may appeal verdicts to a High Court panel, which is composed of the High Court president and four other judges.

Since the population is largely rural, most citizens only have contact with the legal system through the traditional village courts. Village judges, who are appointed by a panel composed of heads of regional courts, the regional prosecutor, and the regional governor, hear civil cases. Magistrates versed in criminal law hear criminal cases. Many local issues—for example, property disputes and most petty crimes—are adjudicated by local elders according to customary law. Where both litigants are Muslims, civil cases are heard under Shari'a law. The traditional courts cannot impose sentences involving physical punishment. The Ministry of Justice also offers training in alternative dispute resolution to handle some civil and petty criminal cases.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into the national service due to the border conflict with Ethiopia had a significant negative impact on the judiciary. The High Court was reduced from 7 benches to 3 benches, and provincial, zone, and village court personnel were reduced by 40 percent. As a result of these personnel constraints, there were lengthy delays in the processing of cases, particularly at the High Court level. During the year some court personnel were permitted to return to work.

The special court system ostensibly was created to reduce a growing backlog in the civilian court system. However, in practice the special courts, which ban defense counsel and the right of appeal, allow the executive branch to mete out punishment without respect for due process and subject the accused to double jeopardy. Judges in the special courts are senior military officers, most of whom have little or no legal experience. They base their decisions on "conscience," without reference to the law. There is no limitation on punishment. The special courts have jurisdiction over some criminal cases, such as capital offenses, felonies, misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decides which cases are to be tried by a special court. The Attorney General also may allow the special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

The special courts also handle crimes involving corruption, theft, and misuse of government authority allegedly committed by former members of the EPLF during the war for independence. Senior former fighters and members of the PFDJ often are held to a stringent unwritten code of conduct, and violations of this code are handled by the special courts outside the normal judicial process. Those accused of violating this circle of trust have been arrested and held without formal charge or tried in the special courts (see Section 1.d.).

There were no reports of political prisoners; however, there were reports of persons detained for political reasons (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government at times infringed on the right to privacy. Under the law, warrants are required in routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence. Warrants also theoretically are required before the Government can monitor mail, telephones, or other means of private communication; however, in practice the Government often does not obtain warrants, and there were reports that the Government monitored some international telephone calls and e-mails. There were unconfirmed reports that members of the PFDJ placed Ethiopians under surveillance. The Government has the authority to ban the import of any foreign publication; however, it has not done so (see Section 2.a.).

In March the Government ceased impeding communication between Eritrean POWs being held in Ethiopia and immediate family members in the country.

There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to members of other ethnic groups on the grounds that the land was not being exploited efficiently (see Section 5). In addition the Government failed to compensate foreigners for property seized by the former Dergue regime in Ethiopia or to return that property.

During the year, military police were deployed in Asmara to find deserters and draft evaders. Members of the force carried out frequent document checks and routinely detained persons of military age who had not done their national service (see Sections 1.d. and 6.c.).

In 2000 the Government shut down all businesses in Asmara that belonged to Ethiopians with only a few days' notice; approximately 300 businesses owned by Ethiopians were shut down. The Government gave Ethiopians occupying government-owned housing a 1-month notice to vacate. The Government reportedly also froze some bank accounts and seized some assets belonging to Ethiopians. Some Ethiopians had difficulty renewing business licenses, driving licenses, resident permits, or leases. A significant but unknown number of Ethiopians were fired or lost their jobs because of their nationality; in some cases, this was due to the fact that Ethiopians were working for Ethiopian businessmen who left the country or whose businesses were shut down. Ethiopians generally were able to renew residence permits without difficulty during the year; however, they continued to be unable to obtain business licenses, driving licenses or leases, and many continued to lose their jobs because of their nationality. In most cases, Ethiopian business owners who lost their inventories when their shops were closed down did not receive compensation. These hardships encouraged many Ethiopians to leave the country voluntarily during the year.

During fighting in 2000, Ethiopian forces looted and caused significant damage to a number of Eritrean towns and villages. Among the properties ransacked and looted were mosques and churches, factories, flour mills, health clinics, pharmacies, schools, warehouses, bridges, and the home of government officials.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, beginning in September, the Government stopped respecting these rights.

In September the Government arrested and detained without charge 11 senior PFDI and National Assembly members of the Group of 15, after they expressed dissenting political views (see Section 1.d.). Independent journalists who published these dissenting views also were arrested and held without charge, and all private newspapers were banned. The ban remained in effect at year's end. Although the Government stated that the arrests were not related to the opposition's views, it offered no evidence against them and did not charge them formally. Subsequently, other persons also were arrested arbitrarily and remained in custody without charge at year's end. The Government defended the arrests as necessary on grounds of national security but did not provide an additional explanation.

After September the Government controlled all nonreligious media, including three newspapers, one radio station, one television station, and one of only two newspaper printing presses in the country. There were no private radio or television stations, and after September, there were no private, nonreligious newspapers. The Government has the authority to ban the import of any foreign publication, although it has not done so. The press law forbids the local reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or government policies. In theory nonreligious print media were free to criticize the Government, and until the Government shut down the independent press and arrested many journalists in September, they printed many articles critical of the Government. Nonetheless, criticism tended to be limited and fairly mild, and the media practiced a great deal of self-censorship.

The press law in theory allows individuals to publish newspapers and magazines. Eight independent newspapers were published on a weekly or twice weekly basis in the country. Three independent newspapers, Setit, Kestedebana, and Tsighenai, each had a circulation of 15,000. The smallest publication was Mekalih, with a circulation of 10,000, and the largest was Setit, with a circulation of 20,000. In September the Government closed all of these publications, and there were no independent print media operating in the country, other than religious media, at year's end. Religious media generally do not cover nonreligious news and specifically are prohibited from reporting on politics. Trgta is a progovernment publication of the PFDJ's National Union of Eritrean Youth and Students with a wide circulation. The press law does not allow private ownership of any broadcast media or foreign influence or ownership of any media. The law requires that all newspapers obtain a license from the Ministry of Information before publication and that all reporters must register with the Ministry.

In previous years and until September, the Government refused to extend the licenses of independent reporters on the grounds that it had not yet determined the qualifications that individuals need to possess to obtain a license to be a reporter.

However, in practice reporters were allowed to continue working. The Government also could punish “whosoever insults, abuses, defames, or slanders the Government or one of the constituted legislative, executive, or judicial authorities,” and forbid the publication of any subject matter that contravenes general morality.

In previous years and until September, the Government used the libel law to intimidate journalists. The editor-in-chief of the *Kastedebana* had been charged in seven libel cases; the cases were suspended pending the editor’s return from serving a sentence for hard labor for leaving his post without proper leave papers. In 1999 the Government arrested an editor who refused to disclose the address of a reader whose letter to the editor criticized the commercial practices associated with Saudi Airlines operations in the country. He was rearrested briefly in late 1999 for additional questioning, and the Government brought more charges against him, some of which later were dropped. At year’s end, the Saudi Airlines case and six other government charges of libel against the editor remained pending; however, trial proceedings were suspended indefinitely when the editor was inducted into the army.

In July the military detained Mathewos Habteab, the editor of the *Setit*, for leaving his military unit without permission; he was detained for a short period and assigned to a military unit upon release. In September authorities arrested and detained independent journalists without charge and closed the private press after the publication of the views of the Group of 15. The detained journalists included: Yosuf Mohamed Ali, editor-in-chief of *Tsigenai*; Said Abdulkader, editor-in-chief of *Admas*; Selayinghes Beyene and Dawit Habetemichael, reporters for *Meqaleh*; Aaron Berhane, editor-in-chief of *Setit*; Medhane Haile, editor-in-chief of *Keste Debena*; Emanuel Asrat and Wedi Ade from *Zemen*; and an independent photographer, Seyum Fesehaye.

In previous years and until September, some journalists claimed that they were targeted unfairly for the draft and complained of routine harassment by unknown individuals who they believe work for the Government. These journalists also alleged that they received threatening telephone calls and that unidentified individuals showed up at their offices and threatened them.

Access to the Internet remained available, and there were four Internet Service Providers in the country. There were no restrictions on the use of the Internet. One independent newspaper began posting editions on the Internet during the year until the newspaper was shut down in September.

Although the Government claims that there were no restrictions on academic freedom, the University of Asmara refused to give diplomas to students who completed their studies unless they completed national service obligations (see Section 6.c.). In July the Government arrested the president of the University’s student association for protesting the requirement that university students participate in a summer work program (see Sections 1.d. and 6.c.). In addition new graduates occasionally were pressured to work for government entities. Students were sent to active duty or military training.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, in practice the Government limited this right on at least two occasions during the year. The Government requires a permit from the Ministry of Local Governments for a public meeting or demonstration. There were no reports of any political demonstrations that were not sponsored by the ruling party; no other permits were applied for during the year. However, in one instance a group of respected elders, who sought to mediate between the President and the political dissidents, were informed that they could not meet because they did not have a permit. Several of these elders later were arrested and were in detention without charge at year’s end (see Section 1.d.). In July villagers from a town near Asmara called a meeting over land distribution issues; it was unknown whether police used force to disperse the meeting.

The Constitution provides for freedom of association and states that every citizen shall have the right to form organizations for political, social, economic, and cultural ends; however, in practice the Government restricted this right. The Government does not allow the formation of any political parties; however, in 2000 the Government established two committees to develop guidelines and rules for new elections and the formation of political parties, and these committees completed their work during the year. At year’s end, public debate on the draft laws was ongoing; such debate is required prior to submission of the draft laws to the provisional National Assembly for amendment and ratification. The Government has stated its opposition to the formation of any party based on ethnicity or religion.

In 1999 journalists from the country’s 11 independent newspapers formed an organizing committee to establish an independent journalists’ organization. In October 1999, they filed for a license with the Ministry of Local Government; however, the

Government refused to issue a license and the organization had not been formed by year's end.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricted this right in the case of Jehovah's Witnesses. The Constitution provides for the freedom to practice any religion and to "manifest such practice," and Islam and most forms of Christianity are practiced and tolerated widely throughout the country with persons free to worship at the church or mosque of their choice; however, the Government continued to harass, detain, and discriminate against members of the small community of Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the referendum on independence or to perform national service.

There have been some complaints in the Muslim community that the Government has discriminated against Islam in favor of Orthodox Christianity, granting Orthodox churches tax relief not offered to mosques.

The Government does not require religious groups to register; however, because the Government owns all land, any religious organization that seeks facilities for worship other than private homes must seek government approval to build such facilities. There were no reports that the Government refused to approve the use or construction of facilities by any religious organization. Religious organizations, including religious nongovernmental organizations (NGO's), do not receive duty-free privileges, although they sometimes are allowed to import items under the reduced duty structure used for corporations. The Government prohibits political activity by religious groups, and the Government's Directorate of Religious Affairs in the Ministry of Local Government monitors religious compliance with this proscription against political activity.

Jehovah's Witnesses have several churches and members are not barred from meeting in private homes; however, the Government continued to harass, detain, and discriminate against members of the small community of Jehovah's Witnesses. In 1994 in accordance with a presidential decree, the Government revoked the trading licenses of some members of Jehovah's Witnesses and dismissed most of those who worked in the civil service. This governmental action resulted in economic, employment, and travel difficulties for many members of Jehovah's Witnesses, especially former civil servants and businessmen. In April 1997, the Government labor office issued a form to all employers in Asmara and the surrounding area requesting information on any government personnel who were members of Jehovah's Witnesses. In addition to these measures, members of Jehovah's Witnesses also often are denied identification cards, passports, exit visas, trading licenses, and government housing unless they hide their religion.

Most members of Jehovah's Witnesses have refused on religious grounds to participate in national service or to vote. This has led to widespread criticism that members of Jehovah's Witnesses collectively were shirking their civic duties. Some Muslims also have objected to universal national service because of the requirement that women perform military duty. The Government does not excuse individuals who object to national service for religious reasons or reasons of conscience, nor does the Government allow alternative service. Although persons from other religious groups, including Muslims, reportedly have been punished in past years for failure to participate in national service, only members of Jehovah's Witnesses have been subject to dismissal from the civil service, had their trading licenses revoked, been evicted from government-owned housing, and been denied passports, identity cards, and exit visas. However, there were no reports that Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination.

There were no reports that Jehovah's Witnesses were arrested during the year. In the past, several members of Jehovah's Witnesses were arrested for failure to comply with the national service law and some were tried, although there is no information available regarding the verdicts or sentences in these cases. At year's end, approximately four Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. These individuals have been detained for varying periods of time, some for more than 5 years without charge. The maximum penalty for refusing to perform national service is only 3 years' imprisonment. Ministry of Justice officials denied that any members of Jehovah's Witnesses were being held without charge; however, they acknowledged that some members of Jehovah's Witnesses, as well as a number of Muslims, were serving sentences for convictions on charges of evading national service.

The army resorted to various forms of extreme physical punishment to force objectors, including some members of Jehovah's Witnesses, to do their military service (see Section 1.c.).

According to officials in the Religious Affairs Office, the Government is expected to allow religious schools to operate independently as long as they adhere to a standard curriculum.

In a 1995 proclamation, the Government described specific guidelines on the role of religion and religiously affiliated NGOs in development and government, stating that development, politics, and public administration are the sole responsibility of the Government and citizens. The proclamation bans religious organizations from involvement in politics and restricts the right of religious media to comment on political matters.

Pursuant to the proclamation, religious organizations are permitted to fund, but not initiate or implement, development projects. However, this proclamation never has been enforced in practice—several religious organizations have executed small-scale development projects without government interference.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, while citizens can travel freely within the country and change their place of residence and work, authorities restrict freedom of movement and emigration in practice. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. The Government restricted travel to some areas within the country for security reasons.

Military police periodically set up roadblocks in Asmara and other cities to find draft evaders and military deserters (see Section 1.d.). Although the number of such roadblocks was reduced significantly from the previous year, periodic crackdowns continued to occur during the year.

The Government continued to restrict travel along much of the border with Sudan. Some areas remain heavily mined, a legacy of the war for independence, and occasionally new mines are set by the EIS or others, leading to additional travel restrictions (see Sections 1.a. and 1.c.).

Citizens largely are free to travel outside the country after obtaining an exit visa, although members of Jehovah's Witnesses (see Section 2.c.), officials of the former Ethiopian military regime, and those who have not completed national service have been denied passports or exit visas. In addition the Government often refused to issue exit visas to some adolescents, apparently on the ground that they were approaching the age of eligibility for national service. During the year, the Government restricted the issuance of exit visas to citizens between the ages of 18 and 40 who had not completed their national service obligations (see Section 6.c.).

In general citizens have the right to return; however, citizens must show proof that they paid a 2 percent tax on their annual income to the Government while living abroad to be eligible for government services upon their return to the country. Applications to return from citizens living abroad who have run afoul of the law, contracted a serious contagious disease, or been declared ineligible for political asylum by other governments, are considered on a case-by-case basis.

Unlike in the previous year, Ethiopians generally were able to renew residence permits without difficulty; however, they were subject to detention when stopped by authorities with an expired residence permit (see Section 1.d.). Ethiopians were able to obtain exit visas without difficulty and often were encouraged by the Government to obtain them.

During the year, the Government repatriated more than 21,836 Ethiopians from the country to Ethiopia. All of those who left the country were repatriated voluntarily and with ICRC participation. An estimated 20,000 to 25,000 Ethiopians remained in the country at year's end.

In 2000 the Government repatriated or deported more than 25,000 Ethiopians to Ethiopia. Among the deportees were women who alleged that they were prevented from taking their children with them because their fathers were Eritreans. In 2000 the Government deported 800 Ethiopians from the Keren camp without ICRC participation. The Government stated publicly on several occasions that it had not adopted a policy of deporting all Ethiopian nationals from the country. After August 2000, forced, mass deportations stopped after the end of the war with Ethiopia.

The border with Ethiopia was closed in 1998 due to the outbreak of war, although Eritreans deported from Ethiopia crossed the border and were allowed to resettle in the country. As many as 75,000 Eritreans or Ethiopians of Eritrean origin were deported from Ethiopia. The deportees, if they wished, were placed in villages with friends or family. Those who no longer had connections in Eritrea were placed temporarily in camps with IDP's before being settled among the general population. To facilitate the deportees' integration into society, the Government provided them with documentation that was valid for 6 months and identified them as deportees. If, during that time, the deportees could find three Eritrean witnesses willing to testify to their Eritrean ties, the Government issued them documentation of Eritrean na-

tionality and considered them to be permanent citizens. For the small minority of deportees who could not demonstrate Eritrean ties, the Government granted them identity documents that specified that they were Ethiopian but permitted them to stay in the country. At times these deportees were subjected to harassment and detention by military authorities (see Section 1.d.). Deportees of military age who acknowledged Eritrean nationality were ordered to report for military service.

In 2000 approximately 1.1 million citizens were displaced internally as a result of the conflict with Ethiopia. Most of these IDP's returned home; however, approximately 70,000 IDP's remained in 11 camps in the Debub and Gash-Barka zones at year's end. Camp facilities were basic, but conditions generally were adequate. There also was a large but unknown number of IDP's residing outside camps during the year.

On June 27, Ethiopia repatriated 723 Eritreans to the country without notifying the ICRC in advance.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to Somali and Sudanese refugees during the year. There were 731 Sudanese refugees at the Elite camp in the western part of the country and 1,253 Somali refugees at the Emkala camp, near the port of Massawa. The Eritrean Relief and Refugee Commission (ERREC), a government agency, is the principal organization responsible for refugee and problems of the internally displaced.

Between May and the end of the year, 32,648 of the estimated 151,000 long-term Eritrean refugees in Sudan were repatriated under the auspices of the UNHCR. Another 32,000 of these refugees have registered for repatriation with the UNHCR.

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

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

Although the Constitution provides for this right, citizens have not been able to change their government in multiparty elections. Authority within the Government is held very narrowly among a small group of former fighters. The Government is dominated completely by the PFDJ, which came to power in the 1993 popular referendum in which more than 99.8 percent of voters chose an independent country managed by a transitional government run by the PFDJ rather than electing to remain part of Ethiopia. The PFDJ still has not fulfilled the ambitious program that it initially outlined for a transition to a democratically elected government by 1997. Elections, originally scheduled for 1997, never have been held. The only authorized political party is the PFDJ, and there are no opposition parties active domestically (see Section 2.b.). In 2000, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties, and these committees completed their work in March and April; however, the drafts later were modified. The draft electoral law and the draft law regulating the formation and activities of political parties were the subject of ongoing public discussions under the Government's auspices during the year. National Assembly elections were scheduled for December; however, the elections did not take place by year's end. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the private press.

The percentage of women in government or politics does not correspond to their percentage of the population. In an effort to encourage broader participation by women in politics, the PFDJ named 3 women to the party's 19-member Executive Council and 11 women to the 75-member Central Council at the last party congress that was held in 1994. Women participated in the Constitutional Commission (occupying almost half of the positions on the 50-person committee) and hold several senior government positions, including the positions of Minister of Justice and Minister of Labor. By law one-third of regional National Assembly seats are reserved for women, and women also are able to compete for the non-reserved seats.

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

The Ministry of Foreign Affairs and the Ministry of Local Governments jointly are responsible for handling human rights inquiries. All NGO's must register with the ERREC; there were 34 international and 14 domestic NGO's operating in the country, the majority of which are involved in emergency assistance. Only one domestic human rights organization, Citizens for Peace in Eritrea (CPE), is allowed to oper-

ate in the country, and its work is limited to advocacy on behalf of war victims. In 2000 the CPE issued a statement appealing to citizens and the Government to safeguard the human right of Ethiopians living in the country.

A Government proclamation that religious organizations, including religious-based NGO's, could not engage in development activities never has been enforced in practice. In addition the four main religious groups (Orthodox, Catholic, Muslim, and Protestant) continue to coordinate the provision of relief services to deportees from Ethiopia in conjunction with the ERREC. A governmental proclamation requiring that all private NGO's hire only those who have completed their national service never has been enforced in practice.

Most international human rights organizations are not permitted to operate within the country, with the exception of the ICRC, which continued its programs during the year and provided shelter and supplemental food to approximately 100,000 persons who were displaced by the conflict with Ethiopia (see Section 2.d.). The ICRC also visited prisons and detention centers during the year (see Section 1.c.).

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

The Constitution and the transitional civil code prohibit discrimination against women and persons with disabilities, and the Government enforces these provisions.

Women.—The Government has not taken a firm public stance against domestic violence and generally has ignored the problem; however, violence against women is pervasive. Spousal abuse is a crime. Spousal abuse, especially wife beating, is common; however, domestic violence seldom is discussed openly by women because of societal pressures. Such incidents more commonly are addressed, if at all, within families or by religious clergy. It was estimated that more than 65 percent of women in the Asmara area were the victims of domestic violence during the year. The Government response to domestic violence was hindered by a lack of training, inadequate funding, and societal attitudes.

Rape is a crime. However, no specific information was available on its prevalence in the country.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is widespread, with estimates placing the number of women and girls who have been subjected to FGM at 95 percent. FGM is practiced by almost all ethnic and religious groups in the country. In the lowlands, infibulation—the most severe form of FGM—is practiced. There is no law prohibiting FGM. However, the Government has worked to combat the practice of FGM. The Government and other organizations, including the National Union of Eritrean Women, sponsor education programs that discourage the practice. The U.N. Population Fund, through the Ministry of Health, sponsors reproductive health projects that provide training and awareness programs that focus on the negative physical and psychological impacts of FGM.

The Government consistently has advocated improving the status of women, many of whom played a significant role as fighters in the struggle for independence. Since independence, women have enjoyed a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence. Much of society remains traditional and patriarchal, and generally women do not enjoy a social status equal to men. The law provides a framework for improving the status of women, but laws are implemented unevenly, because of a lack of capacity in the legal system and ingrained cultural attitudes. In practice males retain privileged access to education, employment, and control of economic resources, with more disparities in rural areas than in cities.

The law requires that women between the ages of 18 and 40 participate in the active national service program (see Section 6.c.). During the year, the Government transferred more women out of direct combat roles and reassigned them to other responsibilities, including training and operation of heavy equipment.

When the Government began detaining and returning Ethiopians to Ethiopia in 2000, authorities singled out young Ethiopian women, particularly prostitutes, barmaids, and waitresses, for detention and involuntary deportation; reportedly this was due, in part, to the fear that these women spread HIV/AIDS. Prostitution is illegal. As a result of displacement and difficult economic conditions, prostitution has become a serious problem in the country. Reportedly those women who could demonstrate that they had a child with an Eritrean father were permitted to remain in the country. However, other female deportees alleged that they were prevented from taking their children because the fathers were Eritreans.

Children.—The Ministry of Labor and Human Welfare is responsible for government policies concerning the rights and welfare of children. The Children's Affairs Division under the Ministry of Labor and Human Welfare covers childcare, coun-

seling, and probation. The law criminalizes child prostitution, pornography, and sexual exploitation.

Education through grade seven is compulsory and free. However, education above grade seven is neither free nor compulsory, and while the situation has improved, there is a shortage of schools and teachers at all levels. According to the Ministry of Education, only 37 to 38 percent of children attend school. Approximately 75 percent of the population is illiterate. In rural areas, young girls usually leave school early to work at home.

Child abuse is not thought to be common.

FGM is performed on approximately 95 percent of all girls (see Section 5, Women).

Child labor occurs (see Section 6.d.). A small number of children under the age of 18 entered military service, usually because of a lack of a birth certificate or other identification. When soldiers were found to be under the age of 18, they were removed from service.

Persons with Disabilities.—The long war for independence and the conflict with Ethiopia left thousands of men and women with physical disabilities from injuries they received as guerrillas, soldiers, and civilian victims. The Government spends a large share of its resources to support and train these fighters, who are regarded as heroes, and does not discriminate against them in training, education, or employment. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings; however, many newly constructed buildings provide access for persons with disabilities.

Religious Minorities.—Societal attitudes toward members of Jehovah's Witnesses are the exception to a widespread religious tolerance. Members of Jehovah's Witnesses generally are disliked and face some societal discrimination because of their refusal to participate in the independence referendum in 1993 and to perform national service, a refusal that is seen widely as unpatriotic. However, the level of societal discrimination against Jehovah's Witnesses has declined in recent years.

National/Racial/Ethnic Minorities.—There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups in the country, and which are concentrated primarily in the west. Because of the existence of a Kunama opposition group operating in Ethiopia and supported by the Ethiopian Government, some Kunama in the country are suspected of supporting or having sympathies with the Ethiopian Government. There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to members of other ethnic groups on the grounds that the land was not being efficiently exploited. There also was an unconfirmed report that Eritrean refugees returning from Sudan were resettled in the Kunama crop fields after evicting the native Kunama. There is some societal discrimination against Kunamas due to the fact that they are seen, ethnically and culturally, as different from the majority of Eritreans.

In 2000 approximately 200 Kunamas were detained without charges on suspicion of collaborating with the Ethiopian forces (see Section 1.d.).

Section 6. Worker Rights

a. The Right of Association.—Some government policies restrict free association or prevent the formation of unions, including within the civil service, the military, the police, and other essential services. The Ministry of Labor must grant special approval for groups of 20 or fewer persons seeking to form a union. There were no reports that the Government opposed the formation of any labor associations during the year.

Proclamation 8 provides workers with the legal right to form unions and to strike to protect their interests. The National Confederation of Eritrean Workers (NCEW), which was part of the EPLF during the war, maintains a close affiliation with the Government, and its leadership consists of high-ranking PFDJ members. The NCEW represents more than 25,000 workers from 250 unions and receives some assistance from the International Labor Organization (ILO) and foreign labor organizations. The largest union within the NCEW is the Textile, Leather, and Shoe Federation. There were no strikes reported during the year.

Unions may affiliate internationally, and all five workers' federations within the NCEW maintained affiliations with international unions during the year.

b. The Right to Organize and Bargain Collectively.—Under the new labor code, which was ratified on November 15, a tripartite board composed of workers, employers, and Ministry of Labor officials is required to resolve differences. Under the labor law in force during the year, disputes were taken to court. During the year, the NCEW brought 54 cases to court, while an additional 17 NCEW cases remained

pending. By August, 20 of the 71 cases were settled through agreements between the parties, 11 were settled through the Ministry of Labor, and 3 were adjudicated.

There are no export processing zones. A free trade zone, which included the ports of Massawa and Assab, was being established at year's end.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, there were unconfirmed reports that it occurred during the year. All citizens between the ages of 18 and 40 are required to participate in the National Service Program, which includes military training as well as civic action programs. In addition some national service inductees have been released back to their civilian jobs, while nominally kept in the military, because their skills are deemed critical to the functioning of the Government or the economy. These individuals are required to forfeit to the Government earnings in excess of the national service salary and also are required to perform farm labor. High school students also are required to participate in a paid summer work program.

Unlike in previous years, there were no reports that Ethiopian civilian detainees were forced to perform paid farm labor and road repair.

During the year, the Government announced that university students were required to participate in a paid summer work program for 1 month or would be ineligible to continue their studies. This requirement was first imposed on university students in 1999 but suspended in 2000 because of the war. The students objected to the work program, in part because many students must work during the summer to earn the money needed for their academic and living costs, which are approximately \$200–\$300 (2,700–41,000 Nakfa) per year. The students objected that the Government's payment of approximately \$78 (1,050 Nakfa), out of which the students would have to pay their food, lodging, travel, and other expenses, was insufficient. The Government arrested the president of the Asmara University Students' Association because of his opposition to this policy, and many students who opposed the work program. The Government required others to report for the program. The students were later sent to coastal areas to perform road work under conditions of extreme heat.

The Constitution prohibits forced or compulsory labor by children, and there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law also prohibits apprentices under 18 years of age from performing certain dangerous and abusive labor, such as working in mines or sewers. Labor inspectors in the Ministry of Labor and Human Welfare are responsible for the enforcement of laws pertaining to the employment of children; however, due to the small number of inspectors, inspections are infrequent. According to the Ministry of Education, only 37 to 38 percent of children attend school due, in part, to a shortage of schools and teachers. It is common for rural children who do not attend classes to work on family farms, fetching firewood and water, and herding livestock among other activities. In urban areas, some children work as street vendors of cigarettes, newspapers, or chewing gum. Children also work as child-minders, traders, and in small-scale manufacturing. There were reports that the Government inadvertently employed children under the age of 18 as soldiers (see Section 5).

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

The Constitution prohibits forced or bonded labor, including that performed by children, and there were no reports that it occurred.

e. Acceptable Conditions of Work.—There are two systems that regulate employment conditions—the civil service system and the labor law system. There is no legally mandated minimum wage in the private sector. In the civil service sector, wages vary from \$24 to \$288 (320 to 3,800 Nakfa) per month, with factory workers in government-owned enterprises earning the highest wages. The minimum wage in the civil service sector does not provide the average worker and family with a decent standard of living.

The standard workweek is 44½ hours, but many persons work fewer hours. Under the Labor Law, workers are entitled to one day of rest per week, and most workers are allowed 1 to 1½ days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement vary widely among factories. Workers are permitted to remove themselves from dangerous work sites without retaliation.

Foreign and Eritrean workers are treated equally under the law.

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

ETHIOPIA

Ethiopia continued its transition from a unitary to a federal system of government, under the leadership of Prime Minister Meles Zenawi. In 2000 the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) won general elections to the federal and regional parliaments. The elections were the second held based on an organizational concept of ethnic federalism under the 1994 Constitution. Most opposition political parties competed in the election; however, due to lack of funds and often weak political organization, opposition parties contested only 20 percent of the seats to the federal parliament, where EPRDF and affiliated parties hold 518 of 547 seats. EPRDF and affiliated parties also hold all regional parliaments by large majorities, although opposition parties hold approximately 30 percent in the Addis Ababa region council and 9.5 percent in the Southern Nations and Nationalities Peoples' Regional State (SNNPRS or Southern Region) council. According to international and local observers, the 2000 national elections generally were free and fair in most areas; however, serious election irregularities occurred in the Southern Region, particularly in Hadiya zone. Federal regions, largely organized along ethnic lines, increasingly are autonomous and have a large degree of local control over fiscal and most political issues. However, the relationship between the central Government and local officials and among various judiciaries lacks consistent coordination, and occasionally actions are taken at the local level that conflict with stated federal policy. Highly centralized authority, poverty, civil conflict, and unfamiliarity with democratic concepts combine to complicate the implementation of federalism. The federal Government's ability to protect constitutional rights at the local level is limited and uneven. Local administrative, police, and judicial systems remain weak throughout the country. During the year, local elections were held, which were considered generally free and fair by observers; however, opposition parties claimed that the ruling party interfered in the process. The judiciary is weak and overburdened but continued to show signs of independence; progress was made in reducing the backlog of cases.

The security forces consist of the military and the police, both of which are responsible for internal security. The police in previous years were subordinate to the Ministry of Justice and reported to the Security, Immigration, and Refugees Affairs Authority (SIRAA); however, after the October reorganization of the federal Government, the Federal Police Commission and the Federal Prisons Administration became subordinate to the new Ministry of Federal Affairs. The military consists of both air and ground forces and reports to the Ministry of National Defense. Following the end of fighting between Ethiopian and Eritrean armed forces in 2000, some Ethiopian troops were demobilized, and others were redeployed from the border area in Tigray to other regions throughout the country, which increased the internal military presence in some parts of the Somali, Oromiya, and the Southern Regions. Military forces continued to conduct an increased number of low-level operations against the Oromo Liberation Front (OLF), the Somalia-based Al'Ittihad Al' Islami terrorist organization, and elements of the Ogaden National Liberation Front (ONLF) both in the country and in southern Somalia and northern Kenya. Some local officials and members of the security forces committed human rights abuses.

The economy is based on smallholder agriculture, with more than 85 percent of the estimated population of 63 million living in rural areas under very basic conditions and engaged in subsistence farming. In September estimates for 2000 and the year indicated that agriculture accounted for approximately 45 percent of gross domestic product (GDP). Industry accounts for approximately 12 percent of economic activity; in urban centers, the majority of economic activity is in the informal sector. Nominal GDP grew by approximately 5 percent during the year; GDP per capita was approximately \$100 (856 birr) per year. Exports consist primarily of coffee, chat, hides, skins, beans, and oilseeds. Coffee exports account for more than 40 percent of export earnings; hides and skins were the second highest foreign exchange earning exports. Exports decreased during the year due to the decrease in the world price of coffee. Inflation reportedly was 3.9 percent during the year. Military spending decreased during the year. The Government continued to implement an economic reform program designed to stabilize the country's financial position, promote private sector participation in the economy, and attract foreign investment; however, significant impediments to investment remained, and there were approximately 200 government-owned enterprises that had not been privatized by year's end.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces committed a number of extrajudicial killings and at times beat and mistreated detainees. Pris-

on conditions are poor. Arbitrary arrest and detention and prolonged pretrial detention remained problems. The Government continued to detain persons suspected of sympathizing with or being members of the OLF. The Government did not continue to detain and deport without due process Eritreans and Ethiopians of Eritrean origin; however, approximately 1,800 prisoners of war (POW's) remained in internment camps at Dedesa at year's end. Despite some efforts, the judiciary continued to lack sufficient trained staff and funds, which limited its ability to provide citizens the full protection provided for in the Constitution. Thousands of suspects remained in detention without charge, and lengthy pretrial detention was a consistent problem. The judiciary continued to show some signs of growing independence; however, the Judicial Administration Council took disciplinary action against a judge after he released suspects on bail on habeas corpus grounds.

The Government infringed on citizen's privacy rights, and the law regarding search warrants was ignored widely. The Government restricted freedom of the press and continued to detain or imprison members of the press. Journalists continued to practice self-censorship. The Government at times restricted freedom of assembly; security forces used excessive force to disperse demonstrations. The Government limited freedom of association, and while the nongovernmental organization (NGO) registration process continued to improve, the Government suspended temporarily the registration of a prominent NGO. In July the Speaker of the House of the Peoples' Representatives selected a nominating committee to elect members to the Human Rights Commission (HRC) and the Office of the Ombudsman; however, neither entity was operational at year's end. The Government generally respected freedom of religion; however, on occasion local authorities infringed on this right. The Government restricted freedom of movement. Numerous internally displaced persons (IDP's) remained in the country.

Violence and societal discrimination against women, and abuse of children remained problems. Female genital mutilation (FGM) is widespread. The Government supported efforts to eliminate FGM and other harmful traditional practices. The exploitation of children for economic and sexual purposes remained a problem. Societal discrimination against persons with disabilities was a problem. Discrimination against religious and ethnic minorities continued. Child labor, particularly in the informal sector, continued to be a problem. Forced labor, including forced child labor, also was a problem, and there were reports of trafficking in persons.

The Government's Special Prosecutor's Office (SPO) continued to conduct the trials of persons accused of committing crimes under the Marxist regime (1974-91) of Colonel Mengistu Haile Mariam. Charges have been brought against 5,198 persons. Some of the accused persons were indicted and arraigned, and the testimony of victims continued to be heard in open court. However, more than half of those accused are not in custody and were charged in absentia. Most SPO detainees have been held in custody for 7 or 8 years awaiting trial and judgment.

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 a number of extrajudicial killings, including some alleged political killings during the year.

According to the Chairman of the Southern Ethiopian People's Democratic Coalition (SEPDC), government forces killed at least 11 supporters of the SEPDC in the period leading up to the December elections. For example, in March in Kacha Bira, police from the zonal capital of Dorame reportedly killed for supporting the SEPDC Ermias Abuye, a farmer, while he was plowing his fields. Police reportedly initially refused to investigate the case despite a request from the farmer's family, and the responsible officer continued to work in the Dorame police station at year's end (see Section 3). However, the investigation into the case was pending at year's end. SEPDC officials also reported that rapid deployment forces of the federal and regional police killed two supporters during a January meeting organized by the Council of Alternative Forces for Peace and Democracy in Ethiopia (CAFPDE) in Siraro Woreda, Eastern Shoa zone, Oromia regional state. Authorities detained 13 SEPDC supporters (see Section 1.d.). No action was taken against the responsible police officers by year's end. In April in Badoacho in the Shone Woreda, the army killed four SEPDC members while they were searching for a particular SEPDC activist; no action was taken against the army by year's end (see Section 1.c.). There also were numerous unconfirmed reports of extrajudicial killings by government security forces from Oromiya and the Somali region.

On January 19 in Harar, armed forces reportedly shot and killed five persons during riots between Christian and Muslims (see Sections 1.d. and 5). No action was taken against the responsible military personnel by year's end.

Security forces killed and injured numerous persons while forcibly dispersing several demonstrations during the year (see Sections 1.c., 1.d., and 2.b.). On April 12, police forcibly dispersed a demonstration by students from Addis Ababa University (AAU); one female student was killed, and 50 persons were hospitalized for injuries (see Sections 1.c. and 2.b.). The demonstrations continued, and on April 17, police shot into a crowd of demonstrators after the demonstrations became violent (see Sections 1.c. and 2.b.). The official reports indicated that at least 31 persons were killed; however, there were credible reports that the actual numbers were significantly higher. No action was taken against the police by year's end. In April the body of an Oromo Mekelle University student was discovered on a riverbank outside the city 1 day after the student participated in a peaceful protest against the use of force by police at AAU. The perpetrators remained unknown, and there was no reported investigation into the case at year's end.

There were some deaths in prison during the year due to illness and disease; however, no statistics on the number of deaths in prison were available at year's end (see Section 1.c.). In July the All Amhara People's Organization (AAPO) filed a writ of habeas corpus on behalf of one opposition party member who was detained following the AAU student demonstrations in April (see Sections 1.d. and 2.b.). The police informed the AAPO at the habeas corpus hearing that the detainee was undergoing medical treatment and could not appear in court. However, on July 11, the police informed the AAPO that the detainee had died on June 13 as a result of tuberculosis. His illness could not be confirmed because his family never received his medical charts indicating the treatment provided (see Section 1.c.). The authorities did not return the body to the family, and at year's end, it was unknown where the body was buried. No further investigation or action was taken in the case by year's end.

There were press reports that Ethiopian troops in Somalia killed some civilians during the year; however, the Government continued to deny the presence of troops in Somalia. In 2000 Ethiopian soldiers attacked Haji Salah village in Somaliland, killed two persons, and confiscated radio equipment. Somaliland President Egal wrote a letter to the Ethiopian Government and asked for an explanation for the attack. No further information was available at year's end.

During the year, landmines and unexploded ordnance remaining from the civil war exploded, killing several persons in several regions, primarily children. In 2000 it was reported in the border area and Tigray that 54 civilians were killed and 105 were injured by landmines; 72 percent of these deaths and injuries involved persons who were 18 years old or younger (see Section 1.c.). No statistics were available for the year. In March two children, ages 12 and 13, reportedly were killed after a hand grenade they found in the western part of the country exploded (see Section 5). During the fighting with Eritrea in previous years, the Ethiopian army reportedly laid large numbers of landmines in the Eritrean territories that it occupied. During the year, there continued to be reports of an unknown number of casualties from landmines and unexploded ordnance in the Temporary Security Zone (TSZ) in Eritrea and along former trench-lines in the border area.

An investigation was ongoing at year's end into the May 2000 case in which security forces killed two women while they were voting, allegedly because they refused to mark their ballots for an EPRDF candidate.

No action was known to have been taken against members of the security forces responsible for the following 2000 killings: The December beating to death of a man detained allegedly in retaliation for election activities; the December killing of a student during a demonstration in Awassa; the May killing of seven SEDPC supporters; the April killing of a student during a student demonstration in Dembi Dollo; the March killing of a student who was attempting to assist another person being arrested for the non-payment of taxes in Ambo; the March killing of Getu Driba in Ambo; and the February torturing and killing of two farmers in Soro.

In 1999 student protests against the arrest of two teachers who criticized new textbooks in the Welayita speaking sections of the SNNPRS led to widespread demonstrations and riots (see Sections 1.d. and 5). Special police units called in to suppress the riot killed up to 10 persons and injured hundreds of others. The Government conducted an investigation into the incident but had not released a report by year's end. No action was known to have been taken against members of the special police units responsible for killing approximately 10 persons while forcibly dispersing a demonstration in November 1999 in Soro in the Southern Region. No further action was taken by year's end against the undercover security officer arrested

for shooting and killing a youth attending the funeral of AAPO founder Asrat Woldeyes in June 1999.

Preelection and postelection violence resulted in some deaths (see Section 3). According to figures from the SEPDC leadership in the Hadiya zone, by year's end, security forces killed 11 SEPDC members because of their affiliation with the opposition (see Sections 1.c., 1.d., and 3). On election day in May 2000, an EPRDF member threw a grenade into the home of an opposition party election observer; three persons were killed, including the observer. In 2000 in the Somali region, nine persons, including five election observers, one opposition candidate, and three other passengers were killed when the cars in which they were riding were struck by either rockets or landmines. The identity of the perpetrators remained unknown at year's end.

In 1997 the Federal High Court in Addis Ababa began the arraignment and prosecution of 5,198 persons formally charged with genocide and other war crimes, including extrajudicial killings, under the previous regime (see Section 1.e.). Of the 5,198 persons charged, 2,246 were detained, while the remaining 2,952 were charged in absentia. Between July 2000 and July, the Federal High Court delivered final judgements on 806 defendants, convicting 478 and acquitting 328. During the year, both the federal and regional courts adjudicated more genocide cases, and judges acquitted defendants when the Office of the Special Prosecutor (SPO) did not produce evidence against them. At year's end, witnesses still were being heard and evidence taken in the ongoing trials. During the year, the Government acquitted and released a number of prisoners for lack of evidence. In 1999 the Federal High Court handed down a death sentence in absentia to Getachew Tekeba, a former district governor and army lieutenant. Tekeba was convicted of ordering the detention, torture, and execution of five alleged opponents of the Mengistu Government. Tekeba's whereabouts remained unknown at year's end.

Unlike in the previous year, there were no known reports that the Government continued to provide financial support to a coalition of Eritrean opposition groups based in Sudan, which were reported to have laid landmines in Eritrea that resulted in several civilian deaths.

The OLF and the ONLF regularly used landmines, which resulted in numerous civilian deaths and injuries (see Section 1.c.). During the year, police detained several persons suspected to be responsible for laying landmines that allegedly derailed a freight train near Nazareth in 2000; two persons were killed and several were injured. Observers believe the landmines were laid by the OLF; police arrested and detained five alleged perpetrators during the year. There was no further information available on the case at year's end.

Ethnic clashes during the year resulted in a number of deaths (see Section 5). There were continued tensions between the Oromo Borena community and ethnic-Somali Garre pastoralists in the south, which resulted in at least 60 deaths and 200 injuries by year's end. Fighting between former drought victims from the Amhara region, who had been resettled in the East Wellega zone of the Oromia region, and Oromos in the Gida Kiremu district resulted in the death of one Oromo policeman and several Amharas (see Section 5). Press reports indicated that there were hundreds of deaths throughout the year; however, the total number remained unknown at year's end.

Banditry remained a serious problem in parts of the country. Bandits, often heavily armed, killed civilians during robberies and attempted robberies. Most evidence suggests that their motives primarily were economic.

b. Disappearance.—There were no confirmed reports of disappearances perpetrated by the Government, and unlike in the previous year, there were no reports of politically motivated disappearances.

In 1997 the federal High Court in Addis Ababa began the arraignment and prosecution of 5,198 persons charged with genocide and other war crimes under the previous regime, including the disappearance of 14,209 persons (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of torture and mistreatment; however, there were credible reports that security officials sometimes beat or mistreated detainees. Government media published occasional reports of officials who were detained or dismissed for abuse of authority and violations of human rights. There were credible reports that the military harassed SEPDC supporters (see Sections 1.a., 1.d., and 3).

Preelection and postelection violence resulted in some injuries and deaths (See Sections 1.a. and 3). In May in Soro, police beat Selfamo Kintamo, an elderly supporter of the SEPDC and the uncle of a SEPDC parliamentarian, reportedly because of his support of the SEPDC. On April 5, four SEPDC members were injured during clashes between the army and the SEPDC in Badoacho in the Shone Woreda (see

Section 1.a.). In Badoacho police beat Ayele Amore, an SEPDC supporter. No action was taken against the police or the army for any of these cases by year's end.

There were credible reports that members of the military raped several women. In June members of the military raped two girls, ages 16 and 17, when they took food to family members who were detained in Hosana. In July security forces reportedly raped a woman from Soro while she was in temporary detention, allegedly for her husband's involvement with SEPDC, after her husband fled the area (see Section 1.d.). No further action was taken in the case by year's end.

Security forces killed and injured numerous persons while forcibly dispersing several demonstrations during the year (see Sections 1.a., 1.d., and 2.b.). For example, during demonstrations at AAU in April, there were several credible reports that police indiscriminately beat numerous persons and shot into a crowd of students; at least 253 persons were injured, although some reports estimated that the number was higher (see Sections 1.a., 1.d., 1.e., and 2.b.). There were several reports that students and opposition party members detained after the April demonstrations were beaten while in detention (see Section 1.d.). There also were credible reports that police beat a group of mothers who were attempting to visit their children detained at Sendafa, a police college that was used as a temporary detention center, following the demonstrations (see Section 1.d.). During the AAU demonstrations, police reportedly beat women and young children in their homes after the officers had entered them forcibly (see Section 1.f.). No further information was available on the reports by year's end.

In January in Harar, more than 20 persons were injured when the army was called in to restore order after a riot broke out between Muslims and Christians (see Sections 1.d. and 5).

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 2000 cases: The December beating to death of a man in detention; the March injuring of students during a demonstration; and the beating of a man who was detained allegedly in retaliation for election activities.

In 1999 student protests against the arrest of two teachers who criticized new textbooks in the Welayita speaking sections of the SNNPRS led to widespread demonstrations and riots. Special police units called in to suppress the riot injured hundreds of the demonstrators and killed up to 10 persons (see Sections 1.a. and 1.d.). The results of a government investigation into the incident were not released by year's end.

There continued to be reports during the year of persons killed or injured by landmines and unexploded ordnance laid by government forces, the government-supported coalition of Eritrean opposition groups based in Sudan, Eritrean forces, the OLF, the ONLF, and other groups during armed conflicts in previous years (see Section 1.a.). In 2000 in the border area and Tigray, 105 civilians reportedly were injured by landmines; 72 percent of persons killed or injured were 18 years old or younger (see Section 1.a.).

Ethnic clashes throughout the year resulted in numerous injuries and deaths (see Sections 1.a. and 5).

Prison conditions are poor, and overcrowding remains a serious problem. Prisoners often are allocated fewer than 21.5 square feet of sleeping space in a room that may contain up to 200 persons. Prison food is inadequate, and many prisoners have food delivered to them every day by family members or use their own funds to purchase food from local vendors. Prison conditions are unsanitary, and access to medical care is not reliable. There were some deaths in prison during the year due to illness and disease (see Section 1.a.). Prisoners typically are permitted daily access to prison yards, which often include working farms, mechanical shops, and rudimentary libraries. Visitors generally are permitted; however, some family members were not permitted to visit relatives detained at Zeway prison following the April AAU demonstrations (see Sections 1.d., 2.b., and 6.c.). Prison letters all must be written in Amharic, making outside contact difficult for non-Amharic speakers; however, this restriction generally is not enforced. Female prisoners are housed separately from men; however, juveniles sometimes are incarcerated with adults (see Section 5). Unlike in the previous year, there were no reports that prison guards raped female prisoners. In September 2000, the prison guard arrested for raping a female prisoner in 2000 was convicted and sentenced to 13 years in prison during the year. Pretrial detainees often are detained separately from convicted prisoners at local police stations or in the limited Central Investigation Division (CID) detention facility in Addis Ababa, until they are charged. By year's end, there were 75 detainees at CID. The law requires that prisoners be transferred to federal prisons upon conviction; however, it was believed that this requirement sometimes was not complied with in practice.

Approximately 2,000 Eritrean soldiers were captured as a result of fighting in 2000. These POW's were interned in camps in Tigray region, in addition to those captured during earlier combat and imprisoned in an internment camp at Dedesa in western Oromiya. The Dedesa camp is in an area less prone to malaria. Conditions in the camp are spartan, but there are adequate housing, food, water, and sanitation facilities. In 2000 the Government repatriated 359 severely injured or ill POW's to Eritrea; 879 POW's were repatriated during the year. Approximately 1,800 POW's remained in detention at year's end despite the December 2000 peace agreement with Eritrea that called for the rapid exchange of POW's.

The Government permits independent monitoring of prisons and police stations by the International Committee of the Red Cross (ICRC) and by diplomatic missions. The ICRC generally had access to federal and regional prisons, civilian detention facilities, and police stations throughout the country during the year. In addition to visiting the CID detention facility, which held 75 persons whose cases were under investigation at year's end, the ICRC was permitted to regularly visit all of the 29 police stations in Addis Ababa during the year. Unlike in the previous year, the ICRC did not have access to the Tatek military detention facility in the east nor did the ICRC receive government permission to visit any other military detention facilities where suspected OLF fighters were held. The Government generally permitted the ICRC access to detention facilities holding Eritrean POW's, including the main camp at Dedesa. The ICRC also regularly visited civilian Eritrean nationals and Ethiopians of Eritrean origin detained on national security grounds. The ICRC also was permitted access to Zeway Prison, Showa Robit Prison, and other detention facilities where several thousand persons were being held in connection with the student riots in April (see Section 1.d.); however, diplomats were not permitted access either to Showa Robit or the other facilities.

Government authorities continued to permit diplomats to visit prominent detainees held by the SPO for alleged involvement in war crimes and terrorist activities. These detainees include former housing ministry official and governor of Sidamo under Mengistu Abera Yemane-Ab, 1968 Olympic marathon winner Mamo Wolde, and former AAU president Alemayehu Tefera. Ethiopian Teachers Association (ETA) president Taye Woldesemayat also is permitted visitors from the diplomatic community (see Section 1.d.). Unlike in the previous year, delegations from Education International, an NGO, were permitted to visit Woldesemayat.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and both the criminal and civil codes prohibit arbitrary arrest and detention; however, the Government does not always respect these rights in practice. Under the criminal procedure code, any person detained must be charged and informed of the charges within 48 hours and, in most cases, be offered release on bail. The Constitution provides that arrested persons have the right to be released on bail; however, some offenses, such as murder, treason, and corruption, are not bailable. In most cases, bail is set between approximately \$120 (1,000 birr) and approximately \$1,200 (10,000 birr). Those persons believed to have committed serious offenses may be detained for 14 days while police conduct an investigation, if a panel of judges orders it, and for additional 14-day periods while the investigation continues. In practice and especially in the outlying regions, authorities regularly detain persons without a warrant, do not charge them within 48 hours, and—if persons are released on bail—never recall them to court. There were reports that in small towns, persons were detained in police stations for long periods without access to a judge and that sometimes these persons' whereabouts were unknown for several months. Thousands of criminal suspects remained in detention without charge; many of the detainees were accused of involvement in OLF terrorist activities or arrested after the April student demonstrations. Often these lengthy detentions are due to the severe shortage and limited training of judges, prosecutors, and attorneys; however, detainees often remain in custody without charge or without bail for long periods of time in high profile cases that are considered to be somewhat political, including those detained for corruption or detainees who are opposition members. Such cases have been remanded at least 10 to 15 times, for 2 weeks each time, and courts allow police to conduct investigations that continue for months. In addition judges have been shifted among cases, judges fail to show up for hearings, or new judges are not reassigned upon the death or incapacity of assigned judges in time for hearing dates. Detention conditions were poor.

Federal and regional authorities arrested and detained persons without charge or trial for activities allegedly in support of armed opposition groups.

Following a riot between Christians and Muslims on January 19, authorities arrested and detained 194 persons and charged them with mob activity resulting in the destruction of property, inflicting bodily harm, and disturbing the peace; all of

the detainees reportedly were released by September, and there were no pending charges at year's end (see Section 5).

There were credible reports that local authorities in the Oromiya, Amhara, and the Southern Region periodically arrested and detained supporters of opposition parties in the period prior to and following the 2000 national and February, March, and December regional elections (see Section 3). Although many were arrested during the first half of the year, regional prosecutors did not file charges against them until November. There also were credible reports that access to a court hearing and reasonable bail was denied routinely to members of opposition parties, particularly in the Southern Region (see Section 1.e.). According to figures from the SEPDC, police arrested approximately 1,000 opposition members (see Sections 1.a., 1.c., and 3). According to reports from the SEPDC leadership in the Hadiya zone where 666 members were arrested, all of their members were charged with the same four counts: Incitement against the government; incitement not to pay taxes and fertilizer loans; cutting government-owned forest; and illegal use of grazing lands. Most of those detained were not presented with a warrant at the time of arrest; however, many detainees who later were released were provided with a list of charges at that time. Some detainees were granted but could not post bail because it was set at a high amount, and some detainees were required to find a guarantor who also was a homeowner. Most of those detained during the year were released on bail by year's end; however, detainees who were in detention on capital charges or who were unable to afford bail remained in detention at year's end. According to SEPDC leaders, 104 members remained in zonal prisons in Hosana and Durame at year's end; government officials reported a lower number.

Police arrested and charged with illegal assembly numerous persons at several SEPDC meetings during the year (see Section 2.b.). In the months immediately before the regional elections, authorities harassed and detained supporters of parties belonging to the SEPDC opposition coalition. Prior to the December regional elections, negotiations between the National Election Board (NEB) and officials in the Hadiya and Kebatta-Alaba-Tamboro zones resulted in the November release of more than 150 SEPDC supporters.

Two representatives of the SEPDC in the Regional Council were arrested without having their parliamentary immunity formally removed; parliamentary immunity protects members of the House from arrest or prosecution except in the act of committing a crime ("flagrante delicto."). The two representatives reportedly were charged with the killing of a police officer and one other person. Another parliamentarian also was charged separately in connection with the killing of the police officer; however, his immunity reportedly was removed. The two representatives remained in detention, and there was no official action by the Regional Council to remove their immunity by year's end.

In July a woman from Soro was raped while she was in detention in an abandoned home that had become a temporary detention center run by the military (see Section 1.c.). The woman claimed that she was detained for her husband's SEPDC involvement (see Section 3). The woman's husband reportedly fled the area after members of the military began searching for him to question him about his SEPDC involvement. Members of the military reportedly also detained the woman's brothers; when she went to the detention facility to request their release, the officers reportedly detained the woman and her child and released her brothers. She reportedly remained in detention for approximately 1 month before she was released.

Following the April AAU demonstrations, security forces arrested and detained approximately 5,000 persons (see Sections 1.a., 1.c., 1.f., and 2.b.). During the demonstrations, security forces arrested AAU students and other demonstrators and looters; security forces also arrested students who had taken refuge in churches and mosques throughout the city. In the days following the riots, security forces, often in plainclothes, arbitrarily arrested youth throughout the city. There were credible claims that street children were detained in Addis Ababa at night, and then left at unknown locations outside the city limits. All of the arrests were made without warrants, and no formal charges were filed nor were detainees brought before the court within 48 hours as required by law.

The majority of those detained after the riots were taken to the Sendafa police training facility or the Tatek military camp; however, the Government did not release information about the whereabouts and identities of many detainees for several months. Detainees who were released a few months after the arrests reported that detainees at Sendafa and the Showa Robit Prison were subjected to extreme overcrowding, very limited food, and lengthy interrogations upon arrival (see Section 1.c.). Alleged punishment also included forced strenuous physical activity. For example, detainees reportedly were forced to jog around the camp for several hours and run barefoot on gravel; detainees who lagged behind were beaten. The Government

did not permit access to students detained at Sendafa in the days following the riots. Police held detained persons incommunicado and refused to give information to the families of detainees who tried to determine the location of their relatives. There were credible reports that many detainees who were held temporarily in police stations and detention centers in and around Addis Ababa subsequently were moved to the Showa Robit Prison, northeast of Addis Ababa and Zeway Prison to the south (see Sections 1.c. and 6.c.). Detainees often must rely upon family assistance; however, the distance from Showa Robit to Addis Ababa made access by family members difficult. Many family members who were able to travel to Showa Robit were not allowed to visit their relatives.

On April 26, approximately 1,200 students were released from custody. At year's end, no charges were pending against those who were released; however, there were reports that detainees were fingerprinted and required to sign statements that admitted to participation in an illegal act. On July 4, the Addis Ababa Police Commission released 107 detainees from detention centers in Addis Ababa, and Kewet Woreda court near Showa Robit released 150 detainees; most of those released had no formal charges pending against them. At year's end, approximately 230 persons remained in detention in connection with the riots reportedly because they were unable to pay the bail amount (see Section 5). Those detainees who were released on bail were charged with disturbing the peace, inciting violence, and looting. There were no statistics available on the number of cases that remained pending from the original 5,000 at year's end. Due to the distance from Addis Ababa to the Kewet Woreda Court, at year's end, the Government announced that pending cases would be transferred from the Kewet Court to the Federal First Instance Court in Addis Ababa.

The authorities also arrested 162 members of opposition parties in connection with the April riots; all of the detainees were released by year's end. On April 19, authorities arrested and detained four members of the EDP; on June 7, they were released on bail by a federal court in Addis Ababa on habeas corpus grounds. On June 19, after the jurisdiction of these cases was shifted to the Kewet Woreda near Showa Robit, the four were detained again. On July 13, the four were released again on bail by the regional court. None of the EDP members remained in detention at year's end.

On May 8, authorities arrested Berhanu Nega and Mesfin Woldemariam, two prominent academics and human rights activists; 3 weeks later, they were charged with inciting the AAU students to riot during an April 8 panel discussion on human rights and academic freedom that was organized by the Ethiopian Human Rights Council (EHRCO) and with organizing a clandestine political party, the Ethiopian Democratic League (EDL). On June 5, they were granted bail and released; the case was remanded again and their next hearing was rescheduled for April 2002 (see Sections 1.f., 2.b., and 4).

On May 24, the Government established the Federal Ethics and Anti-Corruption Commission, which was vested with the authority to release corruption suspects on bail. Between May 24 and June 12, 24 businessmen and government officials were arrested in connection with the anti-corruption campaign, including former Minister of Defense Seye Abraha and Bitew Belay, Minister in charge of Regional Affairs. On June 12, the Government announced that Parliament passed an amendment to the Anti-Corruption Special Procedures and Rules of Evidence, which revoked the right to bail for persons suspected of corruption; the denial of bail was applied retroactively to those already in detention. Both the Federal First Instance Court and the Supreme Court remanded the corruption cases for a series of successive 14-day periods after the police requested more time for investigation. In October 12 suspects were charged with several counts of corruption. In December the court requested that the prosecution provide the court with a detailed justification of the charges. None of the detainees were charged formally by year's end (see Section 1.e.). After attorneys representing the detainees complained to the court about the conditions of detention in the CID temporary holding facility, several detainees were moved to the federal prison in Addis Ababa where they were given access to some services, including medical care (see Section 1.c.).

In August authorities arrested the Eritrean official driver of the Eritrean Embassy. He remained in detention at year's end; however, no further information on his case was available.

A total of 12 journalists were detained during the year, and 3 journalists remained in detention at year's end (see Sections 2.a. and 2.c.). During the year, 14 journalists were released, including 8 who were released on bail, with charges against them pending at year's end. The other six were released after serving all or part of their sentences; no charges were pending against them at year's end.

In response to attacks by armed opposition groups operating out of Somalia and Kenya (see Sections 1.a. and 1.c.), the military has conducted operations in and around the areas bordering Somalia and Kenya. These operations have resulted in the capture and detention of hundreds of opposition fighters and their suspected supporters on both sides of these borders. The vast majority of these incidents took place in the Oromiya and Somali regional states. Several thousand persons allegedly associated with armed opposition groups remained in detention at year's end. Most detainees were accused of participating in armed actions by the OLF or the ONLF. In typical cases, security forces arrested and held these persons incommunicado for several days or weeks before eventually releasing them.

In October authorities arrested Moga Frissa, vice president of the Macha-Tulema Self Help Association, an Oromo civic organization, and Aberra Aguma, another member of the organization, for suspected involvement with the OLF. In November Frissa was released on bail and charged with subversion and aligning with and supporting a terrorist organization. Frissa was arrested in 2000 on similar charges and was released after 1 month in detention after a judge rejected the charges for lack of evidence.

In December 2000, ethnic tensions between Oromo and Tigrayan students at AAU led to some fighting and vandalism, and authorities arrested some Oromo students. The Oromo students claim that the arrests were out of proportion to their involvement in the fighting. All of the detained students were released by year's end.

Numerous SEPDC supporters whom authorities in the Southern Region detained in retaliation for voting for the opposition in the 2000 national elections, and some SEPDC candidates for office remained in detention at year's end. At year's end, 104 remained in detention, including potential candidates for local elections and two regional parliamentarians (see Section 3).

In 1999 the Government arrested 26 Nuer tribal political activists associated with the Gambella People's Democratic Congress (GPDC); all of the detainees were released by year's end (see Sections 3 and 5). Some of the activists were arrested for inciting Nuer students to demonstrate for the use of the Nuer language in school, while others were arrested on suspicion of supporting the OLF.

Approximately 50 elders, teachers, and civil servants remained in detention pending trials at year's end; they were charged with subversion following the 1999 student demonstrations against the arrests of two teachers in the SNNPRS (see Section 5). Bail was set for the detainees from between \$6,060 and \$12,121 (50,000 and 100,000 birr); however, none of the detainees was able to post bail by year's end.

In July several detainees at the Gondar Prison complained to officials that they were detained without charge, some for 2 to 5 years, while the police investigated their cases.

Federal prosecutors from the Oromiya region announced that 600 criminal detainees were not charged, pending ongoing investigations; the majority of the 1,200 detainees in Oromiya who were charged formally have been in detention since 1999. No further information was available on the detentions by year's end.

In 1999 ETA president Taye Woldesemayat was convicted of treason and alleged involvement in an underground terrorist organization and sentenced to 15 years in jail (see Section 6.a.). In handing down the sentence, the court referenced two alleged terrorist acts that had been dropped from the list of charges against Woldesemayat during the trial. Woldesemayat's attorney appealed the conviction. One of three Supreme Court judges hearing the appeal did not appear for the July court date, and Woldesemayat's appeal was rescheduled again for October and December. At year's end, the appeal was rescheduled for March 2002. Woldesemayat was held separately from other prisoners, and although diplomats continued to visit Woldesemayat in prison during the year, he was not permitted to confer with his attorney without prison guards present (see Section 1.c.).

The closed trial of 65 Oromos suspected of involvement in OLF terrorist acts and arrested in 1997 and indicted in 1998 continued. In May, 28 of the defendants, including 8 members of the Human Rights League (HRL), were released without charges due to insufficient evidence; charges against the remaining 37 defendants were pending at year's end (see Section 2.b.).

In 1997 the SPO formally charged 128 defendants with politically motivated genocide dating back to the 1976 "Red Terror" (see Section 1.e.). The SPO has the authority to arrest and interrogate any person suspected of involvement in the Red Terror Campaign under Mengistu. In 1998 the SPO began presenting prosecution testimony in the case of former AAU president Alemeyehu Tefera, imprisoned since 1993, although the charges on which he originally had been detained were dropped the same year. His petition to separate his case from the 127 other defendants was denied (see Section 1.a.). The court also started hearing testimony in 1998 on the case of former Olympic marathon champion Mamo Wolde, who was charged with

genocide for the state-sponsored killing of 14 teenagers during the prior regime. Wolde has been detained since 1992. Both trials were ongoing at year's end. During the year, the courts acquitted a number of SPO defendants (see Section 1.e.). Opposition groups allege that some of the persons detained by the SPO are held for political reasons. The Government denies that it holds persons for political reasons.

Some civilian residents of Eritrean origin have been detained since the outbreak of hostilities between Ethiopia and Eritrea. The Government justified these detentions on grounds of security. Approximately 200 civilian residents of Eritrean origin remained detained in the internment camps at Dedesa at year's end (see Sections 1.c. and 2.d.).

The ICRC participated in some repatriations to Eritrea; the ICRC had facilitated the repatriation of 2,892 Eritreans by year's end. In 1999, authorities began releasing Eritrean civilian detainees if they could obtain visas to a country other than Eritrea. Approximately 90 detainees left Ethiopia in 1999, mostly to other African countries, particularly Uganda and Malawi. However, following a violent confrontation in 2000 in Malawi between some former detainees and Malawi police, the Government reportedly decided not to permit detainees travel to other African countries (see Section 2.d.).

The ICRC repatriated 879 Eritrean POW's during the year; approximately 1,800 Eritrean POW's, captured in fighting between Ethiopia and Eritrea, remained in detention at year's end. In September the Government stopped POW repatriations until it received information from Eritrea on a captured Ethiopian pilot; in October there was one exchange of POW's, but they did not resume otherwise by year's end.

Exile is illegal, and the Constitution provides that citizens shall not be deprived of their nationality against their wills; however, during the 1998–2000 conflict with Eritrea in 1998, the Government detained and deported as many as 75,000 Eritreans and Ethiopians of Eritrean origin on national security grounds. Some of the deportees were voluntary returnees who had requested return to Eritrea; however, the vast majority were deported forcibly. Deportation orders originated from the SIRAA in Addis Ababa. The Government's actions raised serious issues of due process since there were no preliminary hearings to determine the merits of the deportations, no right to counsel was provided to detainees, and detainees only had a very circumscribed opportunity to register protests. In addition the issue of the nationality of Eritrean-origin Ethiopians has not been settled yet. Heads of households were taken without warning, detained, and often deported via overland routes within 48 hours. Remaining family members were given arbitrary deadlines to sell property and sometimes were subjected to departure taxes based on estimated annual income and unpaid balances on government bank loans. The Government stopped deporting forcibly Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June 2000. The ICRC repatriated 2,892 Eritreans or Ethiopians of Eritrean origin during the year. In 1999 all Eritreans and Ethiopians of Eritrean origin over 18 years of age who had taken part in the 1993 referendum on Eritrean independence were required to register with the SIRAA and complete residence application forms. After registration applicants received identity cards and residence permits valid for 6 months. According to authorities, all Eritreans or Ethiopians of Eritrean descent were registered by year's end (see Section 2.d.).

A number of persons remained abroad in self-imposed exile, including 40 journalists.

There were reports that students fled to Kenya and Djibouti after the April riots at AAU (see Section 2.b.).

Another SEPDC representative whose parliamentary immunity was removed by the Regional Council in July remained in hiding in the country at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained weak and overburdened. Although the federal and regional courts continued to show signs of judicial independence, in practice severe shortages of adequately trained personnel in many regions, as well as serious financial constraints, combined to deny many citizens the full protections provided for in the Constitution.

Consistent with the Constitution, the Government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the district, zonal, and regional levels. The federal High Court and federal Supreme Court hear and adjudicate original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary is increasingly autonomous, with district (woreda), zonal, high, and supreme courts mirroring the structure of the federal judiciary. In 2000 the president of the federal High Court created two new three-judge benches at the High Court level to handle criminal cases. The Special Prosecutor's Office has delegated some of the war crimes trials

to the supreme courts in the regions where the crimes allegedly were committed, which has increased the efficiency of the process.

The Constitution provides legal standing to some preexisting religious and customary courts and gives federal and regional legislatures the authority to recognize other courts. By law all parties to a dispute must agree before a customary or religious court may hear a case. Shari'a (Islamic) courts may hear religious and family cases involving Muslims. In addition other traditional courts still function. Although not sanctioned by law, these courts resolve disputes for the majority of citizens who live in rural areas and who generally have little access to formal judicial systems.

The outbreak of hostilities between Ethiopia and Eritrea adversely impacted the military justice system. Most foreign assistance to train officers and noncommissioned officers was suspended at the same time that the rapid expansion of the military greatly increased the need for trained military lawyers and judges; this suspension in assistance continued during the year.

Regional offices of the federal Ministry of Justice monitor local judicial developments, and the regional courts have jurisdiction over both local and federal matters, but the federal judicial presence in the regions is limited nevertheless. Anecdotal evidence suggests that some local officials believe they will no longer be held accountable to a higher authority. However, unlike in the previous year, local government officials in some areas did not ignore instructions from the NEB on the acceptance of candidate endorsement signatures from opposition party candidates (see Section 3).

To remedy the severe lack of experienced staff in the judicial system, the Government continued to identify and train lower court judges and prosecutors, although officials acknowledge that the pay scale offered does not attract the required numbers of competent professionals. Senior government officials charged with judicial oversight estimate that the creation of a truly independent and skilled judicial apparatus would take decades. The Government has welcomed foreign financial and technical assistance to accelerate this process. Pending the passage by regional legislatures of laws particular to their region, all judges are guided by the federal procedural and substantive codes.

According to the Constitution, accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. Accused persons have the right to be represented by legal counsel of their choice. However, in practice, lengthy pretrial detention was common, closed proceedings occurred, and at times, detainees were allowed little or no contact with their legal counsel. The public defender's office provides legal counsel to indigent defendants, although its scope remains severely limited, especially with respect to SPO trials. The law does not allow the defense access to prosecutorial evidence before the trial.

The Constitution provides that persons arrested have the right to be released on bail (see Section 1.d.). Certain offenses such as capital crimes and corruption are not bailable.

Authorities detained hundreds of persons without charge for supposed involvement with the OLF and the ONLF (see Section 1.d.). Such cases often reflect arbitrary actions on the part of local officials but also result from an overburdened and cumbersome judicial system marked by a shortage of trained and competent prosecutors and judges.

The SPO was established in 1992 to create a historical record of the abuses committed during the Mengistu Government and to bring to justice those criminally responsible for human rights violations (see Sections 1.a. and 1.c.). The SPO has the authority to arrest and interrogate anyone suspected of involvement in the Red Terror Campaign under Mengistu. The federal High Court has considered the cases of 2,658 defendants accused of genocide, war crimes, and aggravated homicide. Trials began in 1994 and continued during the year; however, the process is subject to frequent and lengthy adjournments. Court appointed attorneys, sometimes with inadequate skills and experience, represent many of the defendants, following claims that they could not afford an adequate defense. Of the 5,198 defendants, the Government is trying 2,952 in absentia, including former dictator Colonel Mengistu Haile Mariam, who remained in exile in Zimbabwe. Cases continued to be handled more quickly than in previous years; however, most cases still were in progress at year's end. Between July 2000 and July, several SPO defendants were released on bail, and 328 were acquitted. During the same period, 478 defendants were convicted, with sentences ranging from death to release for time already served. During the year, the SPO opened a new case against persons accused of participating in the 1987 Hawzein Massacre; the majority of those named in the file have been charged already with other offenses (see Sections 1.a. and 1.c.). There was no further action taken on the case by year's end.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law requires judicial search warrants; however, they seldom are obtained outside of Addis Ababa in practice.

In May federal police closed the offices of EHRCO for several days while they searched for evidence related to the arrest of Mesfin Woldemariam, the founder and first chairman of EHRCO, and Berhanu Nega (see Section 1.d.). A court search order allowed police to search all documents in the EHRCO offices dating back to 1999; however, EHRCO appealed that order. The court issued a second order, which limited the search to cassettes, computer disks, and leaflets that allegedly were used during the panel discussion on April 8. According to EHRCO, police also confiscated other unrelated documents in violation of the revised court order (see Sections 2.a. and 4).

During the April riots in Addis Ababa, there were unconfirmed reports that police officers forcibly entered the homes of civilians residing in the area (see Sections 1.a., 1.c., 1.d., and 5). There also were credible claims that security forces took persons from their homes in the middle of the night without warrants (see Section 1.d.).

According to a few NGO's, the Government had conscripted forcibly young men from eastern and southern states; however, repeated investigations by other international observers found no evidence to support these claims. Ethiopia maintains an all-volunteer military.

There were credible but unconfirmed reports that in certain rural areas local officials used threats of land redistribution and withholding of food aid and fertilizer to enforce support for the ruling coalition (see Section 3). There also were credible reports that teachers and other government workers have had their employment terminated if they were not of the dominant ethnic group in their region (see Section 5). According to the SEPDC, some SEPDC supporters were suspended or dismissed from their jobs in retaliation for voting for the opposition in the 2000 elections (see Section 3).

During the conflict with Eritrea, Eritreans and Ethiopians of Eritrean origin lost their jobs, business licenses, and access to government services including health care facilities, and many were deported without due process (see Sections 1.d. and 2.d.). Individuals often were taken without warning and at night, separated from their families, detained, and deported via overland routes within 48 hours. Unlike in the previous year, there were no reports that remaining family members were given arbitrary deadlines to sell property and sometimes were subjected to departure taxes based on estimated annual income and unpaid balances on government bank loans; however, there may be local harassment of such persons (see Section 1.d.).

Security forces on occasion detained the family members of persons they were looking for when those persons were missing (see Section 1.d.).

Unlike in the previous year, Ethiopian forces did not loot or cause extensive damage to Eritrean towns and villages.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the freedom of speech and of the press; however, the Government used legal and other mechanisms to restrict these rights in practice. For example, the Government continued to prosecute journalists and editors for publishing articles that violated the law. Some journalists practiced self-censorship; however, the private press was active and often published articles extremely critical of the Government.

According to the Constitution, citizens generally are free to discuss publicly any topic they choose; however, on occasion the Government restricted this right in practice. The Government opposed the activities and operations of groups critical of the Government such as the ETA and the HRL (see Sections 2.b. and 4). During the year, several groups critical of the Government held press conferences and public meetings without retribution, and several opposition parties held press conferences that were covered by both the private and the government press.

During the year, two journalists were detained and charged with defamation after writing articles critical of the Ethiopian Orthodox Church (see Section 2.c.).

The official media, including broadcast, wire service, and print media receive government subsidies; however, they legally are autonomous and responsible for their own management and partial revenue generation. Government reporters practice self-censorship. The Government's press and information department acts as an official spokesperson and manages contacts between the Government, the press, and the public. The office of the Government spokesperson and information sections of government ministries routinely refused to respond to queries from the private press and limited their cooperation with the press to the government-run Ethiopian News Agency, to the ruling party-run Walta news agency, and to correspondents of inter-

national news organizations. Unlike in the previous year, the Government permitted private newspapers and news organizations to attend government briefings and press conferences, and some government officials provided information and granted interviews to private journalists.

There are approximately 28 private Amharic-language weekly newspapers, 1 independent Tigrigna-language weekly, 7 English-language weeklies, and 1 English-language daily. Circulation figures range from 2,000 to 20,000 copies each. In addition to the private press, there are 5 ruling party coalition papers, in Amharic, Oromifa, and Tigrigna that have a total circulation figure of 110,000. There are 2 government dailies, the English-language Ethiopian Herald (circulation 40,000) and the Amharic Addis Zemen (circulation 50,000), and a government Arabic-language weekly, Al-Alam (circulation 10,000). Three new weeklies began publication during the year: Wegahta, a Tigrigna-language paper allied with the Tigrayan opposition faction of the TPLF; Business Weekly, an English-language business paper; and Ze-Press, an Amharic weekly staffed by editors and reporters from the discontinued Amharic daily Eletawi Addis. In December Wegahta, which was highly critical of the ruling party and was alleged to be sympathetic to a splinter group of the TPLF, closed. Berhan Hailu, the editor of Wegahta, reportedly was harassed by security forces and called in for questioning at the CID several times during the year; she reportedly had left the country by year's end.

The majority of private papers as well as government papers are printed at government-owned presses. However, a few private papers have started using smaller private printing presses, one of which is owned by the publisher of the Daily Monitor. All EPRDF publications are printed at the party-run Mega Publishing Enterprise.

The Government used statutory provisions concerning publishing false information, inciting ethnic hatred, and libel to justify the arrest and detention of journalists (see Section 1.d.). During the year, 12 journalists were arrested, and 3 remained in detention at year's end. In May Tamret Zuma, the editor-in-chief of the closed Amharic weekly "Akturut," was detained and charged with defamation in connection with an article alleging mismanagement at a factory and inciting violence for a 1999 article in which a retired general predicted the imminent overthrow of the Government. He remained in detention because he was unable to post bail of \$1,300 (11,000 birr). On November 1, authorities summoned 14 journalists to the CID and informed them of charges against them. In late November, authorities detained two of the journalists, Tsegaye Ayelew, editor of Genanew, and Robel Mitiku, editor of Goh; they were released on bail and not charged by year's end. In July several editors of Amharic weeklies were detained briefly for false reporting of a rift between the Prime Minister and his Foreign Minister. A total of 14 journalists were released during the year. Of these, 8 detainees were released on bail and 6 were released after serving all or part of their sentences. Charges were dropped against five of the released detainees (see Section 1.d.).

In May and June, three journalists of the Oromo-oriented private weekly "Urjii," arrested in October and December 1997 along with 62 other ethnic Oromos indicted for involvement in OLF terrorist activities, were released, and charges against them were dropped (see Section 1.d.).

No further information was available on the following cases involving journalists at year's end: Zemedkur Mogus of the newspaper Atkurot; Melasse Shine of the newspaper Ethop; Solomon Nemera, deputy editor-in-chief of Urjii and Garoma Bekele, former Urjii publisher and president of the Human Rights League. Approximately 24 journalists had trials pending at year's end.

At year's end, 40 journalists remained abroad in self-imposed exile rather than face charges upon returning, including Dawit Kebede, editor-in-chief of the defunct Fiameta, who had 12 press charges pending in court and Israel Seboka, the editor-in-chief of Seife Nebelbal newspaper, and Samson Seyoum Kebede, the former editor of Goh. In 1999 Seyoum had been convicted on charges of incitement to war and attempting to spread Islamic fundamentalism; he was sentenced to 4½ years' imprisonment but was released pending an appeal of his conviction. Six charges were pending against Seboka in court, and he had posted bail on two other charges; he remained in exile at year's end. On November 9, Yohannes Abebe, a journalist for Goh, reportedly fled to Kenya after he was told that there were six charges pending against him for violating the press law.

Despite the constant threat of legal action, the private press remained active and continued to publish articles critical of the Government and to report on human rights abuses. Many private newspapers continued to publish inaccurate information, unsubstantiated stories, and harsh antigovernment articles without any official sanction. The Government has not banned any newspaper or publication. Between June 7 and 12, the Government shut down the English-language Monitor, the only

private daily newspaper in the country. The authorities shut down the newspaper and sealed the offices after the owner was arrested on corruption charges in June. Newspapers critical of government leaders and their policies are available widely in the capital but scarce elsewhere, although circulation in the regional capitals increased during the year.

While much of the private press continues to lack professionalism in its reporting, some print media are developing into more responsible publications. Others actually are opposition newsletters that often purvey unsubstantiated criticism of the Government. Several are tied to distinct ethnic groups, especially the Amharas and Oromos, and severely criticize the Government for being ethnocentric.

The Ministry of Information and Culture requires that newspapers show a bank balance of \$1,200 (10,000 birr) at the time of their annual registration for a license to publish. In previous years, papers have been shut down for failure to meet this requirement. Although the requirement has not been enforced strictly, the Ministry of Information and Culture has noted publicly that many papers are not in compliance and could be closed down on short notice.

During the April riots in Addis Ababa, security forces rounded up 90 newspaper vendors in various parts of the capital, stopping the dissemination of reporting that was critical of the Government's actions. However, within 1 week the vendors were allowed back on the streets, and the newspapers were back in circulation.

Radio remains the most influential medium for reaching citizens, especially those who live in rural areas. Although the law allows for private radio stations, regulations have not been implemented, and there are no truly independent radio stations. Two nongovernmental stations, Radio Fana, a station controlled by the ruling EPRDF coalition, and the TPLF radio, which broadcasts in the Tigrigna language from Mekele, have close ties to the Government. Broadcasting time on the state-run Radio Ethiopia is sold to private groups and to individuals who want to buy spots for programs and commercials. The Government operates the sole television station, and news is controlled tightly. The state-run ETV continued to broadcast "TV Africa," which is contracted from a South African company. There are no restrictions on access to international news broadcasts. Ownership of private satellite receiving dishes and the importation of facsimile machines and modems are permitted; however, access to this technology is limited by its cost.

In 1999 the Government issued a broadcast proclamation creating a broadcasting authority to review applications for private radio and television licenses; however, the authority had not been established by year's end. The broadcast proclamation prohibits political parties and religious organizations from owning stations; foreign ownership also is prohibited. Private entities that would like to be broadcasters continue to claim that the delay in implementing the broadcast law is deliberate.

Foreign journalists continued to operate freely and often wrote articles critical of government policies. They or their local affiliates were granted greater access to government officials than were local independent journalists. Several foreign news organizations maintain bureaus or offices in Addis Ababa; the majority of these are staffed with local journalists, and they usually operate free of government restriction. During the April riots in Addis Ababa, reporters from both British Broadcasting Corporation (BBC) and Voice of America (VOA) reportedly suffered some government harassment. For example, during the riots in April, police officers confiscated the tape recorder of a BBC correspondent and a VOA employee (see Sections 1.a., 1.c., 1.d., and 2.b.).

The Ethiopian Free Press Journalists Association (EFPJA) continued to be active during the year. The Ethiopian Journalists Association (EJA), which includes only government and party journalists, was not active during the year.

The Ethiopian Women's Media Association (EWMA), which includes both government and private journalists, was active during the year; the EWMA organized training and workshops and printed a journal.

Internet access is provided through the government-controlled telecommunications company, which maintained a waiting list for new accounts. Internet service remained highly expensive, but a major technical upgrade in May made the service more reliable, and greatly expanded the number of available subscriptions. The Government issued further regulations for licensing private Internet service providers (ISP's); however, no private ISP's were operating at year's end. Private satellite transmission uplinks generally are not allowed. Internet services were planned in towns outside the capital city. Internet services were installed in eight cities outside the capital by year's end.

The Government generally respects academic freedom; however, political activity is discouraged on university campuses. In addition the Government requires that it appoint all deans and the presidents at all eight public universities. In May the

country's first private university, Unity College, began offering a 2-year diploma course in journalism and communication.

On a few occasions, police killed and injured numerous persons while forcibly dispersing student demonstrations during the year (see Section 1.a., 1.c., 1.d., and 2.b.). In April AAU students boycotted classes to protest for several demands, including: The reinstatement of the student council; the right to have council representatives nominated by students; resumption of publication of the banned student newspaper; representation in the university senate; and participation in the nomination of the university president and the drafting of the university charter. Police forcibly dispersed the students' demonstration, and in the ensuing riots, numerous persons were killed, injured, arrested, or detained (see Sections 1.a., 1.c., 1.d., 1.f., and 2.b.). After the demonstrations, AAU students who wanted to register in order to complete the school term were required to complete a form in which they testified to involvement in "illegal student riots." Most students, with the exception of graduating seniors, refused to sign the form, and continued to boycott classes. In August the Government announced the creation of a committee to address the issue of registration for the fall term. That committee, along with the university senate, decided that all students, including those who had boycotted classes or who had not signed any forms admitting guilt, were eligible to reenroll in classes for the spring semester. Students opposed this compromise because it required students to forfeit 1 year of study and 1 year of school fees; however, most of the students were expected to return to class.

In 2000 SEPDC representatives alleged that some teachers in the Southern Region who served as SEPDC election observers in the 2000 elections were subject to retaliation by local authorities (see Section 3); teachers reported that they were not able to collect their salaries and that they were denied entry to summer update courses.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly; however, on occasion the Government restricted this right in practice. Organizers of large public meetings or demonstrations must notify the Government in advance and obtain a permit. There were no reports that any permits were denied; however, there were long unexplained delays in issuing permits and last minute revocations of permits, which hindered the ability of groups to organize events. EHRCO and some opposition political parties reported that they had difficulties renting halls from local government officials. Although organizers repeatedly attempted to get official approval, an EDP forum was cancelled the day before the event was scheduled to take place on August 25; it later was permitted to take place on November 3. The ETA was not permitted to organize seminars in certain regions, despite prior Ministry of Education assurances in 1998 that it would be allowed to do so.

Police arrested and charged with illegal assembly numerous persons at several small SEPDC meetings during the year; the meetings were not large enough to require a permit (see Section 1.d.). For example police arrested and charged with illegal assembly 14 SEPDC members and party officials from the zonal capital of Durame who were assembled for a party meeting in the town of Damboya in the KAT Zone; the SEPDC is registered in Durame and Damboya. The 14 members who were arrested, including the chairman of the party, were candidates for the regional elections. Some of those members who were arrested for illegal assembly were released on bail, with charges pending at year's end; others remained in detention pending trial at year's end (see Sections 1.d. and 3). SEDPC officials also reported that rapid deployment forces of the federal and regional police killed two supporters and arrested and detained 13 others during a January meeting organized by the Council of Alternative Forces for Peace and Democracy in Ethiopia (CAFPDE) in Siraro Woreda, Eastern Shoa zone, Oromia regional state; at year's end, 10 remained in custody on charges of inciting the public to violence and the killings of other CAFPD members.

On April 10, students began boycotting classes at AAU to protest for several demands for additional student participation in the university's administration (see Section 2.a.). On April 11, police forcibly dispersed a peaceful student demonstration on the AAU campus. Police beat students with batons and shot into a crowd of students, which resulted in one death and numerous injuries (see Sections 1.a. and 1.c.). The boycott and student demonstrations continued over the next several days, and students demanded that the federal police be removed from the campus. On April 16, after the Ministry of Education and student representatives failed to agree on the timing of the withdrawal of police from the campus, the Ministry gave students a deadline within which to return to classes or face permanent expulsion from the AAU (see Section 2.a.). On April 17, at least 20,000 university and high school students attended a rally to protest the Ministry's ultimatum. The demonstration

then moved off campus, and other youth joined the demonstrations. There were credible reports that riot police attempted to disperse forcibly the protesters after some of them threw rocks at police. By April 18, rioting and looting had spread to other areas of the city; federal riot police shot at the protesters and looters. Police restored order on April 19; however, during the week of demonstrations, riots, and looting, official reports indicated that at least 31 persons were killed and 253 persons were injured, and several thousand students, opposition leaders, and other youth were arrested or detained (see Sections 1.a., 1.c., and 1.d.). Officials blamed opposition political party leaders and several well-known intellectuals for inciting the riots during a panel discussion on human rights at the AAU on April 8 (see Sections 1.d. and 1.f.). Several international journalists reportedly were harassed while covering the riots (see Section 2.a.).

No action was taken against the security forces responsible for killing or injuring persons while forcibly dispersing demonstrations in the following months of 2000: December in Awasa, April in Dembi Dolo, and March in Ambo.

Approximately 50 elders, teachers, and civil servants remained in detention pending trials at year's end; they were charged with subversion following the 1999 student demonstrations against the arrests of two teachers in the SNNPRS (see Section 5).

During the year, all Nuer tribal political activists and leaders associated with the GPDC on charges of inciting the Nuer students to demonstrate for the use of the Nuer language in schools in 1999 were released (see Section 5).

The Constitution provides for freedom of association and the right to engage in unrestricted peaceful political activity; however, the Government limited this right in practice. Although the NGO registration process has improved significantly, a number of policy issues regarding NGOs remained unresolved. Primary registration rests with the Ministry of Justice. In 2000 an inter-ministerial committee convened by the Ministry of Justice completed a draft of the revised NGO registration legislation without consulting NGOs; no further action was taken on the proposed legislation by year's end. In September the Ministry of Justice suspended the registration of the EWLA. The Ministry did not officially inform EWLA of the reasons for the closure (see Section 4). In October the Ministry lifted the suspension. Authorities closed the offices of the HRL in 1998, on the grounds that some HRL board members wished to use the organization as a front for the OLF. Board members denied any connection to the OLF. The HRL had been operating without a license; however, it had fulfilled the prerequisites for licensing and has been waiting 3 years to get a license (see Section 4). The Government investigation of the HRL was ongoing at year's end, and the contents of its office, confiscated by the Government in 1998, have not been returned. In May after more than 3 years in detention, eight members of HRL were acquitted of charges of terrorist activity and alleged ties to the OLF; they were released (see Section 1.d.).

The Government requires political parties to register with the NEB. Parties that do not participate in two consecutive national elections are subject to deregistration. Registered political parties also must receive permission from regional governments to open local offices. There are 58 organized political parties; 8 are national parties, and the remainder operate only in limited areas. The opposition party AAPO complained that in 1999 the Oromiya region government refused its application to open branch offices in the region.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, on occasion local authorities infringed on this right.

The Government requires that religious groups be registered. Religious institutions, like NGOs, are registered with the Ministry of Justice and must renew their registration every year. Unlike NGOs, religious groups are not subject to a rigorous registration process. Under current law, a religious organization that undertakes development activities must register its development wing separately as an NGO. Religious groups are not accorded duty-free status. Religious groups are given free government land for churches, schools, hospitals, and cemeteries; however, the title to the land remains with the Government, and the land, other than that used for prayer houses or cemeteries, can be taken back at any time. Unlike in previous years, Jehovah's Witnesses were allotted land by the Government outside of Addis Ababa; however, because there are no unoccupied lots available in Addis Ababa, Jehovah's Witnesses residing there lease land from private owners. Religious groups, like private individuals or businesses, must apply to regional and local governments for land allocation. An interfaith effort was underway during the year to promote revision of the law in order for religious organizations to obtain duty-free status.

Minority religious groups have complained of discrimination in the allocation of government land for religious sites. Protestant groups occasionally complain that

local officials discriminate against them when seeking land for churches and cemeteries. Evangelical leaders have complained that because they are perceived as “newcomers” they remain at a disadvantage compared with the Ethiopian Orthodox Church (EOC) and the Supreme Islamic Council when it comes to the allocation of land. The Supreme Islamic Council has complained that it has more difficulty obtaining land from the government bureaucracy than the EOC while others believe that it is favored for mosque locations. Jehovah’s Witnesses have stated that due to the lack of good donated plots in the capital, they have purchased their own.

The Government does not issue work visas to foreign religious workers unless they are attached to the development wing of a religious organization.

Evangelical leaders have complained of strict regulations on the importation of Bibles, as well as heavy customs duty on Bibles and other religious articles; however, Bibles and religious articles are subject to the same customs duty as all imported books and most imported items.

Muslim leaders complained that public school authorities sometimes interfered with their free practice of Islam. Certain public school teachers in the SNNPR, Addis Ababa, and in the Amhara region objected to Muslim schoolgirls covering their heads with scarves while at school. Muslim leaders stated that in some schools, Muslim girls go without head coverings in order to avoid similar problems.

The Government has interpreted the constitutional provision for separation of religion and state to mean that religious instruction is not permitted in schools, whether they are public or private schools. Catholic, Orthodox, evangelical, and Muslim-owned and operated schools are not permitted to teach religion as a course of study. Most private schools teach morals courses as part of school curricula, and the Government Education Bureau in Addis Ababa has complained that such courses are not free of religious influence. Churches are permitted to have Sunday schools, the Koran is taught at mosques, and public schools permit the formation of clubs, including those of a religious nature.

Under the press law, it is a crime to incite one religion against another. The press law also allows for defamation claims involving religious leaders to be prosecuted as criminal cases. During the year, two journalists were detained and charged with defamation after writing articles critical of the Ethiopian Orthodox Church. By year’s end, Tilahun Bekele, publisher of Netsanet, and Daniel Gezahegn, deputy editor-in-chief of Mopedwere were released on bail; however, the charges against them were pending.

The case against Samson Seyoum Kebede, the former editor of Goh, still was pending at year’s end (see Section 2.a.).

There are more than 6,000 members of Jehovah’s Witnesses in the country. The Government continued its policy of not deporting members of Jehovah’s Witnesses of Eritrean origin, who might face religious repression in Eritrea (see Section 2.d.).

Despite the country’s broad level of religious freedom and tolerance for established faiths, there were instances of open conflict among religious groups during the year (see Sections 1.a., 1.d., and 5).

In most interreligious disputes, the Government maintains neutrality and tries to be an impartial arbitrator (see Section 5). Some religious leaders have requested the establishment of a federal institution to deal with religious groups. The Government considered the request but had taken no action to establish such a federal institution by year’s end.

Unlike in the previous year, there were no complaints of inadequate police protection during interreligious conflict.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement, including the right of travel, emigration, and repatriation; however, the Government restricted these rights in practice. Some AAPO codefendants, convicted in 1992 on charges of treason, completed their prison sentences in 1998 and 1999 but have not been permitted to leave the country.

In principle citizens can freely change their residence or workplace; however, after the outbreak of fighting with Eritrea in 1998, Eritreans and Ethiopian citizens of Eritrean origin were subjected to detention and deportation to Eritrea. The Government stopped deporting Eritreans and Ethiopians of Eritrean origin after it signed a cessation of hostilities agreement with Eritrea in 2000. On June 27, the Government repatriated 723 Eritreans without notifying the ICRC in advance according to established procedures. The ICRC monitored the deportation or repatriation of 2,892 Eritreans or Ethiopians of Eritrean origin during the year.

It is estimated that approximately 80,000 to 100,000 Eritreans and Ethiopians of Eritrean origin remain in Ethiopia. In 1999 the Government decreed that all Eritreans 18 years of age and above residing in Ethiopia, who either had taken part in the 1993 referendum on the independence of Eritrea from Ethiopia or who had

been granted Eritrean citizenship, had to register as aliens with the SIRAA. Those registering would be issued an identity card and given a 6-month residence permit, which was allowed to expire. Those who were not registered were required to demonstrate that they were unable to do so at the registration time and to provide evidence of their whereabouts during that time to obtain an identity card and a residence permit. Those individuals without registration cards did not have access to hospitals or other public services. Authorities believe that all Eritreans or Ethiopians of Eritrean descent were registered by year's end.

In 1999, the Government adopted a policy of releasing those Eritrean detainees from the Bilate and Dedesa internment camps who could obtain visas to a country other than Eritrea. Approximately 90 detainees took advantage of this opportunity, with most going to African countries, particularly Uganda and Malawi. However, following an incident in 1999, in which 25 detainees obtained fraudulent Malawian visas, traveled to Malawi with government-issued laissez-passeurs, and were returned forcibly to Ethiopia after a violent confrontation with Malawi police in which one former detainee was killed and at least six others were injured, the Government reportedly decided not to permit detainees to depart for other countries in Africa.

The law requires citizens and residents to obtain an exit visa before departing the country. Eritreans and Ethiopians of Eritrean origin have been able to obtain exit visas but often are not permitted to return to the country.

During the year, the ICRC repatriated 879 Eritrean and 653 Ethiopian POW's to their respective countries (see Section 1.d.).

In Addis Ababa and western Gondar in the Amhara region, there are very small concentrations of Ethiopian Jews (Falashas) and those who claim that their ancestors were forced to convert from Judaism to Ethiopian Orthodoxy (Feles Mora). Approximately 3,000 Feles Mora migrated voluntarily from the western Amhara region to Addis Ababa in 1991 at the time of "Operation Solomon," when a large number of Falashas were airlifted to Israel. The Feles Mora also seek to emigrate to Israel. The number of Feles Mora in the country is approximately 23,000. Israeli officials evaluate the Feles Mora immigration claims on a case-by-case basis and estimate that by year's end approximately 100 individuals were emigrating to Israel under the law of return each week. All of the eligible Falashas from Ethiopia have immigrated to Israel.

As a result of the conflict with Eritrea, numerous persons have been displaced internally; no accurate statistics were available by year's end. The Government has presented relief and rehabilitation proposals for these IDP's to bilateral donors and NGO's. By year's end, the Government, with international assistance, returned at least half of the IDP's to their homes and granted other assistance, including food and money, to the remaining IDP's.

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and returning citizens.

Ethiopia hosts approximately 160,000 refugees; most are from Somalia and Sudan. The Government in cooperation with the UNHCR continues to provide first asylum to refugees from Sudan and Somalia. Along the border of northwest Somalia, approximately 70,000 Somali refugees were resident in 6 camps at year's end, a significant decrease from 195,345 Somali refugees in 2000. Three out of eight Somali refugee camps were closed by year's end. Along the Sudanese border approximately 84,000 Sudanese refugees were resident in 5 refugee camps around Gambella and Asossa at year's end. By year's end, the Government and the UNHCR repatriated a group of approximately 600 Djiboutian Afars who never had been granted formal registration as refugees by the Ethiopian Administration for Refugee and Returnee Affairs (ARRA). There were approximately 4,000 Eritrean Kunama refugees and a small population of urban refugees from other African countries in the country at year's end.

During the year, 1,362 armed rebels of the Sudanese Alliance Forces (SAF) reportedly fled Sudan for 3 towns, El Mehal-Menza, Berdan, and Aswar, which are located close to the Blue Nile where it crosses into Sudan. UNHCR coordinated efforts to inspect and assist the rebels. UNHCR reported that the rebels were interviewed, and many were repatriated voluntarily; 450 were awaiting transfer to a refugee camp in the western part of the country at year's end.

In August UNHCR recognized more than 220 Ethiopian students as refugees who arrived in Kenya in April after the riots in Addis Ababa (see Sections 1.a., 1.c., 1.d., 2.a., and 2.b.). The UNHCR reported that many of the students feared detention if they returned to Ethiopia. The students were residing at the Kakuma refugee camp in Kenya at year's end.

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

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

Citizens exercised the right to vote for a national government in 2000 during elections for the House of People's Representatives (HPR), and during local elections held in February, March, and December. According to observers organized by EHRCO, local U.N. staff, diplomatic missions, political parties, and domestic NGO's, both the 2000 national elections and the regional elections held during the year were generally free and fair in most areas; however, serious election irregularities occurred in the SNNPRS region, particularly in Hadiya zone, during the national elections. As a result, the NEB, acting on its constitutional authority, investigated complaints of the irregularities and determined that many of them had merit. These included incidents of election officials instructing voters for whom to vote, candidates campaigning at polling stations, and candidates being pressured into quitting. There also were credible reports of ballot stuffing, vote count fraud, voter intimidation or bribery, dismissals from work, withholding of salaries, detentions, abductions, and killings (see Sections 1.a., 1.c., and 1.d.). The NEB ordered new elections in some areas of SNNPRS that were held later in 2000; they were declared generally free and fair by international observers. In 2000 the NEB agreed to bring charges against those suspected of the worst election abuses in the SNNPRS; however, no action had been taken by year's end. Elections in the Somali region took place in August 2000, after delays due to a food emergency and voter registration irregularities.

In the 2000 national elections, 17 opposition political parties contested the election, including the AAPO, the SEPDC, and the Oromo National Congress. The better-funded and better-organized incumbent party, the EPRDF, generally dominated over candidates of the relatively weaker and less-organized opposition parties and independent candidates, except in the SNNPRS, where the opposition made significant gains. EPRDF candidates won 481 seats in the HPR, EPRDF affiliate candidates won 37 seats, opposition party candidates won 16 seats, and independent candidates won 13 seats. The Government established a donor supported fund for opposition party candidates, provided opposition candidates access to state-owned electronic media, and changed the law to permit civil servants to run for office without first resigning their positions. The Government was willing to engage opponents in open debate at candidate and party forums. Many of these debates were broadcast live on national radio and television and reported on in both government and private newspapers. Free radio broadcast time was set aside for the elections, and 225 independent candidates and 33 political parties made use of it.

By the end of 2000, the NEB had begun investigating abuses of election laws related to candidate registration for the national elections in the SNNPRS and the Gambella region; however, the NEB later decided there were no irregularities in this region. There were credible reports that local officials throughout the country ignored NEB instructions on the acceptance of candidate endorsement signatures from opposition party candidates. There were instances in which the NEB had to force local authorities to accept nominations. There were credible reports that during candidate registration, many kebele (village or municipal unit) offices were closed for holidays or were otherwise unstaffed, hindering the registration process of opposition candidates. In the Somali region prior to the August 2000 elections, thousands of ballots were reprinted to rectify the fact that a female opposition candidate had not been listed despite having met NEB requirements for candidate registration. Due to election irregularities in various constituencies of the region, the NEB ordered that new elections be held in the Hadiya zone in June 2000 and agreed to bring charges against those suspected of the worst election abuses in the SNNPRS; however, no action had been taken by year's end.

There were credible reports that during the 2000 national elections citizens who tried to register to vote were told by government personnel that they had to prove their citizenship in order to register; under the law only citizens can vote. Reportedly Ethiopians of Eritrean origin were not allowed to register or to vote.

During the 2000 elections, there were a number of killings as a result of preelection and postelection violence; numerous persons also were arrested and detained, some because they voted for the opposition (see Sections 1.a., 1.c., and 1.d.). Several SEPDC candidates for the national or municipal elections were detained, and two SEPDC members elected to the regional council in 2000 were detained without having their parliamentary immunity formally removed (see Section 1.d.). Another representative elected in 2000 whose parliamentary immunity was removed by the regional council in July remained in hiding in the country (see Section 1.d.).

There were numerous credible reports that persons who supported or voted for the opposition during the 2000 elections were harassed. For example, there were credible reports that ruling party personnel withheld fertilizer and food aid in the SNNPRS region as retaliation for voters electing opposition candidates. According to the SEPDC, some SEPDC supporters were suspended or dismissed from their jobs in retaliation for voting for the opposition, and some teachers in the Southern Region who served as SEPDC election observers were not able to collect their salaries and were denied entry to summer update courses. Civil servants who were removed from their positions after supporting the opposition were not allowed to return to their positions by year's end.

In February, March, and December, local elections at the kebele and woreda levels were conducted in all regions and administrative zones except in the Somali regions. In February after the EPDRF overwhelmingly won the woreda elections, opposition groups reported intimidation of candidates and voters by the ruling party cadres, including the killing of two supporters (see Section 1.a.); opposition groups also accused the NEB of failing to address these problems during the period prior to the elections. Opposition parties subsequently announced their withdrawal from the February elections, which was followed by the withdrawal of opposition party members from seats in the Addis Ababa municipal council. Observers considered the elections to be free and fair. In August the NEB made a statement indicating that the Government was aware of election irregularities and that the harassment of persons in the SNNPRS had impeded the organization of local elections. The NEB also called for the unconditional release of those detained for their affiliation with the SEPDC.

The December elections in the Southern Region were affected by the harassment of opposition parties in the region following the May 2000 elections. Opposition participation in the elections was hampered by difficulty in registering candidates and limitations on time remaining to campaign. After claiming that election fraud occurred during the zonal and woreda (county) elections, most parties belonging to the SEPDC coalition did not participate in the kebele elections, citing the inability of the NEB to ensure free and fair elections.

There were credible reports from SEPDC representatives that at least 11 of their members were killed in the period leading up to the November regional elections (see Section 1.a.).

There were credible reports that local authorities in the Oromiya, Amhara, and Southern Region periodically arrested and detained supporters of opposition parties in the period prior to and following the regional elections in those areas (see Section 1.d.).

During the year, all Nuer tribal political activists and leaders associated with the GPDC on charges of inciting the Nuer students to demonstrate for the use of the Nuer language in schools in 1999 were released (see Section 5). The GPDC claimed that the charges were without merit and that the Government was attempting to interfere with the political process for the May elections. The NEB sent investigators to the region; however, the NEB determined that there were no irregularities.

Political participation remains closed to a number of organizations that have not renounced violence and do not accept the Government as a legitimate authority. These groups include MEDHIN, the Coalition of Ethiopian Democratic Forces, the Ethiopian People's Revolutionary Party, the OLF, some elements of the ONLF, and several smaller Somali groups. The opposition AAPO complained that in 1999 the Oromiya region government refused its application to open branch offices in the region.

The percentage of women in government or politics does not correspond to their percentage of the population. One of the 19 members of the Council of Ministers is a woman, 2 other women hold ministerial positions, and a number of other women hold senior positions. There are 42 women among the 547 members of the HPR, and 9 of 113 members in the House of Federation are female. Of the 14 members of the Supreme Court, 3 are women.

The percentage of minorities in government or politics does not correspond to their percentage of the population; however, the government policy of ethnic federalism led to the creation of individual constituencies to help ensure representation in the HPR of all major ethnic groups. Small ethnic groups were not represented in the legislature. There are 23 nationality groups in 6 of the regional states that do not have a sufficient population to qualify for constituency seats; however, individuals from these nationality groups competed for 23 special seats in the 547-seat HPR in the 2000 elections.

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

Human rights organizations include EHRCO, the HRL, the Ethiopian Women's Lawyers Association (EWLA), the Inter-Africa Group, the National Committee on Traditional Practices, the Peace and Development Committee, the Society for the Advancement of Human Rights Education, Enwayay, the Center for Local Capacity Building and Studies, African Initiatives for a Democratic World Order, and Hundee. These and numerous other groups primarily are engaged in civic and human rights education, legal assistance, and trial monitoring. The HRL, founded by prominent Oromo civic leaders in 1997, continued to be investigated by the Government at year's end for its alleged ties to the OLF. During the year, the HRL sued the Government, and the court ordered the Ministry of Justice to reply to the HRL petition for registration by February 2002 (see Section 2.b.). In September the Ministry announced that it had suspended the registration of the EWLA; the registration subsequently was reinstated. The Ministry did not provide the organization with an official explanation for the action; however, in statements to the press, the Ministry cited EWLA's violations of the letter of authorization, which is the letter of response to the request for registration, and the code of conduct for NGO's as the reasons for the closure (see Section 5). The EWLA's primary function is the legal representation of women, particularly in civil matters involving the new family law, such as spousal abuse cases, divorce and child custody cases, as well as criminal matters (see Section 5). In May federal police closed the offices EHRCO while they conducted a search for evidence (see Sections 1.d. and 1.f.). In 1999 the Ministry of Justice decertified the Ethiopian Congress for Democracy, reportedly for financial irregularities.

Several international human rights groups visited the country during the year. The Government continues to encourage international human rights groups and foreign diplomats to observe the war crimes trials that began in 1994. In 2000 the chairman of the African Commission on Human and Peoples' Rights (ACHPR) visited to investigate Eritrean complaints regarding government deportations of Eritreans and Ethiopians of Eritrean origin. His program included meetings with senior officials of the executive, legislative, and judicial branches. The ACHPR did not release a report by year's end.

In 1999 160 domestic and international NGO's signed a code of conduct, which details standards of conduct for numerous areas including moral and ethical integrity, transparency and accountability, good governance, gender equity, and environmental consciousness. The NGO's also formed a code observance committee, composed of five members elected by the NGO general assembly and two representatives from civil society at large, which hears and decides matters in all instances involving a violation or breach of the code.

During the year, the ICRC was allowed to visit most federal and regional prisons, civilian detention facilities, and police stations throughout the country, including the facilities where several thousand persons were in detention at year's end in connection with the student riots in April (see Sections 1.c. and 1.d.). The ICRC was granted access to the Tatek military detention facilities but not to other military detention facilities where suspected OLF fighters are held. The ICRC generally was permitted access to detention facilities holding Eritrean POW's, including the main camp at Dedesa (see Sections 1.c. and 1.d.). In 2000 Ethiopia and Eritrea agreed that the ICRC would be the supervisory organization for the exchange of expellees or deportees. In 2000 Ethiopia and Eritrea agreed that the ICRC would facilitate all POW exchanges (see Section 2.d.). In 2000 the ICRC suspended emergency relief flights to Dire Dawa and Gode because Ethiopian Airlines demanded a high "handling fee" for each flight.

Unlike in the previous year, delegations from Education International, an NGO, were permitted to visit Taye Woldeesemayat (see Section 1.d.).

Officials of the Federal Security Authority generally have been responsive to requests for information from the diplomatic community.

The Government is required under the Constitution to establish a Human Rights Commission and Office of the Ombudsman. The Office of the Ombudsman is expected to have the authority to receive and investigate complaints with respect to misadministration by executive branch offices. Parliament completed legislative action to create both entities in July 2000, and in July the parliamentary committee was selected to appoint members to the Ombudsman office; however, neither entity was operational by year's end.

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

The Constitution states that all persons are equal before the law. The law provides that all persons should have equal and effective protection without discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, wealth, birth, or other status. However, the Government has not yet fully put into place mechanisms for the effective enforcement of these protections.

Women.—Domestic violence, including wife beating and marital rape, is a pervasive social problem. While women have recourse to the police and the courts, societal norms and limited infrastructure inhibit many women from seeking legal redress, especially in rural areas. Social practices obstruct investigations into rape and the prosecution of the rapist, and many women are not aware of their rights under the law. It is estimated that there are more than 1,000 rapes a year in Addis Ababa alone; however, only 168 rape convictions were handed down nationwide from September 1999 to September 2000. The number of reports by rape victims to police and the amount of press reporting of rape cases have increased. For example, there were several articles in the government press about violence against women during the year. The major exception is in cases of marriage by abduction where the perpetrator is not punished if the victim agrees to marry him (unless the marriage is annulled); even after a perpetrator is convicted, the sentence is commuted if the victim marries him. Rape sentences have increased incrementally from 10 to 13 years, in line with the 10 to 15 years prescribed by law; however, rapists generally remain in prison for a period of between 7 and 10 years. A prison guard arrested for raping a female prisoner in 2000 was convicted and sentenced to 13 years in prison. There were credible reports that members of the military who were redeployed from border areas to other regions sexually harassed and raped some young women.

Although illegal, the abduction of women and girls as a form of marriage still is practiced widely in the Oromiya region and the SNNPRS. Forced sexual relationships often accompany most marriages by abduction, and women often are abused physically during the abduction. Abductions have led to conflicts between families, communities, and ethnic groups.

The majority of girls undergo some form of female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health. The National Committee on Traditional Practices of Ethiopia (NCTPE) conducted a survey that was published in 1998, which indicated that 72.7 percent of the female population had undergone FGM, down from an estimated 90 percent of the female population in 1990. Clitoridectomies typically are performed 7 days after birth and consist of an excision of the labia. Infibulation—the most extreme and dangerous form of FGM—is performed at any time between the age of 8 and the onset of puberty. The law does not specifically prohibit FGM, although it is discouraged officially, and the Government has been very supportive of the NCTPE. The Government also is working to discourage the practice of FGM through education in public schools.

Thousands of women traveled to the Middle East as industrial and domestic workers. There were credible reports that some female workers were abused in these positions (see Section 6.f.).

The Constitution provides for the equality of women; however, these provisions often are not applied in practice. Furthermore, these provisions often are in conflict with the Civil Code and the Penal Code, both of which are under review by the Ministry of Justice. The Civil Code is based on a monarchical constitution that treated women as if they were children or disabled. Discriminatory regulations in the Civil Code include recognizing the husband as the legal head of the family and designating him as the sole guardian of children over 5 years old. Family arbitration councils, which in the past had the power to dissolve marriages, engaged only in arbitration and reconciliation counseling, and only the courts have the legal power to dissolve marriages. Domestic violence is not considered a serious justification under the law to obtain a divorce. There is only limited juridical recognition of common-law marriage. Irrespective of the number of years the marriage has existed, the number of children raised, and the joint property, the woman is entitled to only 3 months' financial support should the relationship end. However, a husband has no obligation to provide financial assistance to his family and, as a result, women and children sometimes are abandoned when there is a problem in the marriage. In 1999 the Ministry of Justice completed a revision of the 1957 Penal Code, and a national debate on the revisions continued during the year.

All land belongs to the state; however, women may obtain government leases to land, and the Government has an explicit policy to provide equal access to land for women. Discrimination is most acute in rural areas, where 85 percent of the popu-

lation lives. In urban areas, women have fewer employment opportunities than do men, and the jobs available do not provide equal pay for equal work.

To enhance the status of women, the Government established a national program of action. The program seeks to expand educational and work opportunities for women, improve women's access to health care, and educate women about certain unhealthy traditional practices such as early marriage. There have been few improvements in the status of women since the inception of this program; however, according to a study published by the NCTPE in 1998, certain harmful traditional practices such as early marriage and marriage by abduction appeared to be on the decline. Neither the HRC nor the Office of the Ombudsman was operational by year's end; however, once operational, both organizations are expected to have a representative responsible for the rights of women (see Section 4).

In 2000 Parliament adopted a new family law, which raised the legal age for marriage for girls from 15 to 18, the same as for boys; puts civil law above customary and religious law; allows for the legal sharing of property for unmarried couples who have lived together for at least 5 years (previously, there was no property sharing for couples separating, even if they had lived together their entire adult lives); eliminates family arbitrators as a means of settling marital disputes in lieu of the court system (historically women have fared poorly under the family arbitration system); allows for the joint administration of common marital property (previously a man could sell joint property without the consent or knowledge of his wife); and requires the courts to take into account the situation of children or the weakest member of the family in the event of a divorce or separation (previously women and children often were forced out of the family home in such cases).

Children.—The Government has encouraged efforts by domestic and international NGO's that focus on children's social, health, and legal issues. For example, local officials provided transportation and free facilities to NGO activities. Neither the HRC nor the Office of the Ombudsman was operational by year's end; however, once operational, both organizations are expected to have a representative responsible for the rights of women (see Section 4). However, the Government has limited ability to provide improved health care and basic education.

By law primary education is compulsory, free, and universal; however, despite efforts by the Government to increase the number of schools, there are not enough schools to accommodate the country's youth. The Government uses a three-shift system in all primary and secondary schools to maximize the utilization of classrooms and to provide an opportunity for working children to attend school. Nationwide the total enrollment of children who are of school age is 57.4 percent. Only 67.3 percent of male primary age children and 47 percent of female primary age children attend school, and many do so in shifts. Unlike in previous years, girls attended school in lower numbers than boys, except in Addis Ababa, where the ratio was equal between female and male attendance. Government reports show that approximately 30 percent of the children who attend school leave the system before they reach grade two of primary school, and the total drop out rate was 17.8 percent. Approximately 38 percent of children reach grade five. The overall literacy rate was approximately 20 to 30 percent, and only 17 percent of women were literate compared with 26 percent of men; however, it was difficult to estimate literacy rates accurately due to a lack of government statistics. Only 14.8 percent of boys and 10.9 percent of girls attend secondary school. During the year, a new education policy was implemented that compressed 12 years into 10 years of general education for students who were not planning to attend college; however, those students who plan to attend a university continued to complete 12 years of general education. During the year, students in grades 11 and 12 continued to take the school-leaving certificate exam (ESLCE). Students in grade 10 also were required to take the ESLCE exam during the year. Of the 94,508 students in grade 12 who took the exam, 37,375 students passed; of the 106,334 students in grade 10 who took the exam, 58,507 passed. There is space in institutions of higher education for only a small percentage of these graduates.

In 1999 student protests against the arrest of two teachers who criticized new textbooks in the Welayita speaking sections of the SNNPRS led to widespread demonstrations and riots (see Sections 1.a., 1.c., and 1.d.).

In Addis Ababa's police stations, there are 10 Child Protection Units, which are staffed by members of an NGO and protect the rights of children by assisting them when they become involved in crime. Some police officers have completed training on procedures for handling cases of child abuse and juvenile delinquency. Nevertheless there is a clear need for reform of the juvenile justice system. Three federal judges sit on one bench to hear all cases of juvenile offenses. There is a large backlog of juvenile cases and accused children often remain in detention with adults until their cases are heard. There is only 1 juvenile remand home with a capacity

of 150 for children under age 15, and the juveniles who cannot be accommodated at the juvenile remand home are incarcerated with adults (see Section 1.c.).

Societal abuse of young girls continues to be a problem. FGM is performed on the majority of girls (see Section 5, Women).

Other harmful traditional practices surveyed by the NCTPE included uvulectomy, milk-teeth extraction, early marriage, marriage by abduction, and food and work prohibitions (see Section 6.f.). A new family law adopted in 2000 defines the age of consent as 18 for both females and males; however, early childhood marriage is common in rural areas where girls as young as age 9 are subjected to arranged marriages. In the Afar region of the east, young girls continue to be married to much older men, but this traditional practice is coming under greater scrutiny and criticism. The Tigray Women's Association also has had an impact in changing societal attitudes toward early marriage. Pregnancy at an early age often leads to obstetric fistulae and permanent incontinence. Treatment is available at only 1 hospital in Addis Ababa that performs over 1,000 fistula operations a year. It estimates that for every successful operation performed, 10 other young women need the treatment. The maternal mortality rate is extremely high due, in part, to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, especially infibulation.

There are approximately 200,000 street children in urban areas, of which 150,000 reside in Addis Ababa; however, the figures are difficult to estimate, and observers believe the problem is growing. These children beg, sometimes as part of a gang, or work in the informal sector (see Section 6.d.). Government and privately run orphanages are unable to handle the number of street children, and older children often abuse younger children. Due to severe resource constraints, abandoned infants often are overlooked or neglected at hospitals and orphanages. There are a few credible reports that children are maimed or blinded by their "handlers" in order to raise their earnings from begging. Following the April riots, there were reports that authorities rounded up street children; some children reportedly were as young as 7 years old (see Section 1.d.).

Child prostitution continues to be a problem and is perceived widely to be growing. There are no laws that criminalize child prostitution or prostitution in general. The National Steering Committee Against Sexual Exploitation of Children is chaired by the Children, Youth, and Family Affairs Department of the Ministry of Labor and Social Affairs. In 1999 the committee reported that child prostitution is on the increase especially in major urban centers; however, there are no statistics available. NGO's report that girls as young as age 11 are recruited to work in houses of prostitution where they are kept ignorant of the risks of HIV/AIDS infection and other sexually transmitted diseases. There have been many press reports of the large-scale employment of children, especially underage girls, as hotel workers, barmaids, and prostitutes in resort towns and rural truck stops. Unlike in the previous year, there were no reported cases that poor rural families sold their young teenage daughters to hotel and bar owners on the main truck routes; however, the practice is believed to exist (see Sections 6.c. and 6.f.). Social workers note that young girls are prized because their clients believe that they are free of sexually transmitted diseases. The unwanted infants of these young girls usually are abandoned at hospitals, police stations, welfare clinics, and adoption agencies. There were numerous anecdotal accounts of young girls going to the Middle East to work as domestic workers and nannies, some of whom were abused, including sexually (see Section 6.f.). Factors aggravating the problem of child prostitution are pervasive poverty, migration to urban centers, early marriage, HIV/AIDS and sexually transmitted diseases, and limited educational and job opportunities. There are several NGO's that work with child prostitutes, including the Forum on Street Children-Ethiopia, which provides shelter and protection for child prostitutes trying to get off the streets.

Child labor is pervasive, especially in the informal sector, and child laborers sometimes are subjected to abuse, including neglect, and, among children working as domestic servants, sexual abuse and rape (see Sections 6.c., 6.d., and 6.f.).

It is the policy of the Ministry of Defense not to permit persons under the age of 18 to join the armed forces, and the Government made efforts to enforce this policy. There were reports that some children under the age of 18 were recruited into the military in 1999, and military officers have admitted that underage applicants sometimes were enlisted (see Section 1.f.). Ethiopia has an all-volunteer military; however, scarce birth certificates, poor educational opportunities, patriotism, and pervasive poverty conspired to entice underage applicants to try to circumvent restrictions on underage soldiers. If young boys are found to be under the age of 18, they are prohibited from doing military service; however, in rural areas children often do not have birth certificates. If a unit commander suspects but cannot prove that

a soldier is underage, he can transfer the soldier from a front-line combat unit to a rear-area command. There is evidence that children as young as age 14 were permitted to join local militia units in an effort to keep them close to home and prevent them from attempting to join the regular army.

There were unconfirmed reports that children from the southern part of the country were transported into Kenya and adopted as other nationalities. The Government has closed down adoption agencies operating in the country that fail to observe proper rules and regulations.

Persons with Disabilities.—The Constitution stipulates that the state shall provide rehabilitation and assistance to persons with physical and mental disabilities; however, the Government devoted few resources for these purposes. There are approximately six million persons with disabilities in the country. At year's end, the Government had not yet put into place mechanisms to enforce a law mandating equal rights for persons with disabilities. The Government does not mandate access to buildings or government services for persons with disabilities, and persons with minor disabilities sometimes complain of job discrimination. The conflict with Eritrea resulted in numerous soldiers losing limbs, many from landmine explosions. Wheelchairs are rare in the country. According to a 1998 NGO report, only 500 of the approximately 700,000 visually impaired persons in the country have access to employment opportunities. Although there are approximately 800,000 mentally ill persons estimated in the country, there is only 1 mental hospital and only 10 psychiatrists. In the past several years, the mental hospital trained 117 psychiatric nurses to work in 33 rural clinics; however, half of these nurses subsequently left their jobs.

There are approximately 70 NGO's that work with persons with disabilities. For example, the Amhara Development Association operates a project to provide vocational training to disabled war veterans in Bahir Dar. The Tigray Development Association operates a center in Mekele that provides prostheses and seed money for business development, training, and counseling for persons with disabilities. The international NGO Landmine Survivors provides a number of services to victims of landmine explosions including counseling and referrals to rehabilitation services.

Religious Minorities.—Despite the country's broad level of religious freedom and tolerance for established faiths, there continued to be pockets of interreligious tension and criticism during the year. Newer faiths such as Jehovah's Witnesses and Pentecostals encountered overt opposition from the public. Muslims and Orthodox Christians complained about proselytization by Pentecostals and Jehovah's Witnesses. Ethiopian Orthodox leaders complained that at times Protestants fail to respect Orthodox holy days and Orthodox customs. Muslims complained that some Pentecostal preachers disparage Islam in their services. There were complaints by Muslim leaders that the Ethiopian Orthodox Church's desire to "show supremacy" sometimes caused irritation in the country's various regions. Protestant and Pentecostal leaders complained that, on occasion, Orthodox or evangelical adherents interrupted Protestant and Pentecostal religious meetings and attempted to prevent the construction of Protestant churches in predominately Orthodox or evangelical areas; however, there were no such cases reported during the year.

On January 19 in Harar, a riot broke out between Muslims and Christians after several members of a Christian procession entered a mosque and disrupted Muslim services. Both groups accused each other of destroying religious property. After the local police were no longer able to control the rioting, the army was called in to restore order and reportedly shot and killed five persons; it was not known whether the rioters fired weapons in return. More than 20 persons were injured by thrown rocks and stray bullets. Police arrested and detained numerous persons (see Section 1.d.). In January and February, the Ethiopian Orthodox Church (EOC) and the Supreme Islamic Council worked together and with local, regional, and national level government representatives in Harar to restore relations between the two faiths.

In August fighting started between Muslims and Christians in Addis Ababa after Muslims began constructing a mosque next to a church. Church leaders asked that the construction stop, and when the Muslims refused, church leaders called upon neighborhood Christians to pray in front of the site. Many of the Christians began to destroy the construction site, and violence broke out. Police shot into the air after they were called in to restore order. Construction at the site had not resumed by year's end.

In 1999 two Muslim communities in the Dire Dawa and north Welo areas attempted to construct new mosques but abandoned the construction when local Orthodox church members caused damage to the construction sites and beat one Muslim who tried to prevent their actions. The Government intervened, and the mosques were nearly complete at year's end.

In most sections of the country Orthodox Christians and Muslims participated in each other's religious observances, and there is tolerance for intermarriage and conversion in certain areas, most notably in Welo, as well as in urban areas throughout the country. In Addis Ababa, persons of different faiths often live side by side. Most urban areas reflect a mixture of all religious denominations. Longstanding Evangelical Protestant denominations, particularly the Mekane Yesus church and Kale Heywet churches, provide social services such as health care and education to non-members as well as to members.

National/Racial/Ethnic Minorities.—There are more than 80 ethnic groups. Although many of these groups influenced the political and cultural life of the country, Amharas and Tigrayans from the northern highlands played a dominant role. The largest single group is the Oromos. In an attempt to address ethnic concerns, the Government has established a federal system with political boundaries drawn roughly along major ethnic lines. With federalism regional states have much greater control over their affairs. For example, in Oromiya in 1999, the regional government required that all primary schools adopt Oromiffa as the language of instruction. This drew protests from groups that reside in Oromiya whose mother tongue is not Oromiffa and who believe that their children are now at a disadvantage. There are credible reports that teachers and other government workers have had their employment terminated if they are not of the dominant ethnic group in the region.

Ethnic clashes during the year resulted in a number of deaths and injuries. During several incidents throughout the year, at least 60 persons were killed and 200 were injured in violent conflicts between the ethnic-Somali Garress and Borena Oromo tribes near the Kenyan border. The clashes often result from disputes over water and grazing rights.

Fighting between former drought victims from the Amhara region who had resettled in the East Wellega zone of the Oromia region and the Oromos in the Gida Kiremu district resulted in the death of one Oromo police officer and several Amharas. Although no statistics were available, press reports indicated that hundreds of deaths occurred as a result of ethnic strife during the year.

In November there were reports of ethnic clashes between the Zeyle and the Deresh in Argoba in the Southern Region. There were unconfirmed reports that 40 persons were killed and several hundred were displaced as a result of the fighting.

The Oromo students arrested in 2000 reportedly were released by year's end.

There has been a long history of tension between the Nuer and Anuak tribal groups. During the year, all Nuer tribal political activists and leaders associated with the GPDC who were arrested on charges of inciting the Nuer students to demonstrate for the use of the Nuer language in schools in 1999 were released (see Section 3).

The expansion of the military to approximately 285,000 to 300,000 personnel in 2000 aided greatly in the goal of bringing more ethnic groups into the military. By most accounts, the military is an ethnically diverse organization with very little friction between the various groups represented, at least in the lower ranks. At the higher ranks the officer personnel is much less ethnically diverse. Promotions awarded in 2000 were disproportionately high among the Tigrayan ethnic group, although promotions were given to officers from a range of ethnic groups; Oromos were represented among those promoted in higher numbers than the previous year. There were reports that soldiers redeployed from the war front to other regions abused civilians, particularly in the Amhara, Oromia, and SNNPRS regions (see Sections 1.c. and 1.d.). There were reports that soldiers targeted Oromos for abuse during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to form and join unions, but the law specifically excludes teachers and civil servants, including judges, prosecutors, and security services, from organizing unions. The minimum number of workers required to form a union is 20. Only 300,000 workers are unionized. The law also prohibits workers who provide essential services from striking. Essential services are defined broadly to include air transport services, railways, bus service, postal, police and fire services, banking, telecommunications, and medical services.

The law stipulates that a trade organization may not act in an overtly political manner. The law explicitly gives workers the right to strike to protect their interests, but it also sets forth restrictive procedures that apply before a legal strike may take place. These apply equally to an employer's right to lock out workers. Strikes must be supported by a majority of the workers affected. The law prohibits retribution against strikers, but labor leaders state that most workers are not convinced that the Government would enforce this protection. Both sides must make efforts

at reconciliation, provide at least 10 days' notice to the Government, include the reasons for the action, and in cases already before a court or labor board, the party must provide at least a 30-day warning. If an agreement between unions and management cannot be reached, the Minister of Labor may refer the case to arbitration by a Labor Relations Board (LRB). The Government has established LRB's at the national level and in some regions. The Minister of Labor and Social Affairs appoints each LRB chairman, and the four board members include two each from trade unions and employer groups. Some efforts to enforce labor regulations are made within the formal industrial sector. Some private sector workers, including construction workers and Ethiopian Airlines mechanics, went on strike during the year over salary issues. Labor officials have stated that in view of high unemployment and long delays in the hearing of labor cases, some workers are afraid to participate in strikes or other labor actions.

The ETA formerly had a membership of 120,000; however, that number has decreased significantly due to government intimidation and restrictions on ETA activities. In 1995 the leadership of the ETA filed with the ILO a freedom of association complaint against the Government. Security forces harassed members of the ETA and closed their offices; however, the ETA still is registered. In 2000 the ILO Committee on Freedom of Association issued a strong criticism of the Government for its restrictions on freedom of association. The president of the ETA was sentenced to 15 years in prison in 1999 for inciting violence (see Section 1.d.). In 1999 the Government encouraged and publicly supported the organization and registration of a second teachers' association.

There is no requirement that unions belong to the Confederation of Ethiopian Trade Unions (CETU), which includes all nine federations organized by industrial and service sectors rather than by region.

In January employees of the Chinese Addis Ababa Road Authority began to strike after 60 workers were dismissed. The employees accused the Authority of not allowing them to organize. After the intervention of the CETU, most of the employees who were fired were allowed to return to work; however, the union leader was dismissed, allegedly for theft.

Independent unions and those belonging to CETU are free to affiliate with and participate in international labor bodies. Some unions have affiliated with international organizations.

b. The Right to Organize and Bargain Collectively.—The law prohibits discrimination on the basis of union activities. Employer interference was not a major problem; however, there was government interference, and the Government has the authority to cancel union registration. Collective bargaining is protected under the law and under the Constitution for most workers and is practiced freely throughout the country. Labor experts estimate that more than 90 percent of unionized workers are covered by collective bargaining agreements. Wages are negotiated at the plant level.

The law prohibits antiunion discrimination by employers against union members and organizers; however, unions reported that union activists frequently are fired. Unlawful dismissal suits often take years to resolve because of case backlogs in the labor courts. There are grievance procedures for hearings on allegations of discrimination brought by individuals or unions. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. Labor leaders point to a number of court cases that are 4 or 5 years old in which workers have been terminated for union activities as examples of inattention by the courts to worker rights. Seasonal and part-time agricultural workers are not organized even on state-owned plantations. Seasonal workers' compensation, benefits, and working conditions are far below those of unionized permanent plantation employees.

There were several labor disputes reported during the year; through the intervention of the CETU, most were resolved in the favor of the workers. In April and July, employees at two private companies were dismissed from their jobs; among those fired were union leaders who had been lobbying for improved salaries and benefits. After the CETU intervened and negotiated on behalf of the employees with their employers, most were able to return to work, and in both cases, they returned with additional benefits.

In 2000 a private company dissolved its labor union after a disagreement between management and workers. A total of 586 workers were expelled from the company, including union leaders. The Government attempted to mediate the dispute, but the employer did not cooperate; the case was expected to be referred to the Ministry of Labor and Social Affairs during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Criminal Code, which applies to persons over the age of 15, specifically prohibits forced labor; however, forced

labor can be used by court order as a punitive measure. For example, there were credible reports that persons detained after the April riots in Addis Ababa were subjected to forced labor at Sendafa police facility, Showa Robit rehabilitation center, and the Zeway prison (see Sections 1.c. and 1.d.). The Constitution proscribes slavery, and involuntary servitude. There were no reports of slavery within the country.

The law prohibits forced and bonded labor by children; however, young girls reportedly were forced into prostitution by family members (see Sections 5 and 6.f.). Unlike in previous years, there were no reports that young girls were sold into prostitution or that poor rural families sold their young teenage daughters to hotel and bar owners on the main truck routes; however, the practice is believed to exist. There also were numerous anecdotal accounts of young persons, especially girls, traveling to the Middle East to work as house servants and nannies, some of whom were abused, including sexually (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the law, the minimum age for wage or salary employment is 14 years; special provisions cover children between the ages of 14 and 18, including the prohibition of night work or hazardous work. The Government defines hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize children's health.

Children between the ages of 14 and 18 years may not work more than 7 hours per day, work between the hours of 10 p.m. and 6 a.m., work on public holidays or rest days, or perform overtime work. While the Government has made some effort to enforce these regulations within the formal industrial sector, social welfare activists, civic organizers, government officials, and employers agree that child labor is pervasive throughout the country, especially in the informal sector. In urban areas, numerous children can be seen working in a variety of jobs, including shining shoes, hustling passengers into cabs, working as porters, selling lottery tickets, and herding animals. Child domestic workers are common.

Child laborers often are abused. A research study published in 1999 reported that the prevalence of child abuse among urban child laborers is 70 percent, compared with 24.5 percent among non-economically active children from the same urban district. The study concluded that physical and emotional abuse were twice as common among child workers compared with nonworkers, sexual abuse was five times as common, and neglect was eight times as common. Among child workers surveyed, rapes occurred exclusively among child domestics.

A second 1999 research study of child labor sponsored by the CETU's National Federation of Farm, Plantation, Fishery, and Agro-industry Trade Unions focused on rural locations. The study reported that 30 percent of the workers on state farms surveyed were between the ages of 7 and 14. Child workers, who worked alongside parents hired by the state, typically worked 6 days a week, received no benefits, and earned less than \$10 (80 birr) a month. At 1 plantation, 75 percent of the children worked 12-hour days. There also is evidence that children as young as 14 years old are permitted to join local militias with the consent of village leaders. This reportedly is part of an effort to keep children in local areas despite limited educational or employment opportunities (see Section 5). The Government maintains that most economically active children are engaged in family-based, nonexploitative child work that is part of the socialization process and maintains that there is not a child labor problem.

The Ministry of Labor and Social Affairs is the authority designated to enforce child labor laws. The Government's definition of worst forms of child labor includes prostitution and bonded labor; however, the Government is not a signatory to ILO Convention 182 on the worst forms of child labor. In 1999 a forum on child labor was launched by over 80 governments, NGO and foreign entities, including the ILO, to combat such problems as child prostitution, which is perceived widely to be growing (see Section 5). The forum concluded that the worst forms of child labor have increased in recent years, particularly child prostitution and the use of children in agricultural work where they are exposed to pesticides and insecticides. The forum submitted some recommendations to the Ministry of Labor; however, no further action was taken by year's end.

The law prohibits forced and bonded labor by children; however, there are reports that it occurs (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Government mandates a minimum wage of approximately \$15 (120 birr) per month for all wage earners in both the private and public sectors; in addition each industry and service sector has established its own minimum wage. For example, public sector employees, the largest group of wage earners, earn a minimum wage of approximately \$22 (175 birr) per month; employees in the banking and insurance sector have a minimum wage of \$25 (200 birr) per month. According to the Office of the Study of Wages and Other Remunera-

tion, these wages are insufficient to provide a decent standard of living for a worker and family. Consequently most families must have at least two wage earners to survive, which is one of the reasons children leave school early. In addition only a small percentage of the population is involved in wage labor employment, which is concentrated largely in urban areas.

The legal workweek, as stipulated in the Labor Law, is 48 hours, consisting of 6 days of 8 hours each, with a 24-hour rest period. However, it is not enforced effectively, and in practice, most employees work a 40-hour workweek consisting of 5 8-hour days.

The Government, industry, and unions negotiate to set occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs enforces these standards ineffectively, due to a lack of human and financial resources. Enforcement also is inhibited by a lack of detailed, sector-specific health and safety guidelines. Workers have the right to remove themselves from dangerous situations without jeopardy to continued employment; however, most workers fear losing their jobs if they were to do so.

f. Trafficking in Persons.—The law and the Constitution prohibit trafficking in persons; however, Ethiopia is a country of origin for trafficked women, and there are reports of internal trafficking. Unlike in previous years, there were no reports that rural families sold their daughters to hotel and bar owners on the main truck routes; however, the practice is believed to exist. In 2000 there was a report that a girl was sold by her father to a local man in exchange for cattle; the girl's mother brought the case to the EWLA. The case was prosecuted in the courts, and the father was convicted and sentenced to 2 years in prison; this was the first case of this kind. Although illegal, the abduction of women and girls as a form of marriage still is practiced widely in Oromiya regions and the SNNPRS (see Section 5).

The Government no longer acts as an employment agency for workers going abroad. Private entities now arrange for overseas work and, as a result, the number of women being sent to Middle Eastern countries, particularly Lebanon, Saudi Arabia, Bahrain, and the United Arab Emirates, as domestic or industrial workers increased significantly. There reportedly is a network of persons based in the tourism and import-export sectors who are involved heavily in soliciting potential clients, recruiting young girls, arranging travel, and fabricating counterfeit work permits, travel documents, and birth certificates. There continued to be credible reports that some domestic workers abroad were subjected to abusive conditions, including sexual exploitation (see Section 5). In addition the employers of the domestics sometimes seize passports, fail to pay salaries, and overwork the domestics, and some domestics were forced to work for their employers' relatives without additional pay. Domestics have been forced to pay a monetary penalty for leaving their employment early. There are reports of confinement and obstruction of contacting family. Reports of abuse decreased after the Ministry of Labor and Social Affairs began reviewing the contracts of prospective domestic workers and denying exit visas if the contracts did not appear satisfactory.

Training programs have been implemented for police officers on the criminal aspects of trafficking. These institutions have limited resources and jurisdiction to protect or intervene in cases of prosecution of offending employers. Various laws prohibit trafficking and provide for fines and prison sentences of up to 20 years; however, there have been no reported prosecutions or investigations, due in part to limited resources.

In 1999 the Government formed a committee to study trafficking in persons and develop anti-trafficking programs. The federal police's Women's Affairs Bureau, in collaboration with the media, created a public awareness program on the dangers of migrating to Middle Eastern countries. In 2000 the Ministry of Foreign Affairs opened a consulate in Beirut to assist women who were trafficked to Lebanon.

GABON

Gabon is a republic dominated by a strong presidency. Although opposition parties have been legal since 1990, a single party, the Gabonese Democratic Party (PDG), has remained in power since 1968 and has circumscribed political choice. Elections for the Presidency and the National Assembly generally have not been free and fair but have varied widely in quality; some suffered chiefly from poor organization, while others were fraudulent. PDG leader El Hadj Omar Bongo has been President since 1967 and was reelected for another 7-year term in 1998. The 1998 presidential and legislative elections were marred by irregularities. Members of the PDG and allied parties hold large majorities of seats in both chambers of the national legisla-

ture comprised of the directly elected National Assembly and the Senate, members of which are chosen by municipal and regional government officials. The December legislative elections were marred by numerous irregularities, and international observers reported that the elections were marked by organizational flaws and “insufficient and dysfunctional” application of the electoral law. At year’s end, the final outcome of the elections had not been decided; runoff elections were pending for several seats. The judiciary is independent in principle but remained subject to government influence.

The national police, which is subordinate to the Interior Ministry, and the Gendarmerie, which is subordinate to the Defense Ministry, are primarily responsible for domestic law enforcement and public security. In addition elements of the armed forces and the “Republican Guard,” an elite, heavily armed unit that protects the President, sometimes have performed internal security functions; both the armed forces and the Republican Guard are subordinate to the Defense Ministry. In February the President created a special “anti-gang” police unit, under the Interior and Defense Ministries, to fight rising crime in Libreville. Security forces conducted “sweep” operations intended to detain bandits. Members of the security forces occasionally committed human rights abuses.

The country’s economy is underdiversified and heavily dependent on foreign trade; its population is approximately 1.2 million. The State dominates much of the economy through telecommunications, timber export, and oil refinery parastatals; however, the production of wood, oil, and minerals largely was private, and the water, electric, railroad, and sugar parastatals have been privatized. Efforts to privatize the telecommunications monopoly and the national airline have been slow. Government financial mismanagement and corruption have contributed to significant arrears in domestic and external debt payments. The oil industry generated nearly half of recorded gross national product; oil export earnings have allowed the country’s citizens to enjoy a relatively high standard of living based on imports of consumer goods and have drawn to the country’s capital, Libreville, a third of the country’s citizens and many immigrants from poor African countries who work chiefly in the informal and service sectors. Average annual per capita gross domestic product was approximately \$3,800 (2,750,000 CFA francs), although income distribution remained heavily skewed in favor of urban dwellers and a small economic elite, while the rural population continued to receive relatively few social services. During the year, increases in oil prices and production boosted export earnings and state revenues; however, there is a downward projection for long-term oil production.

The Government’s human rights record was generally poor in some areas, and some longstanding human rights abuses continued. The ability of citizens to change their government remained limited. Outstanding cases of extrajudicial killings by security forces remained unresolved. The security forces beat and tortured prisoners and detainees, prison conditions remained harsh and life threatening, arbitrary arrest and detention were problems, the judiciary remained subject to government influence, and authorities routinely infringed on citizens’ privacy rights. The Government continued to restrict freedom of the press. On at least one occasion, police used excessive force to disperse a demonstration. Violence and societal discrimination against women were problems. Forced labor by foreign children as vendors and domestic workers remained a problem, and there were reports of trafficking in children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was at least one credible report of an extrajudicial killing by a member of the security forces. Outstanding cases of extrajudicial killings committed by the security forces in previous years are unlikely to be resolved.

In April a police officer chased, shot, and killed an unarmed 16-year-old street youth after an altercation between the boy and a taxi driver. Individuals who identified the body said that the bullet entered the boy’s head at an angle that suggested he was kneeling when shot. Police detained, beat, and threatened at least two youths that witnessed the killing. There was no action taken against the police responsible for the killing by year’s end, nor is any likely to be taken.

In June in Port Gentil, there were unconfirmed reports that gendarmerie and regular army troops killed as many as three persons while forcibly dispersing a demonstration by unemployed persons (see Sections 1.c. and 2.b.).

There were no developments, and there are unlikely to be any, in the following cases from 1999: The April case in which an off-duty member of the Republican Guard shot and killed a taxi driver who had refused to lend his taxi to the soldier;

the July case in which a group of off-duty police officers reportedly killed 2 persons and injured 11 in a vendetta attack in a Libreville discotheque.

A small number of ritualistic killings reportedly were committed in anticipation of the December legislative elections. No official connection to the murders was established, and the Government publicly criticized the practice. No suspects were identified, and there were no investigations by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces sometimes beat or torture prisoners and detainees as punishment and to extract confessions. There were unconfirmed reports in the African immigrant community that police and soldiers occasionally beat and raped noncitizen Africans during operations to round up and deport illegal immigrants (see Section 2.d.).

In June in Port Gentil, police shot at demonstrators and used tear gas to disperse a protest forcibly (see Sections 1.a. and 2.b.); there were reports of injuries and unconfirmed reports of three deaths.

In December police injured three strikers in clashes at the Libreville city hall (see Section 6.a.).

During the year, a police officer was dismissed from the police force for raping a woman from Cameroon in custody. There was no further action taken against the officer by year's end, nor is any likely to be taken.

Concerned organizations reported that government officials employed trafficked foreign children as domestic workers and also alleged that government officials might be involved in facilitating trafficking in children (see Section 6.f.).

There were occasional incidents of violence in which practitioners of some traditional indigenous religions inflicted bodily harm on other persons (see Section 5). However, the details of these incidents were uncertain. The Ministry of the Interior maintained that violence and bodily harm to others in the practice of a traditional religion is a criminal offense and is prosecuted vigorously. Media reports suggested that this was true; however, little information about such prosecutions or their results was available.

Conditions in most prisons are harsh and life threatening. Sanitation and ventilation are poor, and medical care is almost nonexistent. Prisons provide inadequate food for inmates. There were no known visits by human rights monitors to prisons during the year, although the Government was not known to have impeded such visits in past years. Women are held separately from men, juveniles are held separately from adults, and pretrial detainees are held separately from convicted prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government does not observe these prohibitions. The law provides for up to 48 hours of initial preventive detention, during which period police must charge a detainee before a judge. However, in practice police rarely respected this provision. Charges often were not filed expeditiously, and persons often were detained arbitrarily for long periods. Bail may be set if there is to be a further investigation. Pretrial detainees have the right to free access to their attorneys, and this right is respected in practice. Detainees have the right to an expeditious trial, as defined by the law. Pretrial detention is limited to 6 months for a misdemeanor and to 1 year for a felony charge. These periods may be extended for 6 months by the examining magistrate. Prolonged pretrial detention is common. The Attorney General's Office estimated that roughly 40 percent of persons in custody are pretrial detainees.

Members of the security forces frequently detained individuals at roadblocks. Although sometimes designed to locate illegal immigrants or criminals, the security forces generally used such operations to extort money.

The law prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, while the judiciary is generally independent in principle, it remains subject to government influence.

The judicial system includes the regular courts, a military tribunal, and a civilian State Security Court. The regular court system includes trial courts, appellate courts, and the Supreme Court. The Constitutional Court is a separate body charged with examining constitutional questions, including the certification of elections. In some areas, minor disputes may be taken to a local chief, but the State does not recognize such decisions. The State Security Court, last convened in 1990, is constituted by the Government as required to consider matters of state security.

There were systemic resource and personnel shortages in the judiciary, which often contributed to prolonged pretrial detention (see Section 1.d.). Court clerks went on strike twice during the year to protest poor working conditions and low sal-

aries; civil court actions largely were brought to a halt due to the strikes (see Section 6.a.).

The Constitution provides for the right to a public trial and the right to legal counsel. These rights generally are respected in criminal cases. Nevertheless, procedural safeguards are lacking, particularly in state security trials, where a judge may deliver an immediate verdict of guilty at the initial hearing if sufficient evidence is presented by the State.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government does not respect these prohibitions in practice. As part of criminal investigations, police may request search warrants from judges, which they obtain easily, sometimes after the fact. The Government has used them in the past to gain access to the homes of opposition figures and their families.

Police and security forces conducted warrantless searches (sweeps) for illegal immigrants and criminals (see Section 1.c.). The sweeps consisted of soldiers stopping and searching vehicles at roadblocks, as well as house-to-house searches conducted by soldiers and police in impoverished neighborhoods. The police conducted the same activity informally on a regular basis and frequently stopped vehicles to extort bribes.

Government authorities also routinely monitored private telephone conversations, personal mail, and the movements of citizens.

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, although citizens generally continued to speak freely and criticize the Government, the Government continued to restrict press freedom. Legislators in the National Assembly openly criticize government policies, ministers, and other officials.

The only daily newspaper published was the state-affiliated L'Union. Approximately 10 privately owned weekly or monthly publications in newspaper format, which represent independent views and those of various political parties, appeared during the year; however, most appeared irregularly due to financial constraints and, in one instance, to government suspension of its publication license. All newspapers—including the state-affiliated L'Union—actively criticized the Government and political leaders of all parties. Most also criticized the President.

Journalists are subject to the Communications Code, a law that specifies their rights and responsibilities. Libel can be either a criminal offense or a civil matter. The law authorizes the State to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the State to criminalize civil libel suits. In previous years the Government used prosecutions for civil and criminal libel against journalists to restrict freedom of expression, especially criticism of the Government.

In June the National Assembly and Senate passed a new Communications Code proposed by the National Communications Council (CNC), a government agency subordinate to the Communications Ministry, that could further restrict press freedom by expanding the scope of criminal libel laws in the name of protecting “dignity of the person.” It stipulates that penalties for libel and other offenses include a 1 to 3-month publishing suspension for a first offense and a 3 to 6-month suspension for repeat offenses. Editors and authors of libelous articles can be jailed for 2 to 6 months and fined \$700 to \$7,000 (500,000 to 5 million CFA francs). By year's end, the President had not signed the new Code into law.

In May the Council of Ministers issued a decree criticizing the press for its “irresponsible behavior” and outlining the legal penalties for crimes such as defamation. The press responded publicly by characterizing the Government's decree as a “threat” and a “grave attack on the liberty of the press and on democracy.”

In February the CNC suspended the publication license of La Griffé, a Libreville-based satirical weekly newspaper, for the third time in 3 years. The CNC also prohibited the paper's publisher, Raphael Ntoutoume Nkoghe, and editor in chief, Michel Ongoundou Loundah, from practicing journalism in the country. The CNC cited the periodical's lack of respect for citizens' privacy and maintained that the newspaper's systematic “attacks” on the integrity of President Bongo and his family were “unconstitutional.” The newspaper filed an appeal in the Constitutional Court against the suspension and lost. At year's end, the paper still was suspended. The Ministry of Communications previously suspended the newspaper's license in 1998 and in 1999 for violating criminal libel regulations.

In November Germain Ngoyo Moussavou, the editor in chief of L'Union newspaper, was fired after he published editorials criticizing the Minister of Interior's handling of preparations for the December legislative elections (see Section 3).

Dorothee Ngouoni, an editor at La Griffie, who left the country in July 1999 after she was convicted of defamation, remained abroad.

The Government owns and operates two radio stations, which broadcast to all areas of the country. Much of their news coverage concerns the activities of government officials; however, their editorials are sometimes critical of specific government policies and even of specific government ministers. The CNC issues and, in the past, at times suspended the broadcasting licenses of private radio and television stations. Financial considerations and election preparations resulted in fluctuations in the number of radio stations operating. At year's end, approximately a dozen privately owned radio stations operated in the country; most were apolitical. The Government owns and operates two television stations, RTG-1 and RTG-2. There are three privately owned television stations; a fourth ceased broadcasting during the year due to financial difficulties.

In November employees at the state-owned television station RTG-1 went on strike, which forced the station to stop broadcasting for 2 days; however, they returned to work voluntarily (see Section 6.a.).

The Government did not interfere with domestic reception of broadcasts of international radio stations, including the Voice of America. Radio France International broadcasts locally. Although the British Broadcasting Corporation considered broadcasting in the country in 2000, it decided not to begin broadcasting for financial reasons. Foreign newspapers and magazines were available widely.

The Government does not restrict access to or use of the Internet. At year's end, there were three Internet service providers in the country, one state-owned and the others privately owned. In urban areas, there were public facilities that provided relatively affordable access to the Internet.

The Government does not restrict academic freedom, including research.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and freedom of association, and the Government generally respects these rights in practice. The law requires that groups obtain permits for public gatherings in advance, and the Government usually granted them.

In June between 200 and 300 protesters from the "Collective of Unemployed of Port Gentil" set up a barricade on the main road between the center of the country's second largest city, Port Gentil, and the city's oil export facility to protest unemployment and the large number of noncitizens hired by local businesses. After permitting the road to be blocked for approximately 48 hours, police ordered the protesters to disperse. When they refused, police shot at the protesters and used tear gas to disperse them forcibly. The protesters fled but started to riot, burning and looting shops and residences in Port Gentil. Following 24 hours of rioting, gendarmerie and army troops restored calm in the city. Although official accounts indicate that there were no deaths associated with the riots, unconfirmed reports suggested that up to three persons were killed.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respects this right in practice. There is no state religion, and authorities do not engage in religious persecution. A 1983 decree banning Jehovah's Witnesses, which the Government promulgated on the grounds that Jehovah's Witnesses allegedly do not protect individuals who might dissent from the group's views adequately, remained in effect throughout the year; however, the Government did not enforce the ban.

Some Protestants alleged that the government television station accorded free transmission time to the Catholic Church but not to minority religious groups. Others alleged that the armed forces favor Roman Catholics and Muslims in hiring and promotions. In previous years, some Protestant pastors alleged that local officials discriminate against them by making it difficult to obtain building permits to construct churches.

The Ministry of the Interior maintains an official registry of some religious groups; however, it does not register traditional religious groups. The Government does not require religious groups to register but recommends that they do so in order to assemble with full constitutional protection. No financial or tax benefit is conferred by registration. The Government has refused to register approximately 10 religious groups, including Jehovah's Witnesses. In practice the Government allows Jehovah's Witnesses to meet and practice their religion. In addition the Government has made uncorroborated claims that it permitted Jehovah's Witnesses to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government

frequently restricts them in practice. There are no legally mandated restrictions on internal movement. Police and gendarmes continued to stop travelers frequently to check identity, residence, or registration documents, and members of the security forces regularly harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers (see Section 1.f.). They extorted bribes and demanded services with the threat of confiscation of residency documents or imprisonment. Residency permits cost up to \$140 (100,000 CFA francs), and first time applicants also must provide the cost of a one-way air ticket to their country of origin. In theory, but usually not in practice, the Government refunds the cost of the air ticket when the individual departs the country permanently.

The government agency that controls immigration intermittently enforced an internal regulation requiring married women to have their husbands' permission to travel abroad. An exit visa is not required for citizens to travel abroad; however, noncitizens resident in the country must obtain a visa in order to leave and return. Some leaders and members of opposition political parties allege that they encounter unreasonable delays in obtaining passports; some planning to attend political conventions or other events did not receive their passports until after the events were over.

Police and security forces conducted warrantless searches (sweeps) for illegal immigrants and criminals (see Section 1.f.). There were unconfirmed reports that police occasionally beat and raped noncitizen Africans during operations to assemble and deport illegal immigrants.

Dozens of victims of child trafficking were repatriated with assistance from non-governmental organizations (NGO's) and the embassies of their countries of origin (see Section 6.f.).

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government strictly controls the process of refugee adjudication. The Government generally cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The Government provides first asylum. At year's end, approximately 8,000 refugees remained in the country. During the year, some refugees from the Republic of Congo voluntarily repatriated themselves. For example, on August 2, in collaboration with the Republic of the Congo, 64 refugees were repatriated voluntarily by airplane. In September representatives of the Government, of the Republic of the Congo, and the UNHCR signed a tripartite repatriation agreement providing for the return of Congolese refugees from the country; however, assisted repatriation under the agreement did not begin by year's end.

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

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

The Constitution provides citizens with the right to change their government peacefully; however, mismanagement and serious irregularities in both the 1998 presidential elections and the December legislative elections seriously limited this right in practice. A single party, the PDG, has remained in power since its creation by President Bongo in 1968, and political choice has remained limited in practice despite the legalization of opposition parties in 1990.

The country is dominated by a strong Presidency. The President can veto legislation, dissolve the national legislature, call new elections, and issue decrees while the legislature is not in session that have the force of law. The legislature generally has approved legislation presented to it by the President but on occasion has not done so. The President appoints and can dismiss judges through the Ministry of Justice, to which the judiciary is responsible. The President appoints ministers of government, provincial governors, prefects and subprefects, and the heads of parastatal firms.

President Bongo, who has been President since 1967, was reelected for another 7-year term in a December 1998 election marred by irregularities that generally favored his incumbency, including incomplete and inaccurate electoral lists and the use of false documents to cast multiple votes. Official results showed Bongo winning approximately two-thirds of the votes cast. In a July 1995 constitutional referendum, citizens approved by a 96 percent majority reforms that included most significantly the establishment of an independent National Electoral Commission (NEC). The referendum was carried out under arrangements that assured that all political parties could monitor voting and vote counting. In July 1998, the Government transferred key electoral functions, including the maintenance of voter registration lists, from the NEC to the Interior Ministry. In October 1998, the rep-

representatives of three major opposition parties withdrew from the NEC to protest their inability to verify the accuracy of voter registration lists.

National Assembly elections are held every 5 years. In December elections were held for the National Assembly, the lower house of the bicameral legislature; nine opposition parties boycotted the first round of the elections, asserting that procedural and systemic shortcomings made a free and fair election impossible. The elections were marred by numerous irregularities. International observers reported that the elections were marked by organizational flaws and "insufficient and dysfunctional" application of the electoral law. At year's end, the final outcome of the elections had not been decided; runoff elections were pending for several seats.

The ability of citizens to choose their subnational governments remained limited in practice. Among subnational officials, provincial governors, prefects, and subprefects are officers of the central Government responsible to the President. Mayors and municipal councils are elected; however, municipal governments have limited financial autonomy and depend heavily on funding from the central Government.

Local elections for mayors and municipal councils held in 1996 were organized poorly and later were repeated in key districts. In both sets of elections, opposition parties won most of the municipal council seats in the capital, Libreville, where the RNB candidate was elected mayor.

The Senate, the upper house of the bicameral national legislature, was created in 1996. The first elections for Senators were held in 1997. Municipal and regional government officials elect all 91 senators, who serve 6-year terms.

Major opposition parties include the National Lumberjack Assembly-Gabonese People's Assembly (RNB-RPG) and the Gabonese Progressive Party (PGP). The RNB-RPG's political base is in the northern province of Woleu-Ntem, which is inhabited chiefly by members of the Fang ethnic group, and in Libreville neighborhoods with many Fang residents, although the party attracts some support from other regions and ethnic groups. The PGP enjoys strong support in Port Gentil, the center of the country's petroleum industry, and among the Myene ethnic group. Ideological splits and rivalries have reduced the effectiveness of the PGP.

The percentages of women and minorities in government and politics do not correspond to their percentages of the population; however, there are no restrictions on the participation of women and minorities in politics. At year's end at least 6 members of the newly elected National Assembly, 12 of the 91 senators, and 4 of the 33 government ministers were women. Indigenous Pygmies rarely participate in the political process, and the Government has made only limited efforts to include them (see Section 5).

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

The Government officially allows the existence of independent human rights groups, although few are active. These organizations are active mostly on behalf of women, children, persons with disabilities, and the homeless. Despite a 1999 announcement that it would establish a National Human Rights Commission, the Government had not taken any action to establish one by year's end.

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

The Constitution forbids discrimination based on national origin, race, gender, or opinion; however, the Government does not uniformly enforce these constitutional provisions, and there was considerable discrimination against women, especially in domestic affairs. The Government also has provided a lower level of health care and educational services to children of families of other African nationalities than it provided to citizens.

Women.—Domestic violence against women was common and especially was prevalent in rural areas. While medical authorities have not specifically identified rape to be a chronic problem, religious workers and hospital staff reported that evidence of beatings of women was common. Police rarely intervened in such cases, and women virtually never filed complaints with civil authorities. Only limited medical and legal assistance was available.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, occurred among the resident population of expatriate Africans. There are no laws against FGM, but according to local women's groups, it was not practiced on Gabonese girls.

The law provides that women have rights to equal access in education, business, and investment. Women own businesses and property, participate in politics, and work throughout the government and the private sector. Women nevertheless con-

tinued to face considerable societal and legal discrimination, especially in rural areas.

By law couples must stipulate at the time of marriage whether they intend to adhere to a monogynous or a polygynous relationship; according to one local NGO, polygynous marriages are more common. For monogynous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygynous marriage, a husband is obligated to give all wives the same level of financial support; however, he may marry additional wives without permission from his existing wives. Wives who leave polygynous husbands receive half of their existing support as a one-time payment. In inheritance cases, the husband's family must issue a written authorization before his widow can inherit property. Common law marriage, which is accepted socially and practiced widely, affords a woman no property rights.

A regulation requires that a woman obtain her husband's permission to travel abroad; however, this requirement is not enforced consistently.

Children.—The Government has used oil revenue to build schools, pay teachers' salaries, and promote education, even in rural areas. However, with the decline in such revenues in the late 1990's, the upkeep of schools and payment of teachers has suffered. Education is compulsory until age 16 and is generally available through sixth grade. However, there was evidence that fewer than half of secondary-school-age children attended school; secondary school attendance rates for immigrant children appeared likely to be lower, although public schools accepted immigrant children, and the Government encouraged them to attend. Education is free except for miscellaneous expenses such as books and other school supplies. According to a U.N. agency, 53 percent of women were literate in 1995, compared with 74 percent of men.

The country has a relatively high infant mortality rate, and only approximately 17 percent of children have been vaccinated. Although international donors worked to improve the situation, the Government allocated few resources for vaccines and the logistical support necessary to administer them. Traditional beliefs and practices provided numerous safeguards for children, but children remained the responsibility of the extended family—including aunts, grandmothers, and older siblings. There was little evidence of physical abuse of children, although there were some reports that girls were sexually abused by family members after reaching puberty. Protection for children's rights is not codified in law.

FGM was performed on girls in the resident population of expatriate Africans (see Section 5, Women).

Forced child labor and trafficking in children were problems (see Sections 6.c. and 6.f.).

There was concern about the problems facing the large community of children of African noncitizens. Almost all enjoyed far less access to education and health care than did children of citizens; some were victims of child trafficking and child labor abuses (see Sections 6.d. and 6.f.).

Persons with Disabilities.—There are no laws that prohibit discrimination against persons with disabilities or that provide for access to buildings or services; however, there were no reports of official discrimination against persons with disabilities. There was no known societal discrimination against persons with disabilities.

Indigenous People.—The Baka (Pygmies) are the earliest known inhabitants of the country. Several thousand Pygmies live in the country, most in large tracts of still-intact rain forest in the northeast. The law grants them the same civil rights as other citizens. Pygmies largely were independent of formal authority, keeping their own traditions, independent communities, and local decision-making structures. Pygmies did not participate in government-instituted programs that integrated many small rural villages into larger ones along major roads. There are no specific government programs or policies to assist or hinder Pygmies.

Pygmies suffered societal discrimination and often lived in extreme poverty. In July and August, a local NGO conducted a study, funded by UNICEF, of the Bukoya Pygmy population in the northeastern part of the country. NGO workers visited more than a dozen villages and found that most Pygmies there lived in conditions tantamount to slavery, working on plantations for "masters" for one plate of rice and a few cents per day. The NGO described the children born to Pygmy families in these situations as the "property" of the master. A typical family lives on 13 cents per day. Pygmies who complained about their situations often were beaten. The Pygmies did not have adequate access to public services.

National/Racial/Ethnic Minorities.—The country's citizen population includes several ethnic groups, each of which generally speaks a distinct primary language and is concentrated in an identifiable area of the country. There is no majority ethnic group; the largest ethnic group is the Fang, which makes up more than 30 per-

cent of the population and is concentrated in the north. Other major ethnic groups include the Myene, the Bapunu, the Bateke, the Obamba, and the Nzebi. Urban neighborhoods are not segregated ethnically; interethnic marriage was common.

There was some correlation between ethnic and political divisions. Support for the ruling party is stronger among persons from southern ethnic groups, including President Bongo's Bateke ethnic group, than among the northern Fang group or the coastal Myene group (see Section 3).

The Government generally fostered ethnic balance in the public sector, throughout which persons from all major ethnic groups continued to occupy prominent positions. However, there was evidence that members of the President's Bateke ethnic group and other ethnic southerners held a disproportionately large number of key positions throughout the military and security forces (see Section 3).

Section 6. Worker Rights

a. The Right of Association.—The Constitution places no restrictions on the right of association and recognizes the right of citizens to form trade and labor unions. Virtually the entire private sector workforce is unionized. Unions must register with the Government in order to be recognized officially. Public sector employees may unionize although their right to strike is limited if it could jeopardize public safety. There are many independent unions, including powerful unions of teachers, civil servants, transport workers, and communications workers. Some independent unions have associated to form the Gabonese Confederation of Free Unions (CGSL). The Gabonese Labor Confederation (COSYGA) continued to be affiliated with the Government but has criticized publicly some government policies it perceived as contrary to labor interests. The Labor Code provides extensive protection of worker rights.

Strikes are legal if they are held after an 8-day notice advising that outside arbitration has failed. The Labor Code prohibits direct government action against individual strikers who abide by the arbitration and notification provisions. It also provides that the Government cannot press charges against a group for criminal activities committed by individuals.

In March court magistrates went on strike to protest poor working conditions and benefits; however, the strike was postponed when President Bongo indicated that he might meet some of their demands. When nothing happened, the magistrates went on strike again in May. In November the strike ended when the President met with the strikers and agreed to meet some of their demands.

In April court clerks went on strike to protest poor working conditions and low salaries. In October the strike ended when President Bongo met some of their demands by offering them computers and typewriters and agreeing to discuss salary restructuring.

In June and September, employees of the Office des Postes et Telecommunications (OPT), the state-owned post and telecommunications company, went on strike for higher pay and to protest plans to split and partially privatize the company.

In November employees at the state-owned television station RTG-1 went on strike to protest low salaries and poor working conditions (see Section 2.a.). The employees resumed work voluntarily; however, they have discussed the possibility of renewed strike activity in the future.

In November and December, employees of the Libreville city hall went on strike to protest low salaries and poor working conditions. On December 12, three strikers were injured in clashes with police officers called in when strikers locked the gates of city hall and set fires in the parking lot.

In June in Port Gentil, police shot at demonstrators and used tear gas to disperse forcibly a protest by the Collective of Unemployed of Port Gentil against unemployment and a large number of noncitizens hired by local businesses (see Sections 1.a. and 2.b.).

Unions and confederations are free to affiliate with international labor bodies and participate in their activities. COSYGA is affiliated with the Organization of African Trade Union Unity, while the CGSL is affiliated with the International Confederation of Free Trade Unions. Both COSYGA and CGSL have ties with numerous other international labor organizations.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides for collective bargaining by industry, not by firm; collectively bargained agreements set wages for whole industries. Labor and management meet to negotiate differences, and the Ministry of Labor provides an observer. This observer does not take an active part in negotiations over pay scales, working conditions, or benefits. Agreements also apply to nonunion workers. While no laws specifically prohibit antiunion discrimination, the court may require employers who are found guilty by civil courts of having engaged in such discrimination to compensate employees.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. Some Pygmies reportedly lived in conditions tantamount to slavery (see Section 5).

The Government prohibits forced and bonded labor by children; however, forced child labor is a problem. Children—in particular immigrant children—are forced to work as domestic servants or in the informal commercial sector (see Sections 6.d. and 6.f.).

The Government cooperated with UNICEF and the International Labor Organization (ILO) to combat forced child labor and child trafficking (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Children below the age of 16 may not work without the express consent of the Ministries of Labor, Education, and Public Health. These ministries rigorously enforced this law with respect to citizen children, and there were few citizens under the age of 18 working in the modern wage sector. A significant number of foreign children worked in marketplaces or performed domestic duties. These children generally did not go to school, received only limited medical attention, and often were the victims of exploitation by employers or foster families. Laws forbidding child labor theoretically extend protection to foreign children as well, but abuses often were not reported. An ILO study during the year estimated that the number of economically active children between the ages of 10 years and 14 years was 19,000 to 20,000, but the actual number was difficult to quantify since most children worked in the informal sector.

In April the Government ratified ILO Convention 182 on the worst forms of child labor. The Legal Code stipulates fines and prison sentences for violations of the minimum age for working. The Ministry of Justice is responsible for implementing and enforcing child labor laws and regulations. Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints; however, the inspection force is inadequate, complaints are not investigated routinely, and violations are not addressed adequately.

The Government prohibits forced and bonded child labor; however forced child labor is a problem (see Section 6.f.). Concerned organizations reported that government officials employed trafficked foreign children as domestic workers and also alleged that government officials might be involved in facilitating child trafficking.

e. Acceptable Conditions of Work.—The Labor Code governs working conditions and benefits for all sectors and provides a broad range of protection to workers. Traditionally representatives of labor, management, and the Government met annually to examine economic and labor conditions and to recommend a minimum wage rate within government guidelines to the President, who then issued an annual decree. This procedure has not been followed since 1994, in part because the Government was pursuing a policy of wage austerity recommended by international financial institutions. The monthly minimum wage was approximately \$61 (44,000 CFA francs); government workers received an additional monthly allowance of \$27 (20,000 CFA francs). Government workers also receive transportation, housing, and family benefits; however, the law does not mandate housing or family benefits for private sector workers. Given the high cost of living, the minimum wage does not provide a decent standard of living for a worker and family.

The code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work. All companies in the modern wage sector pay competitive wages and grant generous fringe benefits required by law, including maternity leave and 6 weeks of annual paid vacation.

The Ministry of Health established occupational health and safety standards, but it did not enforce or regulate them effectively. The application of labor standards varied greatly from company to company and between industries. The Government reportedly does not enforce Labor Code provisions in sectors where the bulk of the labor force is foreign. Foreign workers, both documented and undocumented, may be obliged to work under substandard conditions; may be dismissed without notice or recourse; or may be mistreated physically, especially in the case of illegal aliens. Employers frequently require longer hours of work from noncitizen Africans and pay them less, often hiring on a short-term, casual basis in order to avoid paying taxes, social security contributions, and other benefits. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

f. Trafficking in Persons.—No law specifically prohibits trafficking in persons. Trafficking in children is a serious problem, and the Government does not actively investigate cases of trafficking and has not prosecuted any cases against traffickers. There were reports that some trafficked women and children were sexually abused.

Children (especially girls) were trafficked into the country, primarily from Benin and Togo, for use as domestic servants or in the informal commercial sector. Some of the children suffered sexual abuse. Nigerian children were trafficked to the country primarily to work in the informal commercial sector.

In previous years, there were reports that children were trafficked to the country to work on plantations; however, these reports were inaccurate. There is very little commercial agricultural activity, and observers believe that all children trafficked to the country are working either as domestic servants or in the informal sector.

In April a Nigerian-registered ship, the MV Etireno, arrived at the port of Owendo in Libreville and was turned away by government authorities who suspected that illegal immigrants were aboard. The international press reported that the ship was carrying up to 250 children trafficked from West Africa to work as laborers and domestic servants in the country. The ship returned to Cotonou, Benin, after approximately 2 weeks at sea. International organizations and their embassies assisted the 23 children aboard (from Benin, Togo, and Mali) when they arrived in Cotonou. In September a ship carrying 130 West African child trafficking victims from Nigeria to the country capsized off the coast of Cameroon. The children were assisted by Cameroon government officials and repatriated to their home countries.

Concerned organizations reported that government officials employed trafficked foreign children as domestic workers, and also alleged that government officials might be involved in facilitating child trafficking.

In August the Council of Ministers proposed a law that would prohibit the trafficking and exploitation of children. At year's end, the National Assembly was considering the proposed law. Traffickers may be prosecuted under laws prohibiting the exploitation, abandonment, and mistreatment of children. The proposed law stipulates that anyone who organizes, facilitates, transports, harbors, sells, or illegally employs trafficked or exploited children, or otherwise benefits from the trafficking or exploitation of children, will face imprisonment and fines of \$14,000 to \$28,000 (10 million to 20 million CFA francs). Foreigners caught participating in these acts could be expelled from the country under the proposed law. According to the proposed law, all assets used in the commission of these crimes, or acquired as a result of them, will become property of the Government, and child traffickers will be responsible for paying for the repatriation of their victims. No one was prosecuted by year's end. Critics maintained that government efforts were ineffective and hampered by a lack of resources.

An interministerial committee comprised of representatives from the Labor, Justice, Foreign Affairs, and Family Ministries is involved in antitrafficking efforts. The Government did not support programs aimed at the prevention of trafficking, and has neither a policy nor resources to provide assistance to trafficking victims. Trafficking victims were not detained or deported. The Government has an informal cooperative relationship with NGO's providing services to victims. The Government participated in a January conference on child trafficking. In 2000 the Government cosponsored a conference on child trafficking and exploitative labor in Central and West Africa as a cooperative effort between the Government, UNICEF, and the ILO.

THE GAMBIA

The Gambia is ruled by President Yahya A.J.J. Jammeh, the former chairman of the Armed Forces Provisional Ruling Council (AFPRC) that seized power in a military coup in 1994, deposing a democratically elected government. On October 18, Jammeh was reelected president for 5 years in an election the results of which the opposition initially accepted and observers considered generally free and fair, despite some shortcomings. Jammeh won a simple majority of 53 percent of the total votes cast. Two of the 13 members of the existing Cabinet are retired army officers who were President Jammeh's political allies during or immediately following the coup. The Government in part relies on the security forces to implement its policies. In 1997 the Constitution of the Second Republic came into effect, restoring formal constitutional government, and citizens chose a National Assembly in elections, the results of which generally were accepted by the opposition. Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), won 33 of the 45 assembly seats filled by election. The Constitution provides for an independent judiciary; although the courts have demonstrated their independence on occasion, the judiciary, especially at lower levels, reportedly is subject to executive branch pressure.

The Gambian National Army (GNA) reports to the Secretary of State for Defense, a position that is held by the President. The police report to the Secretary of State for the Interior. The National Intelligence Agency (NIA) reports directly to the

President but otherwise is autonomous. The NIA is charged with protecting state security by conducting intelligence and covert investigations. These forces generally are responsive to the Government; however, they occasionally act without direct orders. Members of the security forces committed serious human rights abuses.

The rapidly growing population of approximately 1.4 million is divided between a rural majority and a growing urban minority. Much of the population is engaged in subsistence farming. The country's farmers, a majority of whom are women, grow rice, millet, corn, and groundnuts (peanuts), the country's primary export crop. Tourism, trading, and fisheries are the leading private sector industries. The high population growth rate has diluted the positive effects of modest economic expansion. Per capita gross domestic product is estimated to be \$330 (5,610 dalasi).

The Government's human rights record was poor, and although there were improvements in several areas, serious problems remained. Citizens exercised their right to change their government in the October presidential election, which most observers considered relatively free and fair. Security forces committed several extrajudicial killings and beat, harassed, or otherwise mistreated journalists, detainees, and prisoners. There also were reports that security forces beat military and security detainees. There were no reports that security prisoners were threatened with summary execution. Government harassment of the opposition continued. The Government established a commission to examine the findings of a coroner's inquest into killings of 14 persons by security forces in April 2000; however, the Government rejected the commission's findings and decided that no one would be prosecuted. During the year, the National Assembly passed and the President signed a law that allows the President to "for the purpose of promoting reconciliation in an appropriate case, indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have done during any unlawful assembly, public disturbance, riotous situation or period of public emergency." In previous years, conditions at Mile 2, Janjanbureh, and Jeshwang prisons were believed to be very poor, based on anecdotal evidence; however, during the year, the International Committee for the Red Cross (ICRC) visited the Mile 2 and Jeshwang prisons and found that the conditions were good. Detainees, unlike long-term prisoners, continued to complain that they were tortured. Security forces arbitrarily arrested and detained citizens, particularly opposition politicians, human rights activists, and journalists. Some of the detainees alleged harsh treatment while being arrested and detained, and there were reports of incommunicado detention. The courts reportedly are subject to executive branch pressure, particularly at lower levels, although magistrates occasionally demonstrated some independence by ruling against the Government. There was one known political prisoner. The Government at times infringed on citizens' privacy rights.

The Government significantly limited freedom of speech and of the press, and security forces arrested and detained persons who publicly criticized the Government or who expressed views in disagreement with the Government. Journalists practice self-censorship. The Government at times restricted freedom of assembly and association; however, there were no reports that the Government denied opposition parties permits to hold rallies during the year. In July the Government repealed Decree 89, which had banned three major opposition political parties and all former presidents, vice presidents, and ministers from political activity until 2024. Following the repeal, the parties resumed their activities. The Constitution provides for freedom of movement but allows for "reasonable restrictions," which the Government at times enforced. Violence and discrimination against women persisted. The practice of female genital mutilation (FGM) is widespread and entrenched. Child labor was a problem, and there were some instances of child prostitution.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—On occasion security forces committed extrajudicial killings.

On January 16, soldiers shot and killed a soldier in plain clothes who they mistook for a drug trafficker in Omorto, a small border village in the Western Division. On January 19, soldiers shot and killed Faburama Manneh and seriously injured Musa Sallah, while trying to apprehend them in Omorto. The victims were traveling from neighboring Casamance, Senegal, into the country on a motor bike, allegedly carrying cannabis. Following these incidents, the army announced that none of the soldiers would be arrested or found liable for taking part in the shootings.

On October 16, security forces shot and killed United Democratic Party (UDP) supporter Ousman Ceesay after a clash erupted in Talingding between the supporters of the ruling APRC and the opposition UDP on the last day of official cam-

paingning for the presidential elections (see Section 3). According to eyewitnesses, security forces deployed in the area to disperse the crowd shot Ceesay at point blank range, killing him instantly. Following the shooting, angry UDP supporters stormed the nearby APRC National Assembly Member's house and set it on fire in protest. The incident preceding Ceesay's death was not investigated, and no one was arrested by year's end.

Security forces shot and killed several persons at checkpoints during the year (see Section 2.d.). For example, on January 10, soldiers killed Bakary Ceesay at Omorto when they shot at his vehicle, which allegedly contained locally grown cannabis, after Ceesay reportedly refused to stop his vehicle at the checkpoint. On October 30, soldiers shot and killed Hussein Wasni, a Lebanese visitor, at a checkpoint on the Kombo Coastal Road for failing to stop his vehicle. No action was taken against the soldiers by year's end.

The Government established a commission to examine the findings of a coroner's inquest into the killings of 14 persons by security forces in April 2000; however, the Government rejected the commission's findings and decided that no one would be prosecuted (see Section 1.c.).

In March 2000, Ebrima Barry, a student, died after fire department personnel took him into custody and beat him (see Section 1.c.). In March seven firefighters were acquitted in the killing on the grounds that the charges against them were not proved beyond a reasonable doubt.

No action was taken, nor is any likely, against the members of the security forces responsible for killing at least 14 persons while forcibly dispersing a demonstration in April 2000 (see Section 1.c.) or in the January 2000 killing of two military personnel.

There were no developments in the 1999 killings allegedly committed by three members of the Movement of Democratic Forces for the Casamance.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids such practices; however, security forces sometimes beat or otherwise mistreated detainees and prisoners. There also were reports that security forces beat military and security detainees. Several opposition supporters claimed that they were tortured while in detention (see Section 1.d.). Unlike in previous years, there were no reports that security forces threatened prisoners with summary execution.

Police officers harassed and beat journalists during the year (see Section 2.a.).

Security forces shot and injured several persons during the year (see Section 1.a.). For example, on January 29, security forces shot and injured three men allegedly in possession of cannabis in Latrikunda.

On February 16, John Senesie, a Sierra Leonean teacher, reported that soldiers brutalized and injured him at the West Field Junction, when his bicycle nearly collided with a military truck. After presenting his ID card to the soldiers, they accused him of being a rebel who willfully intended to hit the truck. Senesie claimed that he was punched severely on his sides, kicked, and beaten with rifle butts by the soldiers. No action was taken against the soldiers by year's end.

On April 14, a police officer named Bojang beat a 17-year-old Sukuta Secondary School student, Brian Secka, following a fight at a football field in Sukuta, near Bojang's compound. Youths in Bojang's neighborhood had organized a football match, during which a fight broke out and the youths began throwing stones at each other. When Secka went to collect his younger brother from the field, Bojang came out of his compound and accused Secka of throwing stones in his compound. Bojang took Secka to the Serrakunda Police Station where he was detained for several hours and allegedly severely beaten. No action was taken against the officer by year's end.

On June 12, in Basse Upper River Division (URD), paramilitary officers arrested, detained for several hours, and severely beat Pa Moo Sallah, Ousman Sowe, and Sang Gaswell, three athletes from Kanifing, after a volleyball match during which the students were accused of inciting trouble. The athletes were participating in the National Youth Conference. It was reported that some celebrating Kanifing fans taunted a female paramilitary officer as she beat a woman in their midst. The encounter led to a fight, and the officer's helmet and stick disappeared. Other paramilitary officers arrived at the scene in riot gear and started beating and chasing members of the crowd. Credible eyewitnesses saw more than seven youths injured. Those who sustained injuries were evacuated to the Basse Health Center.

Armed soldiers at times harassed and detained citizens and foreigners at gunpoint, particularly at the Denton Bridge checkpoint outside of Banjul (see Section 2.d.).

On October 12, while addressing a political rally in Brikama, President Jammeh threatened that opposition members seen with dangerous weapons would be shot. The threat came after skirmishes between UDP supporters and APRC supporters that resulted in injuries and property damage.

On April 10, 2000, Gambia Student Union (Gamsu) members attempted to hold a peaceful demonstration to protest the alleged mishandling of the investigation into the death of a student while in the custody of fire officers (see Section 1.a.), and the alleged rape of a 13-year-old schoolgirl by an unidentified man in uniform. When police attempted to stop the demonstration, the student demonstrators burned tires and threw stones. In response security forces shot at the demonstrators, killing 14 students and injuring many others, and arrested hundreds of other students (see Section 1.d.). In January a government commission established to look into the findings of the coroner's inquest submitted its report. The report recommended that the Minister of Interior, Ousman Badjie, and three top police officers should accept responsibility for the incident on April 10–11, 2000; that some police intervention unit personnel deployed where the shooting and killings happened should assume responsibility for the deaths and injuries; and that seven student leaders of Gamsu should be prosecuted.

On January 26, following the submission of the government commission's report, the Government announced that it disagreed with the recommendations of the commission and, in the spirit of reconciliation, nobody would be prosecuted. Human rights activists and a coalition of lawyers severely criticized the Government for its position, arguing that the Government, in effect, was supporting impunity. The coalition urged the Government to reconsider its position on the report and to take concrete steps to bring those responsible for the deaths and injuries to justice. On April 18, after a heated debate, the National Assembly approved a very controversial Indemnity Bill, which was backdated to January 2000. The opposition and five ruling APRC National Assembly members voted against the bill, arguing that it was unconstitutional. The coalition of lawyers and some National Assembly members said that the bill, which was passed to amend the Indemnity Act of 1982, would deny persons their right of access to justice. The bill read: "The President may, for the purpose of promoting reconciliation in an appropriate case, indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have done during any unlawful assembly, public disturbance, riotous situation or period of public emergency." In May the President signed the bill, despite a general outcry and petitions from human rights organizations. The legislation prevents those affected, including parents of children killed on April 10–11, 2000, from seeking redress in any court in the country.

There reportedly was no action taken against the responsible members of the security forces, police, or government officials who tortured, beat, raped, or otherwise abused persons in the following cases: The May 2000 beating of a journalist from the Democratic Republic of the Congo; the January 2000 mistreatment of Ousman Ceesay; and the 1999 case of an alleged severe beating and torture of an opposition politician who was arrested and detained for 2 days.

There were at least nine complaints of violent incidents between September 26 and the presidential election on October 18 (see Section 3). For example, on October 3, APRC supporters and opposition alliance supporters clashed in Farafeni in the central part of the country, injuring several persons and destroying several shops. There were reports that civilian members of the APRC assaulted opposition supporters and attacked their houses after the presidential election results were announced.

Unlike in the previous year, there were no reports of the allegedly disbanded progovernment July 22 youth movement attacking UDP members at political rallies.

In previous years, conditions at Mile 2, Janjanbureh, and Jeshwang prisons were believed to be very poor, based on anecdotal evidence. However, during the year, the ICRC visited Mile 2 and Jeshwang prison and found that the conditions were good. Prisoners received three meals a day, each prison had an infirmary, and outside doctors were brought in to provide additional medical care when required. However, the ICRC also noted that the psychological conditions of the prisons were "hard;" for example, maximum security prisoners were confined to small, individual cells for 21 hours a day and were allowed few family visits. There were credible reports of beatings and malnourishment of detainees; however, there were no reports of harsh treatment of long-term prisoners. Local jails continued to experience overcrowding. Inmates, including detainees awaiting charges and those who were charged and awaiting trial, occasionally had to sleep on the floor; they were provided with mats or blankets. Police are reluctant to terminate fistfights between prisoners until the dispute is settled, and many of the prisoners are injured. Women and juveniles are housed separately. Pretrial detainees are held in separate sections at Mile 2 and

Jeshwang prisons. There is no special section or facility for political prisoners; there is only one known political prisoner.

Local nongovernmental organizations (NGO's) generally are permitted to visit prisons upon request. A member of the African Commission on Human and Peoples' Rights and the U.N. Special Rapporteur on Prisons and Conditions of Detention in Africa visited the three prisons during the year. The ICRC visited prisons several times during the year; however, they only had access to Mile 2 and Jeshwang, and did not have access to short-term detainees at police stations and the NIA.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution includes provisions to protect against arbitrary arrest and detention; however, police and security forces arbitrarily arrested and detained citizens. Periods of detention ranged from a few hours to several weeks. Several claimed that they were tortured while in detention (see Section 1.c.). There were reports that some detainees were held incommunicado.

The Government has not revoked formally military decrees enacted prior to the 1997 Constitution that give the NIA and the Secretary of State for the Interior broad power to detain individuals indefinitely without charge if “in the interest of national security.” The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appear to be inconsistent with the Constitution, but they have not been subject to judicial challenge. The Government has stated that it no longer enforced these decrees; however, in some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours. Detainees often were released after 72 hours and instructed to report to the police station or NIA headquarters periodically until their case goes to trial. During the year, many local police stations and the NIA changed their procedures and practices to satisfy the constitutional requirement that any detainee be released or charged within 72 hours. The law requires that authorities obtain a warrant before arresting a person; however, persons often are arrested without them. Detainees are not always allowed prompt access to family members or a lawyer. There is a functioning bail system.

Police arrested and detained opposition party supporters, many of whom claimed that they were tortured while in detention; the Government has denied these claims. For example, on March 31, police arrested seven UDP supporters from Badibu Salikeni, North Bank Division (NDB), and detained them at the Farafine Police Station for 3 days following a by-election victory of the UDP candidate in the Badibu constituency. UDP supporters were celebrating in the compound of the elected UDP candidate when APRC supporters asked them to stop. Fighting ensued, and, according to APRC supporters, UDP supporters beat one APRC member. Police charged the seven UDP supporters with assault and criminal trespassing and released them on bail of \$58 (1,000 dalasi) each; the APRC supporters were not arrested. The UDP candidate said the arrests and detention of his supporters were motivated politically and baseless, as some of those accused were not present during the incident. The supporters never were charged; they were released on bail and instructed to report to the police regularly.

On April 24, UDP activist Kassa Jatta was arrested in Bakau and detained at the NIA headquarters in Banjul for 10 days. He was accused of criticizing President Jammeh's foreign policy in an article he wrote in a local newspaper. The NIA released Jatta on bail of \$18,000 (300,000 dalasi). Jatta claimed that NIA officers tortured him and held him incommunicado. On August 29, police arrested and detained Jatta for the second time at the Police Crime Unit in Banjul for allegedly trying to disrupt a planned APRC rally in Bakau. Jatta was detained for 1 day and released without charge; Jatta accused the police of illegal detention.

On May 5, police in Bantanto village, Central River Division (CRD), arrested 10 UDP supporters for allegedly playing a UDP political rally videocassette on the Bantanto Community Television. Militants of the ruling APRC reported them to the police in Bansang (CRD). After 4 hours of interrogation, eight UDP supporters were released without charge, and two were charged with breach of peace. The trial of the two supporters who were charged was ongoing at year's end.

On September 14, Musa Fatty, a UDP militant of Kerewan Samba Sire village in CRD, was arrested and detained at the Brikama-Ba Police Station for 7 hours and released without charge. Fatty was arrested for hoisting UDP flags along the highway while the presidential convoy was approaching the village, and he reported that the police slapped him while in detention and that he was kept without food and water.

On October 6, police arrested Omar Jallow, a UDP supporter, in his home in Fajara following an alleged assault on an APRC supporter, Salsa Faal of Ebo town, on October 2. Jallow's opponents reported to the police that he had instigated UDP supporters to beat Salsa Faal. Police detained him at the Fajara police station for 7 hours without charge; and Jallow reported to the police station for 3 consecutive

days. His case was raised twice in the Kanifing Magistrates court, and the trial was pending at year's end.

Approximately 2 days after the October presidential election, police arrested more than 80 UDP supporters and detained them at various police stations throughout the country. After nearly 2 weeks, all but 33 detainees had been released without charge, and the rest were released by year's end. Charges levied on other UDP supporters included assault causing injuries, public disorder, and willful damage to properties of ruling APRC supporters allegedly resulting from clashes between supporters of the two parties during the presidential campaign. The UDP filed a suit in the High Court to challenge the legality of the continued detention of its supporters. On October 31, the case was heard and adjourned, and on November 9, most of the remaining UDP supporters were released on bail. UDP attorneys protested that the bail arrangement was unconstitutional because many of the detainees never had been charged with any crime. No trial was held. Those arrested included Dr. Momodou Lamin Manneh, an opposition supporter, Citizen FM Radio director George Christensen, and Muhammed Lamin Sillah from Amnesty International (see Sections 2.a. and 4); the NIA released all without charge except for Sillah. Sillah was held incommunicado and released after he was charged with inciting genocide and confusion and attempting to overthrow the Government; he was not tried.

Security forces detained persons who expressed views in disagreement with the Government (see Sections 2.a. and 2.c.). For example, on April 10, Alahie Nybally, former vice president of Gamsu, was arrested and detained incommunicado for 2 days without charge at NIA headquarters, after delivering a speech at the Gambia Technical Training Institute in Kanifing commemorating the April 2000 student demonstration (see Sections 1.a. and 1.c.). Nybally criticized President Jammeh's response to the April 10–11 incidents. He claimed that he was tortured and beaten by NIA officers.

Security forces arrested persons for allegedly plotting to overthrow the Government. For example, in August the NIA arrested and detained former police commander Kulu Gibba and Jim Jallow, a marabout (a local religious leader who usually blends Muslim, animist, and other traditional practices), in connection with rumors of a coup plot to overthrow President Jammeh; they were released on bail after 3 days without charge and not tried.

Lieutenant Sanneh was arrested and detained in January 2000 for plotting to overthrow the government, together with Alimamo Manneh and Corporal Momodou Dumbly, both of whom were killed by security forces, and 10 other soldiers who were freed in September 2000. Sanneh spent 10 months in remand at the Mile 2 central prison following a protracted legal battle that started in May 2000 at the High Court, and in August was sentenced by court martial to 16 years of hard labor (see Section 1.e.). At year's end, at least one other soldier, the alleged coup leader, still was detained without charge.

Security forces detained journalists and religious leaders during the year; some were subject to abuse (see Sections 2.a. and 2.c.).

There were no developments in the following 2000 cases: The November trial of UDP leader Ousainou Darboe and four of his associates; and the detention of Ebrima Yabo, Ebrima Barrow, Momodou Marenah, Dumo Saho, Lalo Jaiteh, and Omar Darboe on suspicion of attempting to violate state security.

The slow pace of the justice system resulted in some remand prisoners waiting long periods in pretrial detention (see Section 1.e.). Approximately 40 of Mile 2's 230 inmates were in detention without a trial. There were no remand prisoners at Jeshwang Prison, which housed 70 detainees. Most of the detainees have been in the remand wings of the Mile 2 and Janjanbureh prisons for more than 4 years without trial.

The Government did not use forced exile; however, former President Jawara remained outside the country previously under threat of arrest and detention on corruption charges if he returned. However, on December 21, President Jammeh offered "unconditional amnesty" and "full protection" to former President Jawara and invited him to return to the country; he had not returned by year's end. Other senior officials of the former government, including Vice President Saihou Sabally and Secretary General Abdou Sara Janha, also remained outside the country for fear of harassment or detention but do not face official charges. Threats were used to prevent these politicians from returning home to participate in the presidential election, despite the repeal of Decree 89 and enforcement of the orders of the commissions of inquiries on the assets of the affected politicians (see Section 3).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary reportedly at times is subject to executive branch pressure, especially at the lower levels. Nevertheless the courts have demonstrated inde-

pendence on several occasions, at times in significant cases. For example, following the April 2000 riots, the Supreme Court ruled that the continued detention of Gamsu leaders was illegal. Also the Supreme Court required that chieftaincy elections be held in the Saami district in November 2000, ruling that a presidentially appointed chief was installed unconstitutionally following the President's dismissal of the previous chief.

The judicial system comprises the Supreme Court, the Court of Appeal, high courts, and eight magistrates courts. Village chiefs preside over local courts at the village level.

The judicial system recognizes customary, Shari'a, and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and all other traditional and social relations. Shari'a law is observed primarily in Muslim marriage and divorce matters; and it favors men in its provisions. Christian and civil marriage and divorce matters are settled by the appropriate church and the Office of the Attorney General. General law, following the English model, applies to felonies and misdemeanors in urban areas, and to the formal business sector. Trials are public, and defendants have the right to an attorney at their own expense.

In December 2000, the President dismissed Bishop Telewa Johnson, Chairman of the Independent Electoral Commission (IEC), and Saga Fatty, commission member, and replaced them with Gabriel Roberts and James Abraham. Roberts, who was Johnson's predecessor, had been accused of misconduct in the 1996 presidential election, which the international community did not recognize as free and fair. The IEC chairman and member's dismissals were linked to the IEC's decision in December 2000 to seek a judgment on the local government elections from the Supreme Court. The IEC went to the Supreme Court seeking a declaration to conduct local government elections in the absence of the long-awaited local government act. The court ruled in the IEC's favor the day that the IEC chairman and member were fired. The dismissal of Johnson and Fatty was followed by a massive public outcry that the President had acted unconstitutionally. The Constitution requires the recommendation of a panel of three judges before the removal of the IEC chairman or members. In December 2000, the UDP and the NRP filed a legal suit against the Attorney General in which they challenged the removal of the IEC chairman as a violation of section 42 of the Constitution. On July 13, the Supreme Court scheduled the judgment for October, after the presidential elections; this was seen as undue delay of adjudication. On November 28, the Supreme Court dismissed the case.

In January 2000, Lieutenant Sanneh was arrested and detained for plotting to overthrow the Government. Sanneh spent 10 months in remand at the Mile 2 central prison following a protracted legal battle that started in May 2000 at the High Court. Sanneh was found guilty, among other charges, of conspiring with other persons to commit mutiny with violence. At the commencement of the hearings, Sanneh chose trial by a three-man jury, but the state later dropped the charges against him. The state then filed new charges against him to face a court martial, which sentenced him to 16 years imprisonment with hard labor on August 30 (see Section 1.d.).

The trial of three men accused of complicity in a 1997 coup attempt concluded in 1998 with the conviction of all three for treason. They were sentenced to death, but their appeals remained pending at year's end.

In 1997 the Court of Appeal, the country's highest court at the time, overturned the treason convictions and death sentences of four men accused of leading an abortive coup in 1996. The Government first appealed this decision to the Privy Council in London, but then appealed it to the Supreme Court once that institution was established. The case remained before the Supreme Court at year's end.

Persons have been held for extended periods without trial (see Section 1.d.). Many cases are not heard for months or years because the court system is overburdened and lacks the capacity to handle the high volume of cases. In an effort to alleviate the overburdened system, the Government has solicited judges and magistrates from other Commonwealth countries, who share a similar legal system.

On February 18, President Jammeh released 26 prisoners in honor of Independence Day; no military personnel were released.

There is one known political prisoner, a former AFPRC vice chairman, Lieutenant Sana Sabally, who is serving 9 years at Mile 2 prison in Banjul for conspiring to assassinate the President in 1995. International and domestic human rights organizations were not permitted access to him.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such abuses; however, although the Government generally respects these prohibitions, in practice there were some exceptions. The Government has not repealed Decree 45, which abrogates constitutional safeguards against arbi-

trary search and permits search and seizure of property without due process. This decree formally remains in effect, pending a judicial finding that the decree is inconsistent with the Constitution. In practice the Government appeared not to enforce it, but no court case has been brought to test the decree's constitutionality.

On February 28, Salieu Mbowe, a freelance journalist, reported that police officers forcibly entered his residence at Latrikunda and woke him at 2 o'clock in the morning. Mbowe said that the police officers were armed with tear gas and that they claimed they were monitoring his activities and had to search his home. The police questioned him for many hours but did not seize anything from him.

Observers assume that the Government monitors citizens possibly engaged in activities that it deems objectionable. In the past, surveillance included monitoring of telephones and mail. In previous years, investigating commissions issued findings resulting in the forfeiture of private property, principally property held by former government and parastatal officials. The work of these commissions, which began under the Armed Forces Provisional Ruling Council (AFPRC) regime, is sanctioned under the Constitution with provisions for due process; however, it is not clear that full due process was accorded to officials investigated by the commissions before the Constitution took effect. The evidentiary standards applied by the commissions in ordering the forfeiture of money and property are not clear, and orders by the commissions have not been subject to effective judicial review. The commissions are created on an ad hoc basis when they are deemed to be necessary.

The Government restricted the right to transfer funds and confiscated the assets of most senior officials of the former Jawara government.

In April 2000, the Tambakoto village head illegally seized the land of five UDP activists; the lands had not been returned 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 the press, however, in practice the Government significantly limited the full exercise of these freedoms by using intimidation, police pressure, regulatory scrutiny, and laws that inhibit the media. The Government also employed arrest, detention, dismissal, and interrogation to intimidate journalists and newspapers that published articles that it considered inaccurate or sensitive (see Section 1.d.). As a result, journalists practice a significant degree of self-censorship.

Security forces arrested and detained persons who publicly criticized the Government or who expressed views in disagreement with the Government (see Sections 1.d. and 2.c.). On April 10, Alahie Nbyally, former vice president of the Gamsu, was arrested and detained following a speech criticizing the manner in which President Jammeh handled the student crisis in April 2000 (see Section 1.d.). On July 6, the NIA arrested Imam Baba Leigh of the Kanifing mosque for allegedly criticizing the Government. Imam Leigh reported that NIA officers informed him that his arrest was connected to a June 5th BBC Focus on Africa program, on which he criticized the Government for spending \$179,000 (3 million dalasi) on the June National Youth Conference (see Section 5).

On October 22, the NIA arrested Muhammed Lamin Sillah, the coordinator of the Coalition of Human Rights Defenders and Secretary General of the domestic chapter of Amnesty International, following his interview with the BBC's Focus on Africa program on October 21. Sillah told the BBC that the country's human rights situation was unsatisfactory and needed improvement. After 4 days of incommunicado detention, he was released with charge on bail of \$18,000 (300,000 dalasi) after his case was brought to the High Court for a habeas corpus hearing. The NIA accused Sillah of inciting genocide and confusion and attempting to overthrow the Government; Sillah described the allegations as false.

Decrees 70 and 71 continued to inhibit free reporting. The decrees require all newspapers to post a \$6,500 (100,000 dalasi) bond or cease publication. The bond is required to ensure payment of any penalties imposed by a court for the publication of blasphemous or seditious articles or other libel. State-owned publications were not subject to these decrees. The possession and distribution of documents deemed to be "political literature" is not barred by decree, and the ruling APRC and opposition parties distributed leaflets and papers that could be considered "political literature" during the year. Unlike in previous years, these decrees and the fear of reprisals and government action did not have a chilling effect on the press. Although still independent, the nongovernment press practices a degree of self-censorship. Despite government harassment, strong criticism of the Government was frequent, and opposition views appeared in the independent press. English, French, and other foreign newspapers and magazines were available. The Government publishes a daily newspaper, the *Gambia Daily*. The *Daily Observer*, though independent, favored the Government in its coverage. There were other independent and privately owned

newspapers, including the Point, the Independent, and Foroyaa, which was published by PDOIS, and The Gambia News and Report Weekly Magazine.

On June 15, eight staff journalists, including the editor-in-chief of the only private daily newspaper, The Daily Observer, resigned. The resignations followed management's "decree" banning stories connected with UDP's controversial propaganda secretary Lamin Waa Juwara, known as a strong critic of President Jammeh. The editorial staff criticized what they saw as undue interference in the editorial independence of the newspaper by some ruling APRC militants through the company's managing director, who also is the APRC's youth mobilizer. The journalists claimed that the newspaper was being used as a political organ of the APRC, and they maintained that they wanted to disassociate themselves from what they saw as a propaganda outfit to promote the political interest of one group at the expense of others. The Daily Observer management announced that it never had issued a decree to stop stories about Lamin Waa Juwara.

Journalists were harassed by security forces and police. For example, on February 28, Salieu Mbowe, a freelance journalist, reported that police officers harassed him by forcefully entering his residence at Latrikunda and waking him at 2 o'clock in the morning. Mbowe said that the police officers were armed with tear gas and that they claimed they were monitoring his activities and had to search his home. The police questioned him for many hours but did not seize anything from him (see Section 1.f.).

On May 27, Bundung police detained and beat Alieu Badara Mansaray from Sierra Leone, who was a reporter for the Daily Observer, for reportedly witnessing a bribery incident involving a police officer and a woman. Mansaray reported that three policemen bruised his body, tore his trousers, and smashed his watch, necklace, and mobile telephone. He was released after several hours without charge. On September 11, one of the police officers who assaulted Mansaray was dismissed; however, no action was taken against the other two police officers.

The Government detained persons who published articles that it considered inaccurate or sensitive. For example, on April 24, the authorities arrested UDP activist Kassa Jatta for publishing an article critical of the President's foreign policy (see Section 1.d.).

Radio broadcasts from the government station and private stations normally reach listeners in the eastern part of the country. Private radio stations simulcast news provided by Radio Gambia, the government station. Only one private radio station produced independent news broadcasts during the year. Occasionally there were public affairs broadcasts on at least two independent radio stations. Local stations sometimes rebroadcast the British Broadcasting Corporation, Radio France Internationale, and other foreign news reports, and all were available via shortwave radio. Senegalese television and radio are available in many parts of the country. Wealthy residents also used television satellite systems to receive independent news coverage.

During most of the year, government television and radio gave very limited coverage to opposition activities, including statements by opposition parliamentarians in the National Assembly. However, during the presidential campaign, opposition candidates had frequent and fair access to state-owned radio and television. In most other respects, the state media served as propaganda instruments for the Government and its supporters.

On January 5, Peter Gomez, a principal producer at state-owned Radio Gambia, was dismissed when he refused to publish a clarification by the Government's Director of Press, following a report by Gomez concerning President Jammeh's statement about the institution of Shari'a law in the country during a meeting with Muslim elders at State House on a Muslim feast day. In a meeting with religious leaders and the media, President Jammeh stated that he would introduce Shari'a law for all matters, not only marriage and divorce. After the meeting, his office said that the comment was taken out of context, and that the President did not mean to change the Government's policy on Shari'a law. The Director of Press sent a clarification to Radio Gambia, accusing the journalist of "reporting the President's statement out of context." Gomez refused to publish the clarification, reportedly feeling that doing so would harm his professional credibility. The Press Institute and the Gambia Press Union (GPU) severely criticized Gomez's dismissal. The GPU believed it was unfair to use the Radio Gambia staff as scapegoats and to victimize Gomez, when there was no doubt that President Jammeh had made a declaration about introducing Shari'a law.

On June 11, the NIA arrested three journalists, Momodou Thomas, Bakary Manneh, and Namory Trawl, who were covering the 5th National Youth Conference and Festival in Basse, URD (see Section 5). After hours of interrogation, Manned and Trawl were released without charge. Thomas was taken to an unknown destina-

tion where he was held incommunicado for approximately 8 hours and then released. Thomas claimed that he was questioned about a story he had reported on Radio 1 FM about the problems at the youth conference in Basse, specifically shortages of food and accommodations.

On October 18, police officers asked Citizen FM radio to stop broadcasting election results that it received from informal exit polls until they had been announced officially by the IEC.

Security forces arrested journalists on the pretext of financial matters regarding their stations. On October 23, George Christensen, owner of the private radio station, Radio 1 FM, was arrested and taken to the NIA offices in Banjul. He was interrogated for several hours about the radio station's financial situation and then released without charge. On October 29, the NIA arrested and detained Baboucarr Gaye, the proprietor of Citizen FM radio station, in Banjul for 8 hours. Gaye was arrested for allegedly owing tax arrears of approximately \$5,470 (93,000 dalasi). The NIA ordered the closure of Citizen FM radio station on the same day. Most ruling party officials dislike civic education programs run by Citizen FM and on several occasions have referred to the radio station as an opposition station. The GPU, Reporters sans Frontières (RSF), and the International Press Institute (IPI) criticized the arrests of Christensen and Gaye. According to the law, Gaye must pay half of his alleged debt before he may be allowed to protest his case before any court. By year's end, Gaye had paid the entire amount; however, he had not been allowed to appear in the court or re-open the radio station.

In July President Jammeh threatened to discharge the staff of the state-owned Gambia Radio, because he suspected them of being sympathetic to the opposition. Jammeh made the threat during a meeting with members of the APRC youth wing on the anniversary of the July 22 coup that brought him to power. He claimed that members of the Radio Gambia staff misrepresented his speeches in their news bulletins, and he warned that anybody "bent on disturbing the peace and stability of the nation will be buried 6 feet deep". Private journalists and the general public severely criticized Jammeh's threat and accused him of intimidating journalists of the television and public radio.

There was convenient, inexpensive Internet access through Internet cafes and private accounts. The Government did not restrict Internet access or operation.

There were no reports of any government restrictions on academic freedom. There is one national college, a new university, and several smaller, private, postsecondary educational institutions.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The authorities interfered with efforts by the principal opposition party, the UDP, to organize public meetings. However, unlike in the previous year, there were no reports that the Government denied permits to opposition parties to hold rallies. In May the President signed a bill that allows him to indemnify, or grant amnesty to, any person he determines for any action done during an unlawful assembly or other disturbance (see Section 1.c.).

There were instances in which security forces disrupted demonstrations or meetings. For example, on March 31, UDP militants were celebrating an electoral victory in the compound of their candidate in Badibu Salekeni when police interrupted them and arrested and detained seven supporters (see Section 1.d.).

On October 15, APRC supporters clashed with supporters of the opposition coalition in Serrekunda. Police intervened and allegedly fired shots to control the crowd. There were no reports of injuries.

No action was taken, nor is any likely, against the members of the security forces who forcibly dispersed a demonstration in April 2000 during which at least 14 persons were killed and numerous persons were injured (see Section 1.c.).

In October unknown persons prevented the People's Democratic Organization for Independence and Socialism (PDOIS) party campaign team from holding meetings in Sangajor and Kanilai villages in the Foni. Police failed to provide for the security of PDOIS members in the area, and the meetings were postponed.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. The AFPRC's Decree 81 of 1996 requires NGO's to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate, including that of international NGO's (see Section 4). However, the Government did not take action against any NGO's during the year.

Until it was repealed on July 22, Decree 89 banned three major opposition political parties, and all former presidents, vice presidents, and ministers from political activity until 2024. The decree's penalty of life imprisonment for an individual or a \$65,000 (1 million dalasi) fine for an organization considerably restricted political

activity (see Section 3). Following the repeal of Decree 89 in July, three previously banned political parties resumed activities prior to the October presidential election; however, some of the politicians affected by the ban were threatened with disqualification from running for public office through other constitutional provisions, such as conviction by the commissions of inquiries, the rulings of which cannot be appealed to any court within the country.

On August 22, the Government expelled a foreign diplomat following his attendance at a press conference of a coalition of opposition parties.

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

The Government does not require religious groups to register. Religiously based NGO's are subject to the same registration and licensing requirements as other NGO's (see Section 2.b.). The Government permits and does not limit religious instruction in schools. Bible and Koranic studies are provided in both public and private schools throughout the country without Government restriction or interference. Religious instruction in public schools is provided at government expense, but is not mandatory.

On July 6, the NIA arrested Imam Baba Leigh of the Kanifing mosque for allegedly criticizing the Government; Imam Leigh preached against corruption and waste of public funds in unnecessary ceremonies during prayers. Imam Leigh was released after several hours without charges on bail of \$6,000 (100,000 dalasi), and was asked to report to the NIA the next day. No subsequent action was taken. Imam Leigh reported that NIA officers informed him that his arrest was connected to a June 5 BBC Focus on Africa program, on which he criticized the Government for spending \$179,000 (3 million dalasi) on the June National Youth Conference (see Section 5). In reaction to Leigh's concerns, President Jammeh stated that the money spent was his own and not that of the public. Leigh continued to lead prayers at the mosque, and said he was not threatened by the arrest and planned to continue giving sermons and interpreting the Islamic perspective in society.

The Government's dispute with the imam of Brikama mosque ended amicably. In 1998 the imam of the largest mosque in Brikama was arrested together with a leading opposition party politician and eight others in a dispute over minor construction work at a mosque that reportedly was financed by supporters of the ruling party. In 1999 the High Court acquitted all of the defendants of destruction of property and discharged the case. However, the Government filed an appeal in the High Court for the imam and three others to be retried. The imam's lawyer filed a writ of summons in the High Court, which ruled that it had no jurisdiction over the matter and referred the case to a district tribunal. Subsequently the case was filed at the Court of Appeal, but the case was adjourned until April. In April the Government dropped its appeal of the High Court's decision to let the imam resume leading prayers, and the imam was reinstated fully at that time.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement but allows for "reasonable restrictions," which the Government at times enforced. On occasion security forces shot and killed persons at checkpoints (see Section 1.a.). Armed soldiers at times harassed and detained citizens and foreigners at gunpoint, particularly at the Denton Bridge checkpoint outside of Banjul.

The authorities prohibited those under investigation for corruption or security matters from leaving the country. A few politicians associated with the opposition UDP also were denied passports, although they were not facing corruption or security charges. The leader of the opposition UDP and other opposition figures have traveled outside the country without incident.

There were reports that, on occasion, immigration authorities and security forces harassed immigrants and others; however, unlike in the previous year, there were no reports that immigrants were detained.

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. Although there was no available estimate of the numbers involved, the Government provides first asylum and during the year provided first asylum to persons from Senegal and Guinea-Bissau. The Government works with the UNHCR and local NGO's in processing refugee claims. The country hosts approximately 8,000 refugees from Sierra Leone, Senegal, Guinea-Bissau, Liberia, and other countries. The Government continued to host approximately 3,500 Senegalese refugees from the troubled Casamance region.

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

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

In the October presidential election, which most observers considered to be relatively free and fair despite some shortcomings, citizens exercised their right to change their government; the President was reelected. The Constitution provides for the democratic election of the President every 5 years. National Assembly elections are held 3 months after the presidential elections and were scheduled for January 2002. The October 18 presidential election day passed smoothly and without incident, despite predictions to the contrary and associated violence in the weeks before and after the polling (see Sections 1.a., 1.c., 1.d., and 2.a.).

The October presidential election represented a significant improvement. The repeal of Decree 89 allowed some previously banned political parties to participate, opposition candidates had fair and frequent access to state-owned radio and television during the campaign itself, voter participation was high, and polling took place in an orderly manner (see Sections 2.a. and 2.b.). International observers described the presidential electoral process as generally free and fair, despite some shortcomings. Five opposition parties competed in the election and won approximately 47 percent of the votes cast; President Jammeh won approximately 53 percent of the vote. Opposition political parties initially conceded defeat but later accused the ruling party of inducing voters with money and other materials to gain their support, which is unconstitutional. They also accused the Government of issuing threats, both explicit and veiled, against individuals and communities that did not support the incumbent. They accused the IEC of registering foreigners and issuing them voter cards, thereby permitting them to vote in the elections. Observers agreed there probably were some irregularities in the registration process, but on a much smaller scale than the UDP/PPP/GPP coalition alleged. It remains unclear to what degree alleged foreign voters contributed to President Jammeh's 53 percent majority. The post-election period was marred when Jammeh fired more than 20 village heads and civil servants, several of whom were APRC members, who had not expressed public support for him during the campaign or who had been accused of corruption or incompetence; security forces also arrested and detained many opposition supporters throughout the country (see Section 1.d.). A few of the fired civil servants were re-instated; however, most were replaced by loyal supporters of President Jammeh (see Section 4).

In 1997 the Constitution of the Second Republic was promulgated, and citizens chose a new National Assembly in elections whose results were accepted by the opposition. President Jammeh's party, the APRC won 33 of 45 assembly seats filled by election; 4 members are appointed by the President. Procedural methods are used to restrict debate within the National Assembly.

In April parliamentary by-elections were held that were considered generally free, fair, and transparent; however, there were some reports of intimidation and vote-buying. The voting and vote counting process were well-organized, and no irregularities were reported on voting day.

National Assembly elections were scheduled to be held in January 2002, and local elections originally scheduled for 1998 were postponed and later rescheduled for April 2002. By year's end, the major opposition coalition had decided to boycott the National Assembly elections and accused the IEC of allowing fraudulent voter registrations and mismanaging both the presidential and national elections. This boycott was criticized widely, including within the opposition coalition, as unjustified and as an inappropriate response to the alleged fraud. Once the nominations were completed, the NRP and PDOIS were the only opposition parties sponsoring candidates, and only 15 constituencies were contested.

In early June, the National Assembly passed several amendments that reduced the power of the Independent Electoral Commission (IEC) to control many fundamental election matters. The National Assembly gained the power to set the registration requirements for political parties and change constituency boundaries; local chieftaincies became presidential appointments instead of elected positions; voter registration requirements were relaxed; and the IEC lost the right to question voters about their citizenship during the registration process.

In July Decree 89, which banned three former political parties and all persons who held the offices of president, vice president, and ministers of the First Republic from participating in politics until 2024, was repealed (see Section 2.b.).

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal obstacles to the participation of women in government. Only 1 of the elected 45 members of the National Assembly is a woman. The Vice President (who is also Minister of Women's Affairs) and the Secretary General of the Presidency are women, and there are two female ministers in the Cabinet.

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

There are several organizations whose mandates provide for human rights monitoring, and there are three major organizations whose primary mandate is the promotion of human rights: The International Society for Human Rights (ISHRA), the African Center for Democracy and Human Rights Studies (ACDHRS), and the Institute for Human Rights and Development (IHRD). Both the ISHRA and the ACDHRS have conducted training in democratic rights and civic education. The IHRD principally focuses on the operations of the African Commission on Human and Peoples' Rights, an organ of the African Union based in Banjul. Other human rights groups included the African Society of International and Comparative Law with two full-time staff members and the Foundation for Research on Women's Health, Productivity, and the Environment, which addresses issues pertaining to woman's health and productivity and has two full-time staff working on FGM (see Section 5).

In October the authorities arrested and detained for 10 days Muhammed Lamin Sillah, the coordinator of the Coalition of Human Rights Defenders and Secretary General of the domestic chapter of Amnesty International (see Sections 1.d. and 2.a.).

In 1999 President Jammeh appointed the first government ombudsman as required in the Constitution, and the National Assembly approved the appointment. In 2000 the office of the ombudsman began operations and was charged with investigating allegations of maladministration, mismanagement, or discrimination; however, it did not take action on any high-profile cases by year's end. It investigated the cases of several of the civil servants dismissed following the presidential election, some of whom ultimately were reinstated.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status and the Government generally respected these prohibitions.

Women.—Domestic violence, including abuse, is a problem. It is reported occasionally, and its occurrence is believed to be common. Police tend to consider these incidents to be domestic issues outside of their ordinary jurisdiction. Rape and assault are crimes under the law; rape is not common. The law does not differentiate between married and unmarried women in this regard.

The practice of FGM, which is condemned widely by international health experts as damaging to both physical and psychological health, is widespread and entrenched. Reports placed the number of women who have undergone FGM at between 60 and 90 percent. Approximately seven of the nine major ethnic groups practice FGM at ages varying from shortly after birth until 16 years old. FGM is less frequent among the educated and urban segments of those groups that practice FGM. There were unconfirmed reports of incidences of health-related complications, including deaths, relating to the practice of FGM; however, no accurate statistics were available. In recent years, the Government publicly has supported efforts to eradicate FGM and discouraged FGM through health education; however, the Government has not passed legislation against FGM, which is not considered a criminal act. In 1999 President Jammeh publicly stated that the Government would not ban FGM, and that FGM is a part of the country's culture.

Prostitution is illegal but is a growing problem.

Sexual harassment is not believed to be widespread, although individual instances have been noted.

Traditional views of women's roles result in extensive societal discrimination in education and employment. Employment in the formal sector is open to women at the same salary rates as men. No statutory discrimination exists in other kinds of employment; however, women generally are employed in endeavors such as food vending or subsistence farming.

Shari'a law usually is applied in divorce and inheritance matters for Muslims, who make up approximately 90 percent of the population. Women normally receive a lower proportion of assets distributed through inheritance than do male relatives.

Marriages often are arranged and, depending on the ethnic group, polygyny is practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce, but not a legal right to approve or be notified in advance of subsequent marriages.

Active women's rights groups exist; they focus primarily on economic issues and the elimination of FGM (see Section 4).

Children.—The Government is committed to children's welfare. The Department of Education and the Department of Health, Social Welfare, and Women's Affairs are the two most generously funded departments; however, lack of resources limited state provision of both education and health services.

The Constitution mandates free compulsory primary education up to 8 years of age, but the state of the educational infrastructure prevents effective compulsory education. In 1998 the President announced an end to fees for the first 6 years of schooling, and the Government has implemented the decision. Opportunities for secondary education are more limited. The participation of girls in education is very low. Girls constitute approximately 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls is low particularly in rural areas where a combination of poverty and sociocultural factors influence parents' decisions not to send girls to school.

The care and welfare of children in distress is considered primarily a family responsibility. In cases of divorce, the Department of Social Welfare attempted to require periodic financial support by fathers; however, there was no criminal prosecution when fathers failed to provide financial support.

Authorities generally intervened when cases of child abuse or mistreatment were brought to their attention; however, there was no societal pattern of abuse against children. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage, which can be as early as 12 years of age). Incest also is illegal. These laws generally were enforced. Serious cases of abuse and violence against children were subjected to criminal penalties.

FGM is performed primarily on young girls (see Section 5, Women).

The tourist industry has stimulated a low level of child prostitution, which was prosecuted vigorously. Child labor is a problem (see Section 6.d.).

In June the Government held a National Youth Conference to bring together youths for workshops and sports, and to increase their awareness of their rights and the policies and laws that apply to them. Several persons were arrested after they criticized the conference (see Sections 2.a. and 2.c.).

Persons with Disabilities.—There are no statutes or regulations requiring accessibility for persons with disabilities. No legal discrimination against persons with physical disabilities exists in employment, education, or other state services. Persons with severe disabilities subsisted primarily through private charity. Persons with less severe disabilities were accepted fully in society, and they encountered no discrimination in employment for which they physically were capable.

Section 6. Worker Rights

a. The Right of Association.—The Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and provides for their registration with the Government. Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it. The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions. Approximately 20 percent of the work force is employed in the modern wage sector, where unions are most active. Approximately 30,000 workers are union members, constituting an estimated 10 percent of the work force.

The Gambian Worker's Confederation (GWC) and the Gambian Workers' Union (GWU) are the two main independent and competing umbrella organizations. The Government recognizes both organizations.

The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days' written notice before beginning an industrial action (28 days for essential services). The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from striking. It prohibits retribution against strikers who comply with the law regulating strikes. Upon application by an employer to a court, the court may prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. Because of these provisions and the weakness of unions, few strikes occur. There were no strikes during the year.

Unions and union confederations may affiliate internationally, and there were no restrictions on union members' participation in international labor activities. The GWU is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Act allows workers to organize and bargain collectively. Although trade unions are small and fragmented, collective bargaining takes place. Each recognized union has guidelines for its activities determined by the Joint Industrial Council Agreement (JIC), an arrangement among all of the active trade unions and their employers, which was

drafted and signed by the unions. Unions are able to negotiate without government interference; however, in practice the unions lack experience, organization, and professionalism, and often turn to the Government for assistance in negotiations. Union members' wages exceeded legal minimums and were determined by collective bargaining, arbitration, or agreements reached between unions and management and considered to be legal after insuring that the agreements are in compliance with the JIC (see Section 6.e.). No denial of registration was reported. The act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership. Employers may not fire or discriminate against members of registered unions for engaging in legal union activities; and the Government has stepped in to assist workers who have been fired or discriminated against by employers.

The Government established an export processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. Several companies, including peanut oil exporters, began operation in the EPZ in August 2000. The Labor Code covers workers in the EPZ's, and they are afforded the same rights as workers elsewhere in the economy.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it is not known to occur. The law does not prohibit specifically forced and bonded labor by children; however, it is not known to occur (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The statutory minimum age for employment is 18 years. There is no effective compulsory education, and because of limited secondary school openings, most children complete formal education by the age of 14 and then begin work. Employee labor cards, which include a person's age, are registered with the Labor Commissioner, but enforcement inspections rarely take place. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading. In rural areas, most children assisted their families in farming and housework. In urban areas, many children worked as street vendors or taxi and bus assistants. There were a few instances of child street begging. The tourist industry has stimulated a low level of child prostitution (see Section 5).

In November 2000, the National Assembly approved ILO Convention 182 on the worst forms of child labor; and on July 3, the Government ratified the Convention. The Department of State for Labor was responsible for implementing the terms of the convention.

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

e. Acceptable Conditions of Work.—Minimum wages and working hours are established by law through six joint industrial councils: Commerce; Artisans; Transport; Port Operations; Agriculture; and Fisheries. Labor, management, and the Government are represented on these councils. The lowest minimum wage is approximately \$0.66 (12 dalasi) per day for unskilled labor. This minimum wage is not sufficient to provide a decent standard of living for a worker and family. The minimum wage law covers only 20 percent of the labor force, essentially those workers in the formal economic sector. The majority of workers are employed privately or are self-employed, often in agriculture. Most citizens do not live on a single worker's earnings, but they share resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed 6 consecutive days. A 30-minute lunch break is mandated. Nationwide the workweek includes 4 8-hour workdays and 2 4-hour workdays (Friday and Saturday). Government employees are entitled to 1 month of paid annual leave after 1 year of service. Private sector employees receive between 14 and 30 days of paid annual leave, depending on length of service.

The Labor Act specifies safety equipment that an employer must provide to employees working in designated occupations. The Factory Act authorizes the Ministry of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and the Ministry is authorized to appoint inspectors to ensure compliance with safety standards. Enforcement was inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department. The law provides that workers may refuse to work in dangerous situations without risking loss of employment; however, in practice workers who do so risk loss of employment.

During the year, at Sankung-Sillah soap factory a pipe carrying hot chemicals burst and killed and injured employees. After family members were denied compensation by the company, the Government intervened and ordered the company to provide proper compensation to the victims and their family members, an on-site first aid unit with trained personnel, and new protective gear for employees.

The law protects foreign workers employed by the Government; however, it only provides protection for privately employed foreigners if they have a current valid work permit. Foreign workers may join local unions.

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.

GHANA

Ghana is a constitutional republic with a strong presidency and a unicameral 200-seat Parliament; multiparty elections have been held every 4 years since the country returned to constitutional rule in 1992. In December 2000, six opposition parties and the ruling National Democratic Congress (NDC) contested presidential and parliamentary elections, which despite a few incidents of intimidation and election fraud, domestic and international observers judged generally free and fair. On January 7, John Agyekum Kufuor of the opposition National Patriotic Party (NPP) was inaugurated as president. President Kufuor was elected president in a run-off election with 56.7 percent of the vote against then Vice-President John Atta Mills of the NDC. In the 2000 legislative elections, the NPP won 100 seats in Parliament, while the NDC, the former ruling party, won 92 seats, and independent candidates and smaller parties won 8 seats. The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the Commission for Human Rights and Administrative Justice (CHRAJ). In practice the system of checks and balances is limited by a system-wide lack of resources that affects all three branches. The former ruling party, which is the opposition under the Kufuor Government with nearly half the seats in Parliament, closely scrutinizes government actions. The Government respects the constitutional provisions for an independent judiciary; however, in practice the judiciary is subject to influence and corruption and lacks adequate resources.

Several security organizations report to various government departments. The police, under the jurisdiction of an eight-member Police Council, are responsible for maintaining law and order. A separate department, the Bureau of National Investigations (BNI), handles cases considered critical to state security and answers directly to the executive branch. Although the security apparatus is controlled by and responsive to the Government, the monitoring, supervision, and education of the police in particular remain poor. Police and other security forces committed some serious human rights abuses.

The economy remains dependent on agriculture, with approximately 41 percent of gross domestic product (GDP) and 59 percent of employment derived from this sector, according to government statistics. The country's population is 19.5 million. Gold, cocoa, and timber are the traditional sources of export earnings, although cocoa and gold revenues fell due to the drop in the prices of these commodities on the world market. Tourism is the third largest foreign exchange earner. Service sector growth outpaced both agriculture and industry. The economy grew at a rate of 3.7 percent, up from 3.0 percent in 2000, due to the fall in the world price of gold and cocoa and the fluctuating price of crude oil. Inflation fell from 40 percent to 21 percent. Per capita GDP remained at approximately \$320 (2,304,000 cedis), and the cedi remained relatively stable at year's end.

The Government's generally poor human rights record improved; although there were significant improvements in several areas, serious problems remained in others. Police use of excessive force resulted in some extrajudicial killings and injuries. Opposition activists claimed that government security forces engaged in harassment, including unlawful searches and detentions. There continued to be credible reports that members of the police beat suspects in custody and other citizens, and that police and some elements of the military arbitrarily arrested and detained persons. Police corruption was a problem. Although members of the security forces often are not punished for abuses, the commanding officer and other members of the 64th Infantry Unit, which is believed to commit many abuses, was transferred during the year. Prison conditions remained harsh; however, according to a 2000 government inspection report, conditions have improved from previous years. Prolonged pretrial detention remained a problem. Inadequate resources and a system vulnerable to political and economic influence compromised the integrity of the overburdened judicial system. At times the Government infringed on citizens' privacy rights. The Government generally respects freedom of speech and of the press; however, there were occasional reports that government officials pressured government media outlets to cease or minimize coverage of opposition politicians. Major govern-

ment media outlets exercised some restraint in their coverage. Unlike in the previous year, only one libel suit was filed by a minister. On July 27, the Government abolished the criminal libel law and dismissed all pending court cases related to the law; however, government media continued to favor government officials in their coverage. At times the Government restricted freedom of assembly, and police used force to disperse demonstrations. The Government generally respects freedom of association; however, in February the Government announced that it would prohibit the existence and formation of all political groupings within the security services. There are some limits on freedom of religion. Although the Government generally respects freedom of movement, police set up barriers to demand bribes from motorists. Violence against women is a serious problem. Trokosi, a traditional form of ritual servitude, is practiced on a limited scale in one region of the country. Female genital mutilation (FGM) still is practiced, primarily in the north. Religious differences led to tension and occasional clashes between different groups. There were some incidents of ethnically motivated violence, and some ethnic groups complain of discrimination. Child labor is a problem in the informal sector, and forced child labor and trafficking in women and children also are problems. Vigilante justice also is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed a number of extrajudicial killings of criminal suspects. The number of deaths reportedly caused by members of the security services increased from five in 2000 to seven during the year. Police continued to use rubber bullets and water cannons in crowd control situations. In recent years, the police service in particular has come under severe criticism following incidents of police brutality, corruption, and negligence. Public confidence in the police remains low, and mobs attacked several police stations due to perceived police inaction, a delay in prosecuting suspects, rumors of collaboration with criminals, and the desire to deal with suspects through instant justice. The Ghana Governance and Corruption Survey, which was completed during the year, found that the police were among the “least trusted, least effective, and most corrupt” government institutions in the country. In 1999 the presidential Archer Commission issued a white paper critiquing police operations and providing specific directives as to how to address police manpower, training, and logistical needs. The Inspector General of Police (IGP) publicly acknowledged these problems and attempted to address them through training in human rights and riot control.

In February a police sergeant was placed in custody for allegedly killing a 25-year-old man in Tamale, Northern Region, while attempting to arrest him for selling marijuana. According to a police spokesman, the suspect was killed instantly when the sergeant’s gun went off accidentally while he was struggling with the suspect. The police investigation into the incident was ongoing at year’s end.

On March 5 in Nsoatre, Brong-Ahafo Region, three persons were killed and nine were injured when police attempted to disperse residents opposed to the entoolment of a new chief who had occupied the chief’s palace and barricaded the road with burning tires. According to witnesses quoted in press reports, the police used tear gas and shot at protesters indiscriminately, and some of the protesters who allegedly were armed returned fire; nine persons were arrested. Local officials asked the Government to conduct an investigation into the incident; however, no investigation began by year’s end.

On May 9, police used tear gas to control a portion of the crowd who began destroying seats and tossing them onto the field during a soccer match at the Accra Sports Stadium. In the ensuing stampede, 126 persons were crushed and trampled to death as they tried to escape the tear gas. On November 6, an official Commission of Inquiry concluded that the police overreacted to fan vandalism and bore primary responsibility for the incident; the Commission also cited negligence by the National Sports Council and the poor design of the stadium’s stairwells. The IGP testified to the Commission that the use of tear gas was out of place and other equipment, such as batons and water cannons, should have been used instead. Some police officers gave contradictory testimony regarding the use of tear gas at the stadium. The Commission concluded that the police who provided testimony conspired to subvert the Commission’s work through a conspiracy of silence. The Government publicly committed itself to the prosecution of the six senior police officers who gave the order to fire the tear gas; however, the police officers had not been arrested or prosecuted by year’s end.

On May 24, police severely beat before taking into custody a 46-year-old farmer in Obuase, Ashanti Region; he died the next day from his injuries at a local clinic.

The local chief reportedly ordered the arrest of the man because he had not paid \$3.60 (25,000 cedis) for a community electrification project. There was no further information available on the incident at year's end.

On July 25, a 90-year-old man in Sunyani, Brong-Ahafo Region, who had been sentenced to 7 years in jail for defiling a 16-year-old girl, died in prison 11 days after his sentencing. Photographs of the man in court show him held up by two policemen because he was too weak and ill to stand. The cause of death was listed as "senile dementia." The Sunyani Central Prison called for a review of his case; however, there was no further information available at year's end.

On August 16, a policeman shot and killed a 27-year-old Accra Polytechnic student at Dansoman, Greater Accra. According to press reports, the student was shot after he intervened in a dispute between the policeman and a cab driver; he died en route to a hospital. An initial police investigation concluded that the policeman's gun went off accidentally during the scuffle with the driver; however, other reports claimed that the policeman was drunk at the time of the incident. The deceased student's family and the Minister of Education called for a full inquiry into the matter. After a subsequent police investigation, the police officer was charged with murder, remanded into custody, and was awaiting trial at year's end.

On September 2, a policeman in Aiyinase, Western Region, killed two persons and injured six others when he shot his gun at a minibus and several bystanders. A mob quickly gathered and lynched the policeman. A police investigation into the incident was ongoing at year's end.

On October 14, an armed bank robbery suspect in Mampong, Ashanti District, died while in custody at the Kumasi Central Prison. The suspect was one of seven persons arrested in connection with an October 11 robbery, which resulted in the deaths of two police officers. According to a police statement, the suspect was not subject to any abuse while in custody, and the cause of death could not be determined immediately; an autopsy was scheduled but had not been conducted by year's end.

Many persons died in prisons due to extremely harsh conditions and lack of medical treatment (see Section 1.c.).

On August 21, the Attorney General's Office advised the police not to prosecute five officers who had been accused of involvement in the August 2000 killing of a bystander during a dispute between off-duty junior military officers and a bartender at an Accra nightclub. According to the Director of Public Prosecutions, there was no evidence that the five were accomplices to the crime. According to the police investigation, the gun that killed the bystander had been issued to a sixth officer present at the nightclub that evening; the officer, who was a member of the 64th Infantry Regiment, was found hanged, reportedly a suicide, within 2 weeks of the incident.

A driver who allegedly caused an accident in October 2000 involving the President and his wife and in which four of Rawlings' bodyguards were killed, died of unexplained causes in December 2000, while hospitalized. The suspect had appeared before the Accra Circuit Tribunal charged with two counts of manslaughter and negligently causing harm. The chairman of the tribunal ordered the police to take the suspect to the Police Hospital because he appeared ill. The Bar Association criticized the circumstances of the driver's arrest and called for the autopsy report to be released to the public. In March the family of the deceased suspect lodged a complaint against the police with the Commission for Human Rights and Administrative Justice (CHRAJ), claiming that the victim was denied proper medical care while in custody. The hearing was ongoing at year's end.

In November 2000, police shot and killed an alleged fuel smuggler in the Afedifo in the Volta Region. At year's end, the investigation was ongoing as the police awaited the results of the ballistics tests.

There were no developments in the investigation of the 2000 police shooting of a 23-year-old man who was sitting with friends in a cemetery in Madina, Greater Accra Region. Police investigations into the killing were ongoing at year's end.

There was no investigation during the year into the July 2000 killing of a young man in the Eastern Region who had a history of mental illness or the April 2000 killing of a miner during a conflict between 120 military and police personnel and more than 100 men attempting to steal ore from a gold mine in Bibiani (see Section 1.d.).

A former chief and more than 60 town residents were arrested in connection with the January 1999 case in which police shot and killed a farmer during a riot at Juaso in the Ashanti Region, were released on bail (see Section 5). The trial was ongoing at a regional tribunal in Kumasi at year's end.

In October a police officer accused of killing a passenger in a truck in August 1999 was indicted.

In July 2000, the employee of the National Security Council who allegedly shot and killed an agricultural officer in June 1999 was sentenced to death in July. His lawyers filed an appeal, and the case was ongoing at year's end.

The IGP recommended an inquiry into the February 1999 case of police who fired into a crowd at the Konkomba market in Accra and ordered that those liable be prosecuted. The case was forwarded to the Attorney General's Office, which advised against prosecution of the police because their actions occurred during looting by the crowd.

On August 30, the police officer accused in 1999 of shooting a vendor who died at Soe, near Bolgatanga, Upper East Region, was indicted; however, it was unknown whether the officer was tried by year's end.

There were no developments in the investigation into the 1999 police killing of the driver of a timber truck at a police barricade in the Ashanti region town of Berekese. There were no further developments in the 1999 case in which police shot and killed a driver at his residence in Korpeya, near the border with Togo.

During the year, the Attorney General reviewed the 1999 case of a police and military patrol team who killed two taxi passengers in Tema. The Attorney General subsequently advised the police that the evidence was inadequate to warrant prosecution on murder or manslaughter. The police have not issued any formal statement.

On August 9, the Government exhumed the bodies of three former heads of state and five senior military officers who were executed in July 1979; family members had requested private exhumation and proper reburial, and the Government granted the request as a humanitarian gesture. A committee led by current senior military officers supervised the exhumation, which was witnessed only by the families and military officials. Burial ceremonies, public and private, commenced at year's end.

During the year, chieftancy disputes led to several deaths and a number of injuries (see Sections 1.c. and 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of deaths and injuries (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 Constitution prohibits torture or other cruel, inhuman, or degrading treatment or punishment; however, there were continued credible reports that members of the police and customs officials beat prisoners and other citizens. It generally is believed that severe beatings of suspects in police custody occur throughout the country but largely go unreported.

On March 24, police used tear gas and fired warning shots to control a mob of Liberian refugees from Budumburam Refugee Camp in the Greater Accra Region; reportedly several rioters were injured and 24 were arrested. The refugees rioted to protest the alleged attack on a refugee by a Ghanaian (see Section 2.d.).

On March 25, 15 soldiers from the 48th Engineers Regiment attacked the Osu Police Station and assaulted 2 on-duty police officers. The soldiers were attempting to free two colleagues whom the police had arrested. The military investigated the incident, court-martialed the soldiers, and apologized officially; nine soldiers were found guilty and punished with the loss of rank, reduction in rank, and forfeiture of salary.

On May 9, police used tear gas to control a portion of the crowd that was disrupting a soccer match at Accra Sports Stadium; numerous persons were trampled and crushed to death as they tried to escape the tear gas (see Section 1.a.). Numerous persons also suffered injuries, including cuts and broken limbs.

On May 11, youths from Nima and Mamobi, primarily Muslim districts of Accra, attacked two police stations, several kiosks, and a local hotel, setting tires on fire, and broke windows to protest police actions at the stadium on May 9. Police were unable to control the rioters, and military personnel were dispatched to restore order; no injuries were reported. A Member of Parliament (M.P.), who was arrested on suspicion of inciting the riots, later was released (see Section 1.d.). No charges were filed against anyone in connection with the riots. In June police, community leaders, local youth, and government officials discussed the events in order to improve community-police relations during a forum organized by a local NGO.

In April the IGP issued a directive against the use of warning shots by the police, saying that it was not authorized by police regulations; however, on May 19, a police officer injured a youth when he fired a warning shot in an attempt to disperse a group of youths who were blocking a road in Accra. The youths reportedly were attending a funeral for a victim of the May 9 Accra stadium incident. A police investigation still was ongoing at year's end.

Police set up illegal barriers to demand bribes from motorists (see Section 2.d.). There also were credible reports that police extorted money from local businesses by acting as private debt collectors and arresting citizens in exchange for bribes from detainees' disgruntled business associates. Police also demanded money from suspects as a precondition of their release on bail (see Section 1.d.). Government officials have said publicly that the Government's "zero tolerance for corruption" policy applies to the police and other security officials; however, a survey conducted during the year by the Center for Democracy and Development showed that 67 percent of respondents said they had paid bribes to the police. There were several cases of police being arrested and standing trial for abuses, including robbery and extortion.

Several 2000 cases involving the 64th Infantry Regiment fueled growing concerns that unit personnel engage in extrajudicial activity and human rights abuses. In 2000 the military authorities appealed to the public to desist from involving the military in solving personal disputes. At a subsequent graduation ceremony for new soldiers, an army official warned the soldiers not to let themselves be hired to resolve personal disputes. The IGP warned police personnel not to involve themselves in land disputes, debt collection, and other forms of unauthorized duties that have no valid relationship to their official duties.

In January the Commanding Officer of the 64th Infantry Regiment, who had commanded the unit since 1994, was transferred and a new Commanding Officer named. The 64th regiment, which previously guarded former President Rawlings, was the reported source of many human rights abuses. During the year, some members of the 64th were transferred to other units of the armed forces. Approximately half of the soldiers from the 64th were sent to Sierra Leone as part of Ghanbatt IV, a peacekeeping unit under the auspices of the U.N. Ghanbatt IV soldiers underwent human rights instruction, and observers determined that they had not been human rights violators in the past.

There were no developments in the August 2000 alleged detention and beating of a businessman by members of the elite 64th Infantry Regiment. He said that his former wife hired the soldiers to force him to repay a debt that she claimed that he owed her from a failed business transaction. He claimed that the soldiers detained and beat him on two separate occasions, and they reportedly confiscated his car and approximately \$2,400 (16,320,000 cedis). Military authorities stated that the 64th Infantry Regiment, since it contains a detachment of police officers, has the authority to investigate civil cases and arrest suspects. They confirmed that the man was arrested and held, but denied that he was beaten or his property confiscated. The Government stated that it would investigate the case but had provided no additional information by year's end.

In June 2000, 25 off-duty soldiers attacked and injured more than 20 civilians, including a taxi driver who allegedly insulted a group of intoxicated soldiers the previous evening in the Asylum Down area of Accra. The first victim reported the incident to the police, and the police investigation continued at year's end. The military determined that suspects could not be identified as military personnel and dismissed the case. The affected civilians filed a complaint with the CHRAJ during the year.

In March 2000, police used tear gas and rubber bullets to disperse a crowd that gathered as a result of a dispute between 2 assemblymen in the Eastern Region town of Asutsuare; 68 civilians were arrested 3 days after the conflict, including 1 of the assemblymen. Some of those arrested claimed that police brutalized them during the arrest. Four months later, the other assemblyman involved in the dispute and some other civilians allegedly attacked farms and residents in Asutsuare, burning and looting homes. Members of the 64th Infantry Regiment were dispatched to control the situation. Two soldiers later were arrested and charged with gross misconduct and unprofessional behavior for taking sides in the dispute. The military reported that the soldiers were disciplined; however, the nature of the punishment was not revealed. Five policemen sent to arrest some of the offenders were attacked by those involved in the incident, and one policeman was injured seriously. Thirty men eventually were arrested, and 22 were remanded into custody on a charge of attempted murder. The District Chief Executive (DCE), the M.P., and the chief for the area exhorted citizens to resolve their differences. The M.P. also denied allegations that he had hired policemen to harass the inhabitants. The district assembly agreed to help resettle those whose houses were burnt. The military set up a committee to investigate the incidents and reported that the soldiers were disciplined; however, the military did not reveal the details of the punishment. A parallel government committee, which had been announced previously, did not meet during the year.

In January 2000, after reports were made regarding a series of disturbances, including arson and looting due to a conflict between two chiefs, 20 police officers arrived in Asankranguaaa, Western Region, to maintain order. Upon their arrival unknown persons shot at the officers, killing one and injuring another. A civilian also was shot by another civilian. The police detained 70 persons during their investigation of the incident. Four persons accused of murdering the police officer were granted bail of \$6,000 (30 million cedis) pending further police investigation. The regional minister set up a committee of inquiry to look into the alleged looting and arson and submit recommendations to the minister. In addition the M.P. for the area requested that the police inspector further investigate allegations of police misconduct during the incident. Police burned houses, slaughtered animals, stole property, and assaulted civilians during the course of the incident. The case still was under investigation at year's end.

In January 2000, following a November 1999 traffic accident, a young man, whose 2-year relationship with the President's oldest daughter had ended, reportedly was abducted by members of the presidential guard and detained at the Castle (the President's office and residence). Reportedly the guards beat and threatened him. He claimed that members of the presidential guard shaved his head with a broken bottle. The man was released without charges two days later. During his detention, the man's parents protested outside the Castle gates without receiving any information regarding their son's whereabouts and were detained and later convicted of offensive conduct and assault on a public officer (see Section 1.e.). The First Lady stated that the man was arrested for a traffic offense, not abducted, and that his head was shaved for routine identification purposes. In July 2000, the young man left the country. In October an appeals court overturned the parents' conviction.

An investigation was ongoing at year's end into the January 2000 case in which a 65-year-old cocoa farmer from Dadieso in the Western Region alleged that a police inspector detained him for 2 days without bail and beat him after allegations that he owed the Government money.

There was no investigation into, nor action taken if necessary against the members of the security forces responsible for torturing, beating, or otherwise abusing the persons in, the following cases from 2000: The December assault of journalists from a private television station; the December inquiry of a journalist and an M.P.; the December use of rubber bullets and tear gas to disperse a crowd at the Supreme Court; the August use of tear gas and rubber bullets to disperse students of Yendi Junior Secondary School; the July use of water cannons to disperse a demonstration by trade union members (see Section 6.a.); the July beating and shooting of a man who resisted arrest; the July use of tear gas to disperse a group of civilians who attacked the Navrongo police station; and the June and January dispersals of student demonstrations.

The 1999 case in which off-duty soldiers clashed with civilians in Oshiye, resulting in several injuries, remained pending before the courts at year's end.

In 2000 the 1999 case of nine persons injured in a conflict between soldiers, policemen, and demonstrators in the Western Region town of Abontiakoon was forwarded to the Attorney General for advice. In 2000 the Circuit Court adjourned the case and released the defendants on bail. No further action was taken during the year.

There were no reports of progress in the investigations into the December 1999 confrontation between police and youths in Zabzugu, in the Northern Region, which resulted in the injuring of two youths. There were no reports of progress in the investigations of the February and April 1999 beatings of two Kumasi men by off-duty soldiers and "machomen." There were no developments in the May 1999 case of a man shot by customs officers in Dodo-Ammanfrom, Volta Region. A military investigation into the case of six persons reportedly injured by soldiers at Nkunkum, Eastern Region, concluded that there was no evidence of involvement by members of the military. The police have taken no further action.

No action was taken against police who beat student demonstrators in August 1999.

"Machomen" (party thugs) and land guards, private security enforcers hired by citizens to settle private disputes and vendettas, caused injury and property damage during the year. The machomen are not constituted legally, but organized privately and operate outside the law. Police arrested a land guard in the Greater Accra Region who was accused of involvement in a killing over a land dispute. The land guard was remanded into custody and was awaiting trial at year's end.

There were credible reports of several clashes between supporters of the ruling and opposition parties, some of which resulted in injuries. On January 31, a group of NPP activists armed with clubs and machetes attacked NDC supporters in Asutuare, Greater Accra Region. Approximately 30 persons were injured, some seri-

ously. The police arrested 11 persons and stationed additional officers in the town to maintain order; all of the suspects were released on bail. A police investigation determined that the cause of the clash was a long-standing chieftancy dispute rather than political tensions. The local assemblyman, identified by town residents as the leader of the assault, was accused of assaulting a police officer in 2000; however, he has not been arrested. Residents of the town and opposition party leaders, including the M.P. for the district, have disagreed publicly with the police's findings, describing the clash as a coordinated attack on NDC supporters. In February the Minister of Interior said a commission of inquiry would be established to look into the incident, but it had not been convened by year's end. Many residents reportedly were afraid to return home for fear of further attacks. The case was not called to court by year's end.

In May during the annual drumming ban by Ga traditional leaders, groups of young men attacked charismatic churches, which resulted in injuries (see Section 5).

During the year, chieftancy disputes led to numerous injuries (see Section 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of deaths and injuries (see Section 5).

Prisons in most cases are maintained very poorly and conditions are harsh; 106 inmates died of various diseases in the country's prisons in 2000. However, according to the CHRAJ Year 2000 Inspection Report, which was not released publicly by year's end, prison conditions have improved over previous years. The Director General of Prisons has described the prisons as overcrowded and underfinanced and has stated publicly the need to improve living conditions for the prisoners. Three of the country's largest facilities, which were intended to hold 1,600 inmates, currently hold approximately 3,800. The Ghana Prisons Service 2000 Annual Report stated that the average number of prisoners in lock-up on a monthly basis was 9,507, an increase of 3.5 percent from 1999. Bedding was available for only 30 percent of the inmates, and there was no funding for clothes. Medical facilities are inadequate and the prisons supply only the most basic medicines. Overcrowding contributed to a high prevalence of communicable diseases. In February the prisoners' daily food allowance was increased to approximately \$.35 (2,500 cedis), bringing the total daily allowance to \$.55 (3,900 cedis). In August the Director General asked the Government to increase the daily food allowance to at least \$.57 (4,000 cedis). Prisoners rely on families or outside organizations for additional food, medicine, and other supplies. In 2000 106 prisoners died in the country's prisons, 5 from malnutrition, 20 from HIV/AIDS, 17 from tuberculosis, 11 from diarrhea or dehydration, and the rest from other illnesses. While the Government has agreed that conditions in the prisons are not acceptable, it has stated that lack of funding prevents further improvements.

Juvenile offenders are supposed to be sent to a dedicated facility; however, this facility is underutilized, and the CHRAJ and the Prisons Service confirmed reports of some children as young as 14 years old housed with the general prison population. Women are housed separately from men; pretrial detainees are housed with convicted prisoners.

The Prisons Service has formed an assessment team to inspect facilities. In April 2000, the Minister of Interior stated that the Prisons Service would recruit 288 persons to increase staff at the prisons and that work would begin by the end of 2000 to upgrade prison and staff accommodations and construct three new prisons; however, no steps were taken to implement these measures by year's end.

The Prison Service Council visited Central and Volta Region prison facilities in early 1999. Following these inspections, the Council suggested that prison authorities adopt a more humane approach to dealing with prisoners. The Council identified the number of remand prisoners due to the courts' inability to hear cases promptly as the greatest problem facing the prison system. Some suspects allegedly plead guilty in order to be sent to prison and leave the unsanitary conditions in the police remand cells. The Council also criticized health hazards (including poor sanitation) and the state of prison structures. In a 1999 speech at a prison officers' graduation ceremony, President Rawlings stated that the Government was considering the introduction of parole, suspended sentences, and community service as a way to alleviate the overcrowding in prisons; however, no steps were taken to implement these measures by year's end.

In April 2000, then-President Rawlings granted amnesty to some 1,000 prisoners based on the recommendations of the Prisons Service Council. Many had served one-third of their sentence, and none had been convicted for rape, robbery, or narcotics. However, a retired military officer from the PNDC era, who had been sentenced to death after being convicted of killing an intruder on his farm, also was released

after serving 10 years in prison. The President also convened a medical board to consider early release for 156 seriously ill or aged prisoners. The Government announced no amnesties or pardons during the year.

While the CHRAJ has access to the prisons, the Government resisted granting access to the press. The Government permitted foreign diplomats to visit prisons during the year. Nongovernmental organizations (NGO's) are not given access to prisons on a routine basis.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Constitution provides for protection against arbitrary arrest, detention, or exile and states that an individual detained shall be informed immediately, in a language that the detained person understands, of the reasons for the detention, and of the right to a lawyer and to an interpreter, at state expense. It also requires judicial warrants for arrest and provides for arraignment within 48 hours. However, in practice many abuses occur, including detention without charge for longer than 48 hours and failure to obtain a warrant for arrest. Authorities routinely do not notify prisoners' families of their incarceration; such information often is obtained only by chance. Human rights activists criticized the common practice of arresting persons on Friday and keeping them in detention over the weekend until court was in session on Monday, which they described as a deliberate circumvention of the 48-hour detention rule.

The court has unlimited discretion to set bail, which can be prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. The Constitution allows judicial authorities to hold citizens for up to 48 hours without filing charges against them. However, in practice it is common to remand a prisoner to investigative custody. The Constitution requires that a detainee who has not been tried within a "reasonable" time be released either unconditionally or subject to conditions necessary to ensure that he appear at a later date for court proceedings. In June 1999, the CHRAJ reported that there were a number of remand prisoners held for periods ranging from 1 week to 8 years. As of July 2000, approximately 20 percent, or approximately 2,000 of the 9,783 inmates nationwide, were remand prisoners. In October 2000, the acting Ashanti Regional Director of CHRAJ stated that more than one-third of the inmates of Kumasi Central Prison are remand prisoners. One-third remain in prison even after the warrants committing them to prison had expired. He criticized the judicial system for imposing prison sentences instead of levying fines, which could prevent further overcrowding of the prisons.

Despite the provisions of the law, abuses occur. At times persons are detained for trivial offenses or on unsubstantiated accusations.

Government officials stated that the use of armed forces personnel in the maintenance of law and order would cease; however, the military continued to participate regularly in law enforcement activities during the year (see Section 1.f.).

On March 28, a combined team of police and military personnel arrested 41 persons in Yameriga, Upper East Region, while searching for evidence in the murder of a police officer. It was unknown if the persons still were in detention at year's end.

On April 13, the BNI arrested the former Auditor General; he was released on bail. Security officers searched his residence and confiscated 39 papers. In May the Government dropped all charges after determining that the confiscated documents were not classified.

On May 12, BNI questioned an NDC M.P. about his alleged role in instigating riots in the Accra districts of Nima and Kotobobi following the Accra stadium incident (see Sections 1.a. and 1.c.). The BNI detained the M.P. for 2 days after questioning him in the presence of his lawyer; he was released on bail, and no charges were filed. Armed security personnel reportedly searched his two houses in Greater Accra.

On June 8, a contingent of police and military personnel surrounded the compound of former president Rawlings for 2 hours. On June 9, police and BNI officers forcibly entered an adjacent house and arrested a Belizian national who is a long-time confidant of Rawlings, and searched the house for weapons; no weapons were found. Government officials said the operation was not aimed at Rawlings. On September 27, an Accra High Court ordered the BNI to produce the Belizian national in court and justify his continuous detention since June; however, the man remained in BNI custody at year's end.

On August 16, a team of security officers raided the residence of the National Organizer of the EGGLE (Every Ghanaian Living Everywhere) party, a small party that formed part of the Progressive Alliance led by the NDC (see Section 1.f.). Security personnel reportedly detained a watchman from NDC headquarters and forced him to lead them to the National Organizer's home.

On August 21, soldiers and police arrested the linguist of the chief of the Sefwi Wiawso Traditional Area, Western Region, when they searched the homes of both the linguist and the chief (see Section 1.f.). There was no further information available at year's end.

On August 21, soldiers and police searched the palace of the chief of the Sefwi Wiawso Traditional Area, Western Region. The chief, who was a member of the Council of State under the former NDC Government, was not home at the time, and the security officers forced a local sub-chief to grant them to access to the palace. The home of the chief's linguist also was searched, and the linguist arrested (see Section 1.d.). Local NDC M.P.'s criticized the raids. No weapons or ammunition were found, and the IGP directed the Western Regional Police Commander to apologize to the chief. On August 22, President Kufuor mentioned the events at Sefwi Wiawso when he called for inquiries into recent police activities.

Police and military used checkpoints and mass arrests while searching for criminals (see Section 2.d.). On August 27, law enforcement and military personnel arrested 200 persons in Kumasi. According to the police, the exercise was intended to flush out suspected criminals. The authorities released 170 persons without charge; 30 persons were arraigned; 28 persons were remanded into police custody; and 2 persons were granted bail.

The opposition NDC claimed that the Government used anti-corruption investigations to intimidate and harass its members. The NDC claimed that its members were subject to questionable arrests, illegal searches and seizures, and forced resignations of civil servants perceived to be loyal to the former government. Investigators repeatedly questioned former government officials, including the former Minister of Finance on 35 occasions. The NDC, which stated that its members would no longer cooperate with such questioning, insisted that the Government take such cases to court. The Government denied charges that it harassed opposition figures, insisting that the police and judiciary were engaging in legitimate investigations of purported corruption and other offenses.

In November 2000, the BNI briefly detained a television presenter and the editor-in-chief of a private newspaper. In January the Government dropped the charges upon assuming power, and the journalists are no longer required to report to BNI (see Section 2.a.).

In August 2000, members of the 64th Infantry Regiment allegedly abducted and illegally detained a man on two separate occasions. After his former wife allegedly hired the soldiers to collect a debt, he was detained for more than 2 weeks. He claims that the soldiers confiscated his car and approximately \$2,400 (16,857,600 cedis). The military claims that the man was arrested and detained on charges of fraud, but not abused. During the year, there were no developments in the case, which remained under investigation (see Section 1.c.).

In June 2000, three European politicians were detained by BNI officers, prevented from leaving the country, and held overnight at police headquarters on allegations of illegal transfer of funds and breach of security. The politicians were visiting the country on business and to consult with opposition party leaders, who alleged that the politicians' detention arose from their association with the opposition. The politicians left the country shortly thereafter, and no further action was taken in the case.

In January 2000, police detained 70 persons during an investigation into violence related to a chieftancy dispute in Asankranguaa (see Section 1.c.). It was unknown at year's end whether they had been released.

In 1999, after a Muslim-Protestant conflict in the Central Region town of Agona Nyakrom, police arrested more than 700 men and brought them to Accra for investigation (see Section 2.c.). More than 650 of them then signed bonds to be on good behavior; 30 others, including a chief, were detained. The case still was pending at year's end.

In 2000 nine suspects were charged formally in the November 1998 murder of two policemen in Ablekuma following the Attorney General's completion of a bill of indictment. Prosecution was ongoing at the High Court at year's end.

The Government has not implemented any meaningful policy to reduce the number of pretrial detainees, although the independent press has called for reduction of harsh bail conditions for suspects who do not pose a threat to society. The Attorney General drafted a bill that would provide alternative dispute resolution methods to clear the court backlog, including a time limit on pending cases and was scheduled to forward it to the Cabinet during the year; however, no legislation was introduced to Parliament during the year. Many credible sources report that private citizens pay the police to arrest business associates in deals gone awry. A 1996 CHRAJ report on prison conditions recommended improvement in the administration of criminal justice, which currently denies many citizens their constitutional rights to

be charged within 48 hours, to have bail posted within the same period, and to a speedy trial. Approximately one-third of the country's prison population are in remand custody awaiting trial. Some remain in remand for years without their cases being heard in court (see Section 1.e.). There was no further information on the case of a farmer in the Volta Region who has been in remand for 10 years. He is suspected of poisoning and killing another farmer but has yet to be formally charged.

On July 30, the Attorney General filed a motion to end the prosecution of a former army sergeant accused of involvement in an alleged 1994 plot to overthrow the Government. The sergeant, who had been held in jail without bail for 7 years pending legal proceedings, was freed (see Section 1.e.).

Rural women can be punished with banishment by traditional village authorities for being pregnant out-of-wedlock or for suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as a shaman (see Section 5). Foreign diplomats and NGO representatives who visited them estimate that there are between 550 and 1,150 accused witches, the vast majority of them women, living in the camps; however, in the previous year, CHRAJ estimated that more than 5,000 women are residents in witches' camps in the Northern Regions. Although the women face no formal legal sanction if they leave, most fear they may be beaten or lynched if they do so (see Section 5).

In 1999 the Presbyterian Church sponsored a "go home" project to reintegrate into society women accused of witchcraft and forced to live at the Gambaga "witches" village. A total of 55 of 200 such women have reunited with their families. The project also provided for loans to enable the liberated women to become more financially independent and to contribute to the well being of their families.

The Government does not practice forced exile and encourages citizens, including dissidents living abroad, to return. Some former government and PNDC officials have returned and resumed careers and political activities.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary appears to be subject on occasion to executive influence. The Constitution mandates Superior Courts of Judicature consisting of the High Court (of Judicature) and Regional Tribunals, the High Court of Appeals, and the Supreme Court. The Constitution allows the Government to nominate any number beyond a minimum of nine members to the Supreme Court; confirmation is the responsibility of Parliament. The Chief Justice is empowered to impanel the justices of his choice to hear cases. These provisions, along with a debilitating lack of resources, have called into question the court's role as a balance to the power of the executive branch and contributed to the perception that the judiciary occasionally is subject to executive influence. The integrity of the legal system is compromised by a severe lack of financial, human, and material resources. There were no official charges of corruption on the part of judges; however, in September 1999, a privately owned paper published an alleged report by the Serious Fraud Office that found evidence of malpractice in the awarding of contracts by the judicial service. The Government had not responded to the report by year's end.

The Constitution establishes two basic levels of courts: superior and lower. The superior courts include the Supreme Court, the Appeals Court, the High Court, and regional tribunals. In March the Acting Chief Justice of the Supreme Court inaugurated two Fast Track Courts, a division of the High Court of Judicature, intended to try cases to conclusion within 6 months. The Fast Track Courts are authorized to hear cases involving banks and investors, human rights, electoral petitions, government revenue, prerogative writs, defamation, specified commercial and industrial cases, and criminal cases involving substantial public money or are a matter of extreme public importance. In the first 4 months of operation, 76 cases were filed before the Fast Track Court, 56 of them civil and 2 criminal; 13 were completed. The Government announced plans to establish Fast Track Courts throughout the country. Parliament may establish lower courts or tribunals by decree. The CHRAJ provides a forum to which citizens with grievances against government agencies or private companies can bring cases for mediation and settlement (see Section 4).

In June and September, following calls from the Ghana Bar Association and other legal organizations, the Attorney General stated that the Government would move to abolish Community Tribunals, which are run by appointed panels and police, and replace them with magistrate courts.

Legal safeguards are based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice the authorities generally respect these safeguards.

In July Parliament repealed the Criminal Libel and Seditious Laws through an amendment to the Criminal Code. According to the Amendment, all prosecutions in-

stituted under the repealed laws pending before any court or tribunal were discharged (see Section 2.a.).

The trial of five defendants for allegedly plotting to overthrow the Government in 1994 concluded in 1999. A special court convicted and sentenced four of the defendants to death and acquitted the fifth defendant for lack of evidence. Attorneys for the four convicted defendants appealed the judgment. A sixth suspect, a former officer who allegedly was part of the plot, was released from prison. He contested his arrest on the grounds that he was brought to Ghana illegally from Sierra Leone; his case was dropped.

There are frequent reports that a large number of prisoners are held in detention for extended periods, sometimes years, without going to trial (see Section 1.d.). For example, a man was arrested in December 1995 on charges of robbing a taxi driver of \$30 (60,000 cedis) and the contents of the driver's wallet. The accused appeared at the Accra High Court 17 times, only to have the case adjourned each time without proceeding to trial. In November 1999, an appeal for bail was filed on the defendant's behalf on the grounds of unreasonable delay in going to trial. In June after 4½ years in custody, the High Court judge granted bail to the defendant on the basis that he could not guarantee when the case would finally come to trial given the number of cases pending before the court. The Attorney General has drafted a bill that would provide alternative dispute resolution methods to reduce the court backlog, including a time limit on pending cases.

In June it was discovered that two men arrested for murder in 1991 had been in prison in Wa, Upper West Region, for 10 years without trial. According to the men, their last court appearance was before the Wa High Court in 1997. They have filed appeals with the CHRAJ and the Inspector General of Police.

The CHRAJ's charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. It continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by private individuals with grievances against government agencies or private companies.

The law gives village and other traditional chiefs power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, a number of laws passed during the PNDC era (1981-92), as well as the 1992 Constitution, have eroded steadily the authority of traditional rulers and vested it in civil institutions, such as courts and district assemblies.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, this provision has yet to be tested in court, and in practice the Government infringed on these rights at times. Although the law requires judicial search warrants, police do not always obtain them in practice.

Security forces conducted a number of searches of the homes of opposition party members, ostensibly looking for illegal arms caches or evidence of corrupt activities. Police sometimes arrested persons during searches (see Section 1.d.).

On February 21 in Tamale, Northern Region, a team of soldiers and police searched for weapons in the house of an NDC activist, who was not home at the time; no weapons were found.

On April 13, BNI security officers searched the residence of the former Auditor General and confiscated 39 papers (see Section 1.d.).

On June 9, police and BNI officers forcibly entered and searched a house adjacent to former president Rawlings (see Section 1.d.).

On August 16, a team of security officers raided the residence of Alhaji Sedi, the National Organizer of the EGLE. In August President Kufuor reportedly directed the Interior Minister to investigate three recent cases in which military and police personnel allegedly raided the homes of civilians. Security personnel reportedly detained a watchman from NDC headquarters and forced him to lead them to the National Organizer's home. The National Organizer claimed that the police refused to show him a warrant and told him they were searching his house for counterfeit foreign currency. Security forces left when they found no currency; there were no arrests. Police sources later said they had been looking for weapons. The Government has authorized an investigation into the matter, but no results had been announced by year's end. Opposition party activists claimed that the Government was engaged in surveillance and harassment of those perceived to be opposed to the ruling party. Opposition parties, and some persons in private business, continue to allege that some government contracts are awarded on the basis of ruling party membership and that government officials pressure businesses to steer contracts toward favored companies and individuals.

On August 21, soldiers and police searched the palace of the chief of the Sefwi Wiawso Traditional Area, Western Region. The chief, who was a member of the Council of State under the former NDC Government, was not home at the time, and the security officers forced a local sub-chief to grant them to access to the palace. The home of the chief's linguist also was searched, and the linguist was arrested (see Section 1.d.). Local NDC M.P.'s criticized the raids. No weapons or ammunition were found, and the IGP directed the Western Regional Police Commander to apologize to the chief. On August 22, President Kufuor mentioned the events at Sefwi Wiawso when he called for inquiries into recent police activities.

On February 6, local officials using two bulldozers belonging to Abosso Goldfields Limited, a local mining firm, and acting under the auspices of the local District Security Council, demolished the village of Kyekywere, Western Region. Village inhabitants claim that local officials told them they were acting on the instructions of Abosso Goldfields. No injuries were reported; however, approximately 200 people were left homeless, and damage was estimated in the thousands of dollars (millions of cedis). According to Abosso Goldfields, which claims that it owns the land, the villagers agreed to move to a new village that the company was building for them, but the villagers began demanding additional compensation for lost crops. According to the company, it had permission from the Western Regional Security Council to demolish the village, and it also had a contract signed by the residents of Kyekywere.

In April 1999, a combined municipal and military team without due process demolished a private hotel in Accra, which they claimed was blocking a drainage route. The owner of the hotel allegedly had fallen out with the then-ruling party prior to the demolition. On May 23, the owner filed a \$5 million (34.5 billion cedis) lawsuit against the Accra Metropolitan Assembly (AMA), the former Chief Executive, and the Attorney General, contending that the demolition constituted trespassing and unlawful interference in the owner's civil rights. No hearing date had been set 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, and in practice these provisions generally were respected; however, there were occasional reports that government officials pressured government media outlets to cease or minimize coverage of opposition politicians. Opposition political parties and others frequently criticize the Government, and the Government has allowed more control of print and electronic media to be transferred to the private sector. In February 2000, the Supreme Court ruled in a 4-year-old case that the President cannot appoint chief executives to the state-owned media. Unlike in the previous year, only one libel suit was filed by a minister. Major government media outlets exercise some restraint in their coverage.

There are more than a dozen newspapers including three government-owned dailies, two government-owned weeklies, and several privately owned newspapers published daily, weekly, biweekly, or triweekly. Several of the privately owned newspapers increased to daily circulation from weekly or bi-weekly. Two of the government-owned dailies have national circulation. However, most newspapers circulate only in regional capitals, and many of the smaller private newspapers are available only in Accra. Unlike in previous years, there were no reports that some independent newspapers were unable to obtain advertising revenues due to government pressure on businesses.

The government-owned media reported extensively on charges of corruption or mismanagement by government officials in the previous administration; they increasingly criticized the Government's policies. State-owned media reported some allegations of corruption or mismanagement by officials in the Kufuor Government. During the year, there were occasional editorials in the state-owned media critical of the Government. There were no reports that the Government disciplined or dismissed journalists working in state-owned media for stories deemed unacceptable. The Government ended its subsidy of one newspaper, but continued to finance partially another newspaper.

Some privately owned newspapers were harshly critical of the Government's policies and of President Kufuor and his ministers and advisors. The Government at times alleged that some reporters and editors failed to abide by professional ethical guidelines. On many occasions, both the Government and National Media Commission (NMC), a constitutionally mandated independent government body, publicly urged the media to act responsibly.

On July 27, Parliament repealed the Criminal Libel and Seditious Laws through an amendment to the Criminal Code. The laws provided for 10 years' maximum imprisonment for reporting intended to injure the reputation of the State. According

to the Amendment, all prosecutions instituted under the repealed laws pending before any court or tribunal were discharged (see Section 1.e). At year's end, many civil libel cases were still pending; however, the voluntary use of the NMC as an alternative mediating body to the courts, increased. The NMC is charged with maintaining journalistic standards, including the investigation, mediation, and settlement of complaints made against or by the media; however, it does not have legally binding authority to implement its recommendations. Resolutions recommended by the NMC include retraction, apology, and the printing of rejoinders. Of the 79 cases reviewed as of October 4, 45 cases were resolved, 4 were withdrawn, and the remaining cases were pending; 50 cases were brought by private individuals, 4 cases by former government ministers, and 25 cases by organizations or institutions. Seventeen cases were brought against state-owned media, and 62 cases against the privately owned media. Two cases were resolved in favor of the media, one each for the state-owned and private media. The NMC has published its standards and guidelines.

There were claims that independent journalists occasionally blackmailed individuals and organizations by threatening to print negative articles if they were not paid. On October 2, the Ghana Journalists Association suspended a journalist from the Ghanaian Times following an investigation into allegations that he offered not to print a negative story about a businessman in return for payment; the businessman did not pay the journalist, and the story ran on August 29.

Unlike in the previous year, there were no reports of harassment or intimidation by the police or security forces against the media.

In December 2000, NDC party sympathizers assaulted journalists from a private television station who were covering a press conference at NDC headquarters in Accra. The journalists alleged that the persons who assaulted them were "machomen." One journalist was injured and hospitalized briefly. The NDC issued a statement apologizing for the incident and disassociating itself with the assault. No charges were pressed.

In November 2000, BNI officials arrested and detained for questioning two journalists. One of the journalists, a presenter for a government-owned television station, was arrested on the charge of insulting behavior after he criticized, during a public broadcast, President Rawlings' behavior at a political rally. He was released that evening on bail of \$7,350 (50 million cedis). Charges were never pressed. The second journalist, the editor-in-chief of a private newspaper, was held for nearly 12 hours for questioning on a charge of "dishonestly receiving" information. He allegedly had received computer diskettes, apparently stolen from NDC headquarters, which contained information on alleged plans for election fraud on the part of the NDC. The editor was released on bail \$735 (5 million cedis). In December 2000, he was charged with the equivalent of possession of stolen goods and ordered to report to BNI three times a week until the case is concluded. The Ghana Journalists Association and the Private Newspaper Publishers Association criticized the arrests and the BNI's role in the incident, which they stated circumvented due process. In January the new Government dropped the charges upon assuming power, and the journalists were no longer required to report to BNI.

In November 2000, two computer technicians were arrested, charged with giving the journalist the diskettes, and remanded into BNI custody. On the same day, the Minister of Communications accused the journalists of misleading the public and defended the role of the BNI by noting that it may legitimately assist police in investigations as necessary. The technicians were not charged, and the case was dropped during the year.

In September 2000, military police acting under orders from the Deputy Minister of Defense detained the news editor of an Accra newspaper. Earlier that day, the editor had attempted to contact the Deputy Minister after receiving an allegation that he had threatened a guard at a local security company. The editor was released later that day. The journalist filed a complaint with the CHRAJ against the former Deputy Minister. The first hearing before the CHRAJ was completed, and a second hearing was scheduled for the last quarter of the year; however, there was no further information available at year's end.

According to the National Communications Authority, Accra has 1 government-owned and 12 private FM radio stations, and there are approximately 40 private FM stations across the country. Most stations are independent and air a wide range of viewpoints. There is one government owned television station that broadcasts nationwide. There are two semi-private television stations that broadcast in the Greater Accra, Eastern, and Ashanti regions. There are three cable networks broadcasting in the Greater Accra Region, two of which also broadcast in Kumasi. There is one private television station broadcasting in Kumasi.

The opposition NDC claimed that Government media denied it equal access and coverage on numerous occasions. A former NDC Vice President claimed that on two occasions he was denied permission to appear on Ghana Broadcasting Corporation (GBC) radio stations and complained that a press conference he held in March was not broadcast live. GBC denied charges that it denied coverage to opposition figures, emphasizing that it covered notable events rather than individuals; however, government controlled media does give greater exposure to Government officials.

During the year, the Government appointed the Minister of Communications to be the chairman of the National Communications Authority (NCA), the body responsible for allocating bandwidth and broadcast media licenses. According to media organizations, the NCA should be independent of the Ministry of Communications, and the Minister's appointment represented a conflict of interest. The media also claimed that the new board members were appointed without proper consultation with the Council of State, as required by the NCA Act. There were some complaints regarding delays in obtaining bandwidth and licenses for broadcast media.

In July the Government resumed an investigation into the substance of a tape publicized in October 1999 that appeared to implicate President Rawlings in several infamous extralegal actions of the predemocratic era. The Government did not pursue prosecution of the journalists and publisher involved in the broadcast of the tapes; however, it did call one journalist in for questioning as a material witness.

The Government readily granted accreditation to foreign journalists. The British Broadcasting Corporation (BBC) and Radio France International have full-time FM rebroadcasting stations in Accra, and several foreign radio broadcasts, including Voice of America (VOA), have part-time affiliations with local stations in several cities. Foreign periodicals were sold in Accra and other major cities and circulated freely even when they contained articles critical of the Government. Most citizens obtain their news from the electronic media, the VOA, and the BBC radio service. Several companies have cable or satellite rebroadcasting stations that serve the country's three major cities.

In the period prior to the 2000 presidential and parliamentary elections, the government-owned television and radio stations allotted equal broadcasting time to each of the parties fielding presidential candidates, although news coverage of government activities such as the commissioning of projects favored the ruling party. During the 2000 presidential and parliamentary elections, FM radio stations acted as watchdogs, and called attention to irregularities in the voting process.

There were seven Internet Service providers (ISP's) in the country at year's end. In July 2000, the National Communications Authority closed three other ISP's on the grounds that they were providing Internet telephone services, which violated a 5-year exclusivity agreement that the Government had given to two telephone companies. The companies replied that they were unable to monitor telephone use of their ISP and should not be held responsible for such use. The Government maintained that such use could be monitored.

The Government does not restrict academic freedom. Academics are allowed to publish and pursue research. The National Union of Ghanaian Students, one of the more vocal critics of the Government, is allowed to organize and hold meetings. In March students at the University of Cape Coast protested against new academic standards; in July nine students were suspended for between 2 and 3 academic years for their participation in the protests. Following National Union of Ghanaian Students (NUGS) threats to protest, the Minister of Education met with the students to discuss their grievances. The University Council subsequently agreed to review the new academic standards and, following a public appeal from President Kufuor, pardoned and reinstated the students. The ban on campus demonstrations remained in effect during the year; however, it never has been enforced. In May the Ministry of Education began discussions with student representatives at the University College of Education Winneba (Central Region) to resolve student demands for a refund of \$7.10 (50,000 cedis) from their student fees. Students had held demonstrations and boycotted classes for 3 days. Unlike in previous years, police did not disperse forcibly any student protests during the year (see Sections 1.c. and 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respects this right in practice; however, at times it restricted this right. The Government does not require permits for demonstrations. The law requires that all organizers of "special events" or "processions" inform the police of their intentions at least 5 days in advance so that the police can institute precautionary measures. The law also provides for curfews and arrest without warrants in specified instances. Unlike in previous years, there were no reports that government or ruling party officials called demonstrations by registered political parties attempts to destroy the country's democratic order.

The Government permitted several peaceful demonstrations and rallies during the year. On April 2, approximately 600 workers staged a peaceful demonstration at the premises of Ghana Consolidated Diamonds Limited (GCD) in Akwatia, Eastern Region, to protest plans for the company's divestiture (see Section 6.a.).

On June 4, the anniversary of the date of his first coup, former President Rawlings, and other opposition leaders, spoke at a rally in Accra attended by hundreds of NDC supporters. Rawlings accused the Government of harassing and intimidating NDC activists and denounced the removal of June 4 as an official holiday. There were no reports of violence, and the rally dispersed peacefully.

On June 11, the previously unknown Coalition for the Defense of Democracy (CDD), held a march to oppose what they described as anti-democratic statements made by former president Jerry Rawlings on June 4. Hundreds of persons marched through the city and gathered on the grounds of the Accra Sports Stadium, where organizers addressed the marchers. The march ended at the Parliament building where the CDD leadership presented a petition to the Speaker of Parliament. Security forces guarding the route prevented the marchers from proceeding past former President Rawlings' house as planned. There were no reports of violence or injuries.

However, on at least one occasion, police used force to disperse a demonstration. On March 19, police used rubber bullets to disperse a group of workers who were blockading the factory at the Ghana Textile Manufacturing Company (GTMC) (see Section 6.a.).

Unlike in previous years, the police did not disperse forcibly any student demonstrations; in May students demonstrated for 3 days at the University College of Education Winneba (see Section 2.a.). The ban on campus demonstrations remained in effect during the year; however, it never has been enforced.

Political parties held rallies and national congresses without hindrance during the year. However, in 2000 under former President Rawlings, police prevented the National Reform Party (NRP) from holding a rally in the Labadi district of Accra, although the NRP had given the police the required advance notice of the event. Allegedly the police stopped the rally to prevent potential conflict because the NDC had planned a rally for the same day. The NRP held its rally at a later date.

In 2000 Accra textile traders were told that they could not hold a demonstration to protest a textile price hike because they lacked a police permit, although there is no legal requirement for a permit.

No investigation was conducted into the forcible dispersal of demonstrations in July and December 2000.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. NGO's are required to register with the Registrar General's office and the Department of Social Welfare, but this registration is routine.

The Electoral Commission (EC) must accredit political parties. The parties must show evidence of a "national character," such as official representation in all 10 of the country's regions. The EC evaluates whether the party has shown evidence of a viable national support base before granting accreditation and can annul the registration of a party that fails to meet the criteria for being a viable party. In July 1999, the EC certified a breakaway faction of the ruling party as a political party in its own right.

The Government generally respects freedom of association; however, in February the Government announced that it would prohibit the existence and formation of all political groupings within the security services. This included the banning of the "Association of Committees for the Defense of Revolution" (ACDR's), which served as NDC support organizations within the security services and in military and police barracks, as well as prohibiting the formation of "Danquah-Busia Clubs" or other support organizations for the ruling NPP. According to the Minister of Interior, members of the military and security services were free to join political parties and associations; however, such activities were prohibited within police and military compounds.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some limits to this right. The Government does not always prosecute those responsible for religiously motivated attacks. There were no prosecutions during the year. Police authorities said that pursuing the cases only would exacerbate tensions.

Religious institutions that wish formal recognition are required to register with the Registrar General's Department. This is a formality only, and there were no reports that the Government denied registration to any group. Most traditional religions, with the exception of the Afrikania Mission, do not register. Formally recognized religions are exempt from paying taxes on ecclesiastical, charitable, and educational activities that do not generate income from trade or business; however, reli-

gious organizations are required to pay taxes on business activities that generate income.

Foreign missionary groups generally have operated throughout the country with a minimum of formal restrictions.

The Government requires that all students in public schools up to the equivalent of senior secondary school level attend a daily “assembly” or devotional service; however, in practice this regulation is not enforced always. This is a Christian service and includes the recital of The Lord’s Prayer, a Bible reading, and a blessing. Students at the senior secondary school level are required to attend a similar assembly three times per week. Students attending government-administered boarding school are required to attend a nondenominational service on Sundays (see Section 5). However, in September 2000, officials from the Ministry of Education met with the Ghana Muslim Students’ Association (GMSA) to discuss a petition concerning acts of discrimination against Muslims in some institutional organizations. Following the meeting, the Director General of the Ghana Education Service announced new regulations for all public educational institutions, including the stipulation that students of minority ethnic groups should not be forced by school authorities to worship with the majority religious groups in school; however, the regulations were not finalized or published by year’s end. Afrikaania also publicly has urged the Government to stop requiring Christian “indoctrination” of children in all government-funded schools.

In 2000 the Ho (Volta Region) DCE led a joint operation with police and health personnel to immunize the children at an Apostolic Faith of Kpalexose (“Well-rooted Faith” in the Ewe language) church against poliomyelitis. Church members consistently have refused immunizations on the grounds that their faith forbids the use of orthodox medicine. Police surrounded the church during worship services, and health personnel administered the vaccine. It was reported that 155 children up to age 5 received the vaccine. Community response supported the overriding of individual religious convictions as being in the greater national interest of eradicating polio. However, a prominent human rights NGO criticized the forced immunizations because it was not applied consistently. Other guardians who had refused to immunize their children were not compelled to do so, and only approximately half of the children countrywide were immunized. The NGO argued that the Government should enact legislation compelling all children to be immunized before it could legitimately force guardians to immunize their own children. In 2000 a government medical team, assisted by the police, forcibly immunized approximately 40 children from the First Century Gospel Church (Faith) in Jamestown, Accra, against poliomyelitis. When church members resisted the team’s attempts to conduct the immunizations, police arrested seven persons, including the church’s pastor. There were no further updates on the case during the year.

Although the law prohibits involuntary servitude, Trokosi, a form of religious servitude usually lasting no more than 3 years, exists on a limited scale. Government agencies, like CHRAJ, have been campaigning actively against Trokosi for years. Supporters of traditional African religions, such as the Afrikaania Renaissance Mission, have said these activities constitute discrimination against indigenous religious beliefs (see Section 5).

In previous years, the Government took some steps to promote interfaith understanding. Unlike in 2000, the Government made no attempts to mediate between charismatic Christian churches and ethnic Ga traditionalists in the period prior to the annual ban on drumming. On May 7, the first day of the ban, the Ga Traditional Council (GTC) announced that the agreement it had reached with local churches in 2000 was not applicable during the year and that the ban would apply to all drumming and noise-making. Leaders of charismatic Christian churches countered that the ban was unconstitutional and that they would not observe it. Several incidents of violence were reported during the year’s ban on drumming (see Section 5).

The Catholic Church in the Archdiocese of Accra, after an official investigation, officially suspended a priest in 2000 for conducting unorthodox “healing” services. When he was conducting one of these services, the gates to the Cathedral were locked, and police personnel prevented worshippers from entering the church premises.

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

Citizens and foreigners are free to move throughout the country. Police checkpoints exist nationwide to prevent smuggling, but most are unmanned during daylight hours. Security officers man checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals. On September 8, the Ghana Police Ad-

ministration announced that police would erect security checkpoints throughout the country in response to an upsurge in highway robberies; periodic customs checkpoints and patrols were established by year's end. The IGP has advised Regional Police Commanders to monitor the activities of police personnel working at the checkpoints. There were numerous reports that police used checkpoints to solicit bribes. Police roadblocks and car searches are a normal part of nighttime travel in larger cities. In February and August 1999, taxi drivers struck in Koforidua to protest extortion by motor transport and traffic unit police, and in 2000 in Accra, police established additional roadblocks in an effort to combat a series of local murders of women (see Section 5). The police administration has admitted that the force has a problem with some members occasionally erecting illegal barriers to solicit bribes from motorists. In 2000 soldiers mounted checkpoints around the Brong-Ahafo regional capital of Sunyani and outside the Ashanti regional capital of Kumasi prior to national elections. Both towns were opposition strongholds. The Government stated that it was responding to reports of arms movements before the elections; however, many observers viewed these checkpoints as an attempt to intimidate voters or to discourage them from travelling to vote where they were registered. Citizens generally are free to travel internationally and to emigrate or to be repatriated from other countries.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country has a generally liberal policy of accepting refugees from other West African nations. The Government provides first asylum. It was estimated that there were between 13,000 and 16,000 Liberians, approximately 1,000 Togolese, and a small number of other African refugees in the country.

On June 10, 167 Liberians on board a Swedish vessel that docked in Tema were not allowed to disembark, while Ghanaian and Nigerian citizens aboard the ship were permitted to disembark. Officials said that the Liberians were not carrying proper travel documents and that none of them asked for refugee status. On June 11, the ship departed Tema with the Liberians on board. The Nigerian citizens were escorted to the border with Benin and allowed to continue their journey to Nigeria. On March 24, a mob of Liberian refugees from the Budumburam Refugee Camp in the Greater Accra Region rioted following the alleged attack on a refugee by a Ghanaian. Armed with sticks, stones, and knives, the rioters vandalized the local police and fire stations, set free prisoners in the police cells, destroyed police and fire service living quarters, and looted, inflicting damage estimated at thousands of dollars (millions of cedis). The mob also attacked vehicles on the Accra-Winneba road, which passes directly by the camp, damaging vehicles, burning tires, and harassing drivers. Police reinforcements, called in from Accra and Winneba, used tear gas and warning shots to control the crowd. Several rioters reportedly were injured and 24 were arrested. On April 18, they appeared in court and were charged with rioting, unlawful damage, and stealing. All pleaded not guilty; 18 were remanded into police custody, and 6 were granted bail.

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, and citizens exercised this right through a democratic process in presidential and parliamentary elections held in December 2000, which despite a few incidents of intimidation and election fraud, domestic and international observers judged to be generally free and fair. The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system includes recognized opposition parties, which express their views freely within Parliament and won a near majority of the parliamentary seats in the 2000 election.

The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the CHRAJ. In practice the system of checks and balances is limited by a system-wide lack of resources that affects all three branches. The former ruling party, which is the opposition under the Kufuor Government with nearly half the seats in Parliament, closely scrutinizes government actions.

In the first round of the presidential elections, John Agyekum Kufuor of the NPP garnered 48.2 percent of the votes, followed by Vice President John Evans Atta Mills with 44.5 percent. On December 28, 2000, a presidential runoff was held in

accordance with the constitutional requirement that the president be elected with at least 50 percent plus one of the votes. In the runoff Kufuor beat Mills with 56.7 percent of the vote. The new administration took office on January 7. The NPP won 100 seats and gained control of the 200-member Parliament, while the NDC took 92 seats. Other parties and independents won the remaining eight seats.

During the year, opposition members continued to express frustration about impediments that the executive branch imposed by its refusal to support opposition amendments to proposed legislation; however, the major opposition party closely scrutinizes government actions considered by Parliament. Parliament still was working to develop effective oversight of the workings of the executive branch. Although all M.P.'s can introduce bills, no one has ever done so; however, some have introduced motions. Opposition activists also filed several lawsuits challenging government appointments and dismissals as unconstitutional; however, the courts dismissed all the lawsuits.

In 1998 citizens elected representatives to the district assemblies and, for the first time, unit committees, which form the basis of the local government structure. Of the 16,000 units, elections still must be held in the 3,724 units that failed to produce a quorum of candidates in 1998. These elections were held on a nonpartisan basis, as called for in the Constitution. The two-thirds of each district assembly's seats, not appointed by the new ruling NPP Government, remained largely composed of members or sympathizers of the NDC, as the assemblies were elected during the Rawlings Government in nominally nonpartisan elections. DCE's must be confirmed by two-thirds of the district assembly members. There were protests during the year in Wa, Bawku, Yilo Krobo, and Dangbe East districts over the appointment of new DCE's by the Government, some of which became violent and required police intervention. In many cases, the protesters were NPP youth activists unhappy with allegedly disloyal nominees.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal obstacles to the participation of women in government. There are 18 female M.P.'s. Several ministers and Council of State members are women. In 2000 a group of female parliamentarians and women's rights activists petitioned the Electoral Commission (EC) to waive registration fees for female candidates to encourage more women to run for office. The EC refused on the grounds that this would make competition for parliamentary seats unfair.

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

At least 20 domestic and international human rights NGO's generally operate without government restriction, investigating and publishing their findings on human rights cases (see Section 2.b.). Government officials generally are responsive to their views. However, the Government does not grant ready access to prisons (see Section 1.c.). Prominent NGO's include the Red Cross, Amnesty International, the International Federation of Woman Lawyers (FIDA), Women in Law and Development in Africa, and Ghanalert. The Government cooperates with international humanitarian organizations, including the International Committee of the Red Cross (ICRC).

The December 31st Women's Movement (DWM), an NGO run by former First Lady Nana Konadu Rawlings and closely associated with the former government, was the subject of a region-by-region government audit, with Regional Ministries sending letters on behalf of the National Security Coordinator to the regional DWM organizers requesting disclosure of their assets. The acting Auditor General stated that the audit was proceeding because public money has gone to the DWM, and the Government has the right to audit their accounts. No other NGO's have been the subject of such audits.

The CHRAJ is charged with investigating alleged violations of human rights and taking action to remedy proven violations. The CHRAJ continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies. On average the CHRAJ receives between 4,000 and 5,000 new petitions per year, with steady increases each year. By the end of 2000, the CHRAJ had received a total of 41,901 petitions and completed action on 33,089; 40 percent of the cases were resolved through mediation. Of the 9,265 cases submitted to CHRAJ in 2000, 7,321 were lodged against private companies, organizations, and individuals. The remaining 1,944 cases were filed against government organizations, public companies, and officials. Of the cases received during the year, 1,022 (11 percent) involved complaints about human

rights, and 2,208 (23.8 percent) involved administrative justice, including abuse of office by officials, labor disputes, and delays in dispensing justice.

The CHRAJ continues to investigate corruption allegations filed against public officials. The Serious Fraud Office also investigates cases of fraud that lead to government financial loss.

The CHRAJ operates with no overt interference from the Government. Its biggest obstacle is a lack of adequate funding. Low salaries and poor working conditions result in the loss of many CHRAJ-trained personnel to other government agencies that are able to pay their employees more. In 1998 the Commission submitted a petition on this matter to the Government and had not received a response by year's end.

On July 6, the Attorney General issued a draft "National Reconciliation Act 2001" and an explanatory memorandum. The bill proposes forming a National Reconciliation Commission to establish a historical record of human rights abuses for the periods of "unconstitutional government" and make recommendations for redress. In December Parliament adopted the bill and the President was expected to assign commissioners in February 2002; the commissioners will have 12 months to complete their investigations, subject to a 6-month extension for good cause.

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

The Constitution prohibits discrimination on the basis of race, sex, religion, disability, language, or social status. The courts are empowered specifically to order enforcement of these prohibitions, although enforcement by the authorities is generally inadequate, in part due to limited financial resources.

Women.—Violence against women, including rape and domestic violence, remains a significant problem. A 1998 study revealed that particularly in low-income, high-density sections of greater Accra, at least 54 percent of women have been assaulted in recent years. A total of 95 percent of the victims of domestic violence are women, according to data gathered by the FIDA. These abuses usually go unreported and seldom come before the courts. The police tend not to intervene in domestic disputes. However, 1998 legislation doubled the mandatory sentence for rape. The media increasingly report cases of assault and rape. The police administration's Women and Juvenile Unit (WAJU) handles cases involving domestic violence, child abuse, and juvenile offenses. Located in Accra and Kumasi, the WAJU works closely with the Department of Social Welfare, FIDA, and the Legal Aid Board. During the year, the Accra Branch of this unit recorded 658 cases, including 204 defilement cases, 58 rapes, 5 cases of incest, 28 indecent assaults, 232 instances of assault and wife battery, and 9 abductions.

In 2000 FIDA held a seminar to coordinate government and NGO support of the country's first domestic violence bill. FIDA presented the draft bill to the Director of Legislative Drafting of the Parliament, who is responsible for converting proposed bills into proper legislative format for eventual consideration by Parliament. The bill has not gone before Parliament but during the year, it was sent back to FIDA with recommendations for redrafting.

In August the Commissioner of Police in charge of the WAJU stated that the fees charged by medical personnel to conduct examinations, required by the police in cases of suspected sexual assault, were too high. The Commissioner stated that the fees, which range between \$2.85 and \$14.20 (20,000 and 100,000 cedis), deterred many poor women from pursuing their cases.

In late 1998, a series of "mysterious" murders of women began to occur in the Mateheko area of Accra. Three of the 20 murders reportedly involved husbands' suspicion of their wives' infidelity. The men subsequently were arrested, but they were not convicted. There were more than 30 murders between 1993 and 2000, which were referred to as "serial murders." Police instituted evening roadblocks throughout Accra in an attempt to catch the murderers. In March 2000, the Ministry of Interior offered a \$10,000 reward to any member of the public who provided information leading to the arrest of any of the murderers. In July 2000, a group of seven organizations, including FIDA, Amnesty International, The Ghana Employers Association, and The Association of Business and Professional Women, issued a joint statement reflecting their disappointment at the police's lack of success, and encouraging the Government to seek international help to solve the murders. In December 2000, this group, known as Sisters Keepers, marched peacefully to the Castle and submitted a petition to the President calling for the Minister of Interior and the IGP to resign because of their failure to solve the murders. On May 8, a suspect who police had arrested in February, confessed to eight of the murders. In October the Office of the Attorney General directed that the suspect be charged with murder. He remained in police custody at year's end.

In 1998 Parliament passed legislation that amended the 1960 Criminal Code to provide additional protection for women and children. The legislation added new definitions of sexual offenses and strengthened punishments for others. The provisions of the bill ban the practice of "customary servitude" (known as *Trokosi*), protect women accused of witchcraft, double the mandatory sentence for rape, raise the age of criminal responsibility from 7 years to 12, criminalize indecent assault and forced marriages, and raise punishments for defilement, incest, and prostitution involving children.

Belief in witchcraft still is strong in many parts of the country. Rural women can be banished by traditional village authorities or their families for suspected witchcraft. Most accused witches are older women, often widows, who are identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. Many of these banished women go to live in "witchcamps," villages in the north populated by suspected witches. The women do not face formal legal sanction if they return home; however, most fear that they may be beaten or lynched if they return to their villages. In the past, there were reports that forced labor occurred in witchcamps; however, there were no such reports during the year. The law provides protection to alleged witches. In the past, human rights NGO's estimated that the number of occupants of the witches' camp was growing; however, there are no definitive statistics on the number of women living in northern witchcamps, and international and domestic observers estimate that there are fewer than 850 women in the camps. The CHRAJ and human rights NGO's have mounted a campaign to end this traditional practice, but have met with little success. Various organizations provide food, medical care, and other forms of support to the residents of the camp.

In addition to banishment, suspected witches are subject to violence and lynching. For example, in January two elderly women in Komenda, Central Region, were accused of being witches by their nephew and subsequently were abducted and tortured to obtain confessions. One of the women died 2 weeks later. The CHRAJ was investigating the case at year's end.

In April a man living in Tongor in the Volta Region chopped off the hands of an elderly aunt, claiming that she was a witch. Police arrested the assailant, but there were no further developments in the case by year's end.

In June a woman in Abutia-Kloe, Volta Region, was beaten to death by persons who accused her of using witchcraft to mastermind the May 9 stadium disaster in Accra (see Section 1.a.). Police arrested two persons in connection with the case and were searching for six others at year's end.

In August 2000, an 80-year-old woman in the Volta region was brought before a community tribunal when a local teacher accused her of being a witch. In his statement to the tribunal, the teacher said his bank account was out of money, animals had been eating the produce on his farm, and he recently had become impotent, all of which he attributed to witchcraft on the part of the woman. The tribunal ruled that the woman had to compensate the teacher with a portion of rum, a pot of palm wine, and \$6 (2,000 cedis). In April the local press reported that the woman took the case to the CHRAJ and filed a suit in circuit court against the tribunal members and the teacher, claiming that the accusation of witchcraft and subsequent tribunal hearing subjected her to slander and public humiliation. There were no further developments in the case during the year.

There are several traditional discriminatory practices that are injurious to the health and development of young girls. In particular female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is a serious problem. A 1998 study estimated that between 9 and 12 percent of women have undergone FGM, but some estimates are as high as 30 percent. A Ministry of Health survey conducted between 1995 and 1998 found that FGM is practiced among nearly all the northern sector ethnic groups, up to 86 percent in rural parts of the Upper West and Upper East Regions. A 1998 study reported that 51 percent of all women who had undergone FGM were excised before the age of 1, and 85 percent of total excisions were performed on girls under the age of 15. A 1999 survey indicated that more than 50 percent of the women who had undergone FGM indicated that they disapproved of the practice. Officials at all levels have spoken out against the practice, and local NGO's are making some inroads through their educational campaigns to encourage abandonment of FGM and to retrain practitioners. There were no reports of arrests in the year. There have been seven arrests for the practice of FGM since a 1994 law made FGM a crime. Of those arrested, two offenders have been prosecuted and convicted. In some cases in which FGM is performed, the victims actively seek out practitioners, sometimes without their parents' knowledge, in a quest to become ready for marriage.

Members of the legal community advocate legislation to close loopholes in the FGM law, including extending culpability to family members and others who aid in carrying out FGM and to citizens who commit the crime outside the country's borders. Any person who conceals information about an instance of FGM would be liable. In addition FGM would be banned no matter how medically safe the procedure is made—dispelling a belief by some that FGM is acceptable as long as the girls' health is protected. Traditional chiefs became more outspoken in their opposition to the practice of FGM.

There are no laws that specifically protect women from sexual harassment. In January 1999, the CHRAJ announced its decision in the country's first sexual harassment case, involving a flight attendant for a private airline and her immediate supervisor. The CHRAJ determined that the 22-year-old attendant was terminated for her refusal to submit to her supervisor's sexual advances over a 10-month period. The CHRAJ awarded her compensation for legal costs. However, the company's chief executive did not comply with the terms of the decision, and in December 1999, the CHRAJ went back to court to seek enforcement of the judgment. The case was not settled by year's end, principally because the airline had gone out of business.

In February in response to a 1999 complaint filed against Ghana Airways by the Association of Flight Attendants-Ghana on behalf of a flight attendant, the CHRAJ ruled that Ghana Airways' provision that female flight attendants would be eligible for maternity leave only after completing 3 years of service amounted to sexual discrimination and must be deleted from the flight attendants' contracts. The CHRAJ also ordered Ghana Airways to reinstate the dismissed flight attendant, reimburse her for all lost wages and benefits, and pay her 1 year's salary as compensation.

In February the Government created a new Ministry of Women and Children's Affairs to address gender and children's issues; however, women continue to experience societal discrimination. Women in urban centers and those with skills and training encounter little overt bias, but resistance to women entering nontraditional fields persists. Only approximately one quarter of university students are women, although women's enrollment is increasing. Women, especially in rural areas, remain subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often deny women their statutory entitlements to inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children.

Women's rights groups are active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government also is active in educational programs, and former President Rawlings and his wife were among the most outspoken advocates of women's rights. In 2000 the Government established a women's desk responsible for addressing the gender imbalance in the civil service.

Children.—Within the limits of its resources, the Government is committed to protecting the rights and welfare of children. The Government spends between 2.5 percent and 3 percent of GNP on education, approximately two-thirds of which goes toward basic education. Between 1997 and 1999, according to government figures, spending on education accounted for 35 percent of discretionary spending. Education is mandatory through primary and junior secondary school (the equivalent of grades 1 through 9). The Ministry of Education has a goal of providing basic education to all children by 2005. However, education is not free. In practice schools impose fees of up to \$50 (335,000 cedis) per term, and students also must purchase uniforms and books. In addition teachers often withhold material during their regular lessons and ask students to pay additional fees for after-hours "tutoring" in those subjects as a way to supplement their incomes. In September the Ghana Education Service (GES) froze all fees charged by Senior Secondary Schools (SSS) for all unapproved items. According to the directive, items such as bedding and cutlery, which are not approved by the GES, must be listed in schools' prospectuses as items that parents to must buy. All fees approved by the Council are to be paid by the Government.

Some children are unable to attend school because they must work to supplement their family's income (see Section 6.d.), they must travel long distances to reach the school, or there is a lack of teachers, especially in more rural areas. Additionally children's attendance at school is not enforced regularly by government authorities and parents are rarely, if ever, sanctioned for keeping their children out of school. The Government has taken some concrete steps to support education, including support of "informal" schools (NGO-sponsored schools that are not regulated by the Government and provide nontraditional education), and increased emphasis on making sure students progress from one school grade to another. According to UNICEF's "Situation Analysis of Children and Women in Ghana 2000", using Ministry of Education (MOE) data, 79.4 percent of eligible children were enrolled in primary school

in 1999, with a ratio of 10 boys to 9 girls. According to MOE data for 1996–97, 58.9 percent of students in the 12–14 year age range were enrolled in junior secondary school. The dropout rate is decreasing, from 9.1 percent nationwide in 1998 to 8 percent in 1999; however, the school enrollment rate also has dropped slightly from 2.58 million in 1997 to 2.56 million in 1999. Overall enrollment probably is even lower, taking into account the country's almost 2.4 percent annual population growth.

There is little or no discrimination against female children in education, but girls and women frequently drop out of school due to societal or economic pressures. The Government actively campaigns for girls' education and in 1997 established a girls' education unit within the basic education division of the Ghana Educational Service. The new Minister of State for Primary, Secondary, and Girl-Child Education is responsible for addressing gender-related issues in education. Although the percentage of girls enrolled in school increased from 1996, participation still is low. In September 1999, the Government estimated that girls' enrollment in primary school had increased from 75 percent in 1992 to 81 percent in 1997. According to published estimates, at the primary and junior secondary level, male enrollment is between 3 and 10 percent higher than female enrollment, and the gap significantly is greater at the senior secondary school level. Enrollment of women at the university level increased by 5 percent between 1993 and 1998.

A 1997 country report by the Ghana National Commission on Children further substantiated the gap between enrollment of boys and girls, particularly at the high school level. In the 8 districts examined, there were 22,418 boys and 14,318 girls enrolled at the high school level. In the report, officials attribute the lower female enrollment to the fact that many girls marry early or become pregnant. In the 2000–2001 academic year, the five public university level institutions in the country had a total enrollment of 28,545 men and 12,128 women. In the 1998–99 academic year, the University of Ghana enrolled 852 women and 2,226 men. In 2000 the former First Lady launched an initiative to establish the country's first women's university; however, no women's university has been established.

In March the Government proposed returning schools to the religious bodies that formerly ran them; however, no specific plan or timeframe was established.

There are frequent reports of teachers sexually assaulting their female students. The girls often are reluctant to report the attacks to their parents, and social pressure often prevents parents from going to the police and other authorities. In April a math tutor at Aburi Girl's Secondary School, Eastern Region, fled after being accused of assaulting at least 17 girls. Students reportedly told the school administration, including the headmistress, about the assaults, but they were rebuffed and no action was taken; the teacher has not been arrested. The Ghana Education Service ordered the headmistress on ordered leave while it conducted an investigation. The investigation was pending at year's end.

The Ghana National Commission on Children (GNCC) is a policymaking and coordinating body established to improve the lives of children. The GNCC has provided the WAJU with office equipment. The GNCC also has administered training programs for law enforcement and judicial officials around the country to familiarize them with the Children's Act and other pertinent child labor legislation.

In 2000 the Governments of Ghana and Canada hosted a conference on children affected by war in West Africa. The resulting plan of action focused on ways that Economic Community of West African States could integrate child protection into ECOWAS peacemaking and peacekeeping initiatives.

FGM is performed on girls primarily (see Section 5, Women).

Trokosi, also known as Fiashidi, is a religious practice involving a period of servitude lasting up to 3 years. It is found primarily among the ethnic Ewe group in the Volta Region. A virgin girl, sometimes under the age of 10, but often in her teens, is given by her family to work and be trained in traditional religion at a fetish shrine for a period lasting between several weeks and 3 years as a means of atonement for an allegedly heinous crime committed by a member of the girl's family. In exceptional cases, when a girl of suitable age or status is unavailable, a boy can be offered. The girl, who is known as a Trokosi or a Fiashidi, then becomes the property of the shrine god and the charge of the shrine priest for the duration of her stay. As a charge of the priest, the girl works in the shrine and undergoes instruction in the traditional indigenous religion. In the past, there were reports that the girls were the sexual property of the priests; however, while instances of abuse may occur on a case-by-case basis, there is no evidence that sexual or physical abuse is an ingrained or systematic part of the practice. Shrine priests generally are male, but may be female as well. The practice explicitly forbids a Trokosi or Fiashidi to engage in sexual activity or contact during her atonement period. During that time, she helps with the upkeep of the shrine, which may include working on the shrine's

farm, drawing water, and performing other agricultural or household labor. Trokosi may or may not attend school. During the atonement period, most girls do not live in the shrines, which generally are little more than fenced-in huts with small courtyards; many remain with their families or stay with members of the shrine living nearby. The girl's family must provide for the girl's needs during her stay, including food and clothing; however, in some cases families are unable to do so. After she has completed her service to the shrine, the girl's family completes their obligation by providing items, which may include drinks, cloth, money, and sometimes livestock, to the shrine for a final release ritual. After the release ritual, the girl returns to her family and resumes her life, without, in the vast majority of cases, any particular stigma attaching to her status as a former Trokosi shrine participant. Generally the women continue to associate themselves with the shrine, a voluntary association involving return visits for ceremonies. In many instances, when a Trokosi woman dies, years if not decades after she has completed her service and resumed her life in the village, her family is expected to replace her with another young girl, thus continuing the association of the family to the shrine from generation to generation. In very occasional cases, the family abandons the girl or cannot afford the cost of the final rites, in which case she may remain at the shrine indefinitely. She also may leave the shrine and return to her village, with her family's association then sundered with the shrine. Shrines rarely have more than 4 girls serving their atonements at any one time, and there were no more than 100 girls serving their atonement periods at Trokosi shrines throughout the Volta Region at year's end.

Trokosi shrines all follow these general practices; however, specific practices, such as the length of indoctrination, the exact nature of the ritual instruction, and the requirements for the release rites, vary from shrine to shrine and district to district.

The law bans ritual servitude in comprehensive legislation to protect women and children's rights. NGO's, such as International Needs, and government agencies, such as the CHRAJ, have been campaigning against Trokosi, for years. The practice has decreased in recent years because other belief systems have gained followers, and fetish priests who die have not been replaced. Reports on the number of women and girls bound to various Trokosi shrines vary; according to some reports, there were more than 2,000 women or girls in Trokosi shrines, but according to other international observers there are no more than 100 girls serving at Trokosi shrines throughout the Volta Region.

Another traditional practice that violates the rights of children is forced childhood marriage, which is illegal. In 2000 the GNCC stated that it was working with the CHRAJ to effect the prosecution of the chief of Mpeasem-Easuakyir, in the Central Region, who coerced a 14-year-old girl into marrying him after he abused and impregnated her. FIDA supported the efforts and emphasized that the marriage violated the Children's Act, which sets the marriageable age at 18, as well as the Criminal Code, which prohibits sex with a child under 16 years of age.

Child prostitution, although illegal, also exists. In 2000 the Eastern regional branch of the Ghana Hairdressers and Beauticians Association announced that it would offer free apprenticeships to 150 street girls in the Eastern Region to equip them with marketable skills.

There were reports that trafficking in children occurred, including children being sold into slavery either for forced labor or sexual exploitation (see Sections 6.c. and 6.f.). Child labor also is a problem (see Section 6.d.).

Persons with Disabilities.—The Constitution specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination. In practice persons with disabilities are not discriminated against in any systematic or overt manner. The Constitution also states that "as far as practicable, every place to which the public has access shall have appropriate facilities for disabled persons." However, in practice this provision has yet to be implemented. In 2000 government officials stated that companies should take the needs of persons with disabilities into account when building and designing buildings and reminded the public that persons with disabilities have rights that should be protected.

Religious Minorities.—There was occasional fighting between ethnic Ga traditionalists and members of some Christian charismatic churches over the annual ban by Ga traditional leaders on drumming and noise-making prior to the Ga Homowo (harvest) festival. Traditionalists believe that their time-honored customs should be accorded due respect, while some Christians resent the imposition of bans, which they believe infringes on their right to worship. Unlike in 2000, the Government made no attempts to mediate between charismatic Christians and ethnic Ga traditionalists prior to the Homowo (harvest) festival.

On May 7, the first day of the ban, the GTC announced that the agreement it had reached with local churches in 2000 was not applicable during the year and that the ban would apply to all drumming and noisemaking. Charismatic Christian

leaders countered that the ban was unconstitutional and that they would not observe it. On May 13, groups of young men attacked and damaged two charismatic churches, resulting in a number of injuries. On May 20, the second Sunday of the ban, groups of young men attacked more charismatic churches, and stole musical equipment and money. On May 23, the Forum of Religious Bodies in Ghana issued a statement, which was signed by seven religious councils, calling for peaceful coexistence and further negotiation with the GTC; however, a GTC leader stated that no agreement had been reached with the churches, and that he did not endorse any compromise. Although no agreement was reached, there were no reports of violence during the final two Sundays of the ban. Of the 11 people arrested for attacking churches during the year's annual ban on drumming, 3 were released for lack of evidence and 8 were set free on bail. There have been no prosecutions as of the time of this report. No police action was taken in regard to any attacks from previous years.

There were occasional reports of interreligious and intrareligious incidents but no violent incidents based on religious affiliation. On May 25, members of the Tijanniya and Al-Sunna Muslim sects clashed in Madina, Greater Accra, over the choice of an assistant Imam. Seven people reportedly were injured; there were no arrests. In 2000 three Muslims were injured at Effiduase (Eastern Region) in a clash between two Muslim sects over doctrinal differences. Members of the Tijanniya school of Islam allegedly attacked members of the Al-Sunna school.

In 2000 members of the Christo Asafo Christian Church clashed with members of the Boade Baaka traditional shrine at Taifa, Greater Accra Region. The dispute arose days earlier after shrine members accused a Christian woman of witchcraft. In the process, the woman was injured slightly, and a crowd formed. Christo Asafo members attacked the shrine in retaliation. There were some minor injuries. Police did not arrest or prosecute any of the participants, but continue to investigate the incident.

In March 2000, a dispute between five Pentecostal churches and landowners (tendaabas) led to tension in Jirapa, Upper West Region. After a member of the Kingdom of God ministries allegedly burned down a local shrine, the tendaabas banned religious activities of all churches except the Roman Catholic Church, until May 2000 when the Regional Coordinating Council brokered a resolution.

There were no new developments in the case of the November 1999 dispute between an Islamic middle school and a Methodist middle school in Agona Nyakrom in the Central Region, where five persons suffered gunshot wounds, and Muslim property was destroyed. In 2000 all of those arrested were released, and the police did not charge any suspects. In 2000 the Committee of Inquiry set up by the Central Regional Coordinating Council presented its report to the Central Regional Minister. Details of the report were not published; however, the Committee recommended ways to ensure lasting peace between the two communities, and the Regional Minister agreed to implement the recommendations.

National/Racial/Ethnic Minorities.—Although the Government plays down the importance of ethnic differences, its opponents have complained that it is dominated by Ashantis, and other Akans, at the expense of Ewes and northerners. The President and some of his ministers and close advisors are Ashanti, but the Vice President and many ministers are of other ethnic origins. A 1997 survey found that 25 percent of the respondents believed that they had experienced discrimination because of their tribal origins.

In 2000 13 persons reportedly died and more than 25 were injured in the Upper East Region capital Bawku in an election-related dispute that had ethnic overtones. The conflict initially was a dispute between ruling party and opposition supporters, and was fueled by ongoing tensions between the Mamprusi and Kusasi ethnic groups. In early June, a Peace and Reconciliation Consultation meeting between the two groups was held in Domongo, Northern Region. Participants included leaders of the Mamprusis and Kuasis, representatives from NGO's, religious leaders, and government officials. The two groups agreed on solutions to a number of outstanding issues and resolved to use dialog to address future disagreements.

However, in December renewed violence between the Mamprusi and Kusasi ethnic groups in Bawku resulted in widespread rioting, destruction of property, and loss of life. The Ghana Red Cross reported 68 deaths, 43 injuries, 2600 displaced persons, 203 homes partially or completely burned down, and 17 stores destroyed. Many homes were looted, and food barns were destroyed. Security forces in the town, including the police and a platoon of soldiers, initially were overwhelmed by the scale of the violence, which included heavy exchanges of automatic weapons fire between members of the two ethnic groups. However, police and army reinforcements restored order within 48 hours and instituted a strict curfew. By year's end, displaced persons were returning to Bawku and rebuilding their homes; stores and

schools had reopened. Senior government officials visited the town and pledged to assist the reopening of peace negotiations between the Kusasi and Mamprusi peoples.

During the year, there were several violent confrontations within ethnic groups related to chieftancy issues, particularly those of succession and land. On March 5, in Nsoatre, Brong-Ahafo Region, three persons were killed and nine injured when residents opposed to a new chief clashed with police (see Section 1.a.). On April 17, a chief in Acherensua, Brong-Ahafo Region, allegedly shot and killed one person and injured five others in a dispute over demands that he abdicate; he appeared before a Community Tribunal and was remanded into police custody. The police investigation still was ongoing at year's end.

In 2000 the Tamong and Puli clans in Bimbagu (West Mamprusi District in the Northern Region) clashed in a chieftancy dispute. Two persons were killed, and 56 houses were burned. The police were sent to Bimbagu to maintain order during the clash. The police still were investigating the incident at year's end.

In 2000 four persons were killed after a conflict over a chieftancy dispute in Weija (Greater Accra Region).

In 1999 a chieftancy dispute in Juaso in the Ashanti Region resulted in the death of a policeman, several injuries, the burning of the police station, and the arrest of over 60 persons. The chief and his supporters were brought before the Kumasi tribunal and later granted bail. The case was ongoing at year's end. The police also were investigating some Juaso residents' claim of police mistreatment during the same event (see Section 1.a.).

Elders from the Guan and Akan ethnic groups, who were arrested and detained in 1999 for violence related to a chieftancy dispute, were awaiting prosecution at year's end. A 1999 chieftancy dispute in Teshie that resulted in numerous gunshot wounds, a stabbing, and destruction of property was pending before the Ga traditional council at year's end.

A 1999 case in which off-duty soldiers clashed with civilians in the Oshiye area of Accra in a chieftancy dispute, resulting in several injuries, was pending before the courts at year's end.

In 1995 the Government created a permanent negotiating team made up of religious leaders, NGO representatives, Council of State members, and other interested parties to help resolve the continuing tensions between the Konkomba and other ethnic groups in the north. The Permanent Peace Negotiating Team (PPNT) is a facilitative body whose primary purpose is to mediate disputes. In 1997 in response to reports of latent insecurity, the PPNT extended its activities to some northern parts of the Volta Region and supervised a peace accord among all parties to the conflict there. Since 1997 there have been organized seminars and workshops designed to promote dialog between two feuding factions. The Government has a ban on firearms in the Northern Region and northern part of the Volta Region.

Government officials, M.P.'s, and other prominent opinion leaders regularly call for peaceful coexistence between ethnic groups. In 1999 after 14 years of animosity, the Bimobas and the Konkombas of the East Mamprusi District of the Northern Region held a pacification and reconciliation ceremony. In 1999 the Northern Region Youth and Development Association, an umbrella group of all the ethnic groups in the area, organized a workshop on building peace at the grassroots level.

In January 1999, the Nipa-O-Nipa and Sika-O-Sika factions of Kumasi's ethnic Moshie community signed a peace agreement at the behest of the then Regional Minister. However, the longstanding dispute resurfaced in December 1999, after the Supreme Court had ruled on the Moshie leadership issue. One man died from a stab wound, and another was injured. In January 2000, a member of the Nipa-O-Nipa faction was sentenced to 1 week in prison for wounding a student during the December 1999 leadership dispute. In June 2000, three members of the Sika-O-Sika faction were sentenced to death by hanging for the murder of the son of the leader of the Nipa-O-Nipa faction. The lawyers for the three Sika-O-Sika faction members filed an appeal, which was pending at year's end. The dispute was resolved in May 2000 after the Ashanti paramount chief gave formal recognition to the Sika-O-Sika faction's leadership claim.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association. This right is restricted formally by the Trades Union Ordinance, which confers broad powers on the Government to refuse to register a trade union, and by the Industrial Relations Act (IRA), which governs trade union activities; however, the Government has not interfered with the right of workers to associate in labor unions and has encouraged pluralism in labor organizations. The IRA governs trade unions and their activities. The percentage of workers belonging to unions appears to be

decreasing from 9 percent in 1998 as more of the workforce enters the informal sector where there is no union activity. The Ministry of Employment and Social Welfare has estimated that 86 percent of the work force is employed in the informal sector, and that number is expected to increase. The Ghana Federation of Labor (GFL) is intended to serve as an umbrella organization for several other labor unions, which were either previously part of or not encompassed by the Trades Union Congress (TUC). The TUC, the largest labor organization in the country, consists of 17 national unions.

Led by experienced union leaders, the TUC has been a vocal and constructive critic of the Government's economic policies. Civil servants have their own union, the Civil Servants Association, which operates outside of the TUC umbrella.

The law recognizes a right to strike, but there have been no legal strikes since independence. Under the IRA, the Government established a system of settling disputes, first through conciliation, then through arbitration. Parties in a dispute may request compulsory arbitration. A union may call a legal strike if the Government does not call for formal arbitration. However, no union has ever gone through the complete process. There were numerous unsanctioned strike actions during the year, none of which met the requirements for a legal strike detailed in the IRA. The IRA prohibits retribution against strikers, and this law is enforced. On May 2, Accra textile traders were told that they could not hold a demonstration to protest a textile price hike because they lacked a police permit. Instead they presented a petition to the Government on the issue (see Section 2.b.).

On March 19, police used rubber bullets to disperse a group of workers who were blockading the factory at the Ghana Textile Manufacturing Company (GTMC) in order to prevent co-workers, who were part of a rival union, the Textile Garment and Leather Employees Union (TEGLU), from entering the GTMC factory. In April two members of the Industrial and Commercial Workers Unions (ICU) were sentenced to 6 months in jail for "being on a premises for an unlawful purpose." On April 7, 2000, they had entered the grounds of Akosombo Textiles Limited (ATL) to address workers and convince them to leave TEGLU in favor of the ICU. A tribunal ruled that the action of the two ICU members actions were contrary to the country's labor laws.

In July and August, the Polytechnic Teachers Association (POTAG) went on strike over salaries (see Section 6.b.).

There was no investigation into the security forces use of water cannons on thousands of trade union members demonstrating in Accra for an increase in the minimum wage in 2000 (see Sections 1.c. and 2.b.).

The Government convened a committee to investigate reports that a gold-miners' strike in May 1999 was instigated by persons not employed by the mine. The committee completed its report in September 1999, but the conclusions were not made public by year's end.

On April 2, approximately 600 workers from Ghana Consolidated Diamonds Limited (GCD) staged a peaceful demonstration at the company's premises in Akwatia, Eastern Region, to protest plans for the company's divestiture.

Unions have the right to affiliate with international bodies. The TUC is affiliated with the Organization of African Trade Union Unity headquartered in Accra and also is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference and their right to organize and administer their unions. The IRA provides a framework for collective bargaining and some protection against antiunion discrimination. Trade unions engage in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. However, the Government, labor, and employers negotiate together through a tripartite commission to set minimum standards for wages and working conditions. The law requires employers found guilty of antiunion discrimination to reinstate workers fired for union activities. No union leaders have been detained in recent years for union or other activities.

On August 22, POTAG called off a 4-week strike in order to resume negotiations with the Government over a salary dispute.

On October 1, workers from DL Steel Limited demonstrated to protest management's intention to close the company without proper negotiations with the workers. The company reached an agreement on severance packages with the ICU, but the workers had rejected the settlement. The workers appealed to the Minister of Trade and Industry, but no further action was taken by year's end.

A 2000 trade union demonstration resulted from trade unions' accusations that they had not been consulted adequately in the Government's deliberations on the minimum wage (see Section 6.a.). The Government argued that the unions had been included in tripartite dialog on the issue.

On September 11, the Minister of Manpower Development and Employment stated that there had been 22 industrial actions involving 12,830 workers in the first 8 months of the year, costing the country 39,261 man-days of labor. Most actions involved demands for higher wages and better benefits.

There is legislation that authorizes export processing zones (EPZ's), and a few EPZ's are in operation. Existing labor law applies in any EPZ, including the right to organize.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including forced and bonded labor by children; however, approximately 100 women and girls are bound to shrines in the Volta Region through the localized Trokosi system and perform limited servitude for limited periods (see Section 5).

It is difficult to determine the extent to which forced and bonded labor by children is practiced.

The country is both a source and a destination country for trafficked children (see Section 6.f.).

There have been newspaper reports of children being sold into slavery for either sexual exploitation or labor, such as 10- to 12-year-old boys toiling in the service of fisherman in exchange for a yearly remittance to their families. A 1999 report described this practice as rampant in 156 fishing villages along the Afram River and settlements along the Volta Lake in the Afram plains (see Section 6.f.). However, there were no reports during the year that children were sold into slavery; the practice appears to involve informal servitude, often with the consent of their parents (see Sections 6.d and 6.f.) The ILO continues to urge the Government to revise various legal provisions that permit imprisonment with an obligation to perform labor for offenses that are not countenanced under ILO Convention 105.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 years of age. According to the 1998 Core Welfare Indicators Questionnaire conducted by the Ghana Statistical Service, only 11 percent of children are engaged in income-generating work; however, according to UNICEF, this study may have undercounted the number of working children because of its methodology. A 1997 World Bank study indicated that children represented 12.6 percent of the country's total work force. Approximately 80 percent of child laborers are in rural areas. In 2000 UNICEF reported that approximately 60 percent of children in the labor force in 1997 worked in the agricultural sector, while 34 percent worked in the trade and services sector. The ILO estimated that 12 percent of children between the ages of 10 and 14 work. Children under 10 work as domestic laborers, porters, hawkers, miners, quarry workers; they also work in agriculture. The fishing industry on Lake Volta has a particularly high number of child laborers engaged in potentially hazardous work. According to an ILO representative, child labor in the tourism industry is also increasing. Child laborers are poorly paid and subject to physical abuse; they receive little or no health care and generally do not attend school. In practice child employment is widespread, and young children of school age often perform menial tasks during the day in the market or collect fares on local buses. An ILO survey conducted in three rural districts between 1992 and 1993 concluded that 11 percent of school-age children were employed for wages and another 15 percent work without remuneration (see Sections 6.c. and 6.f.). In 2000 the Ministry of Employment and Social Welfare estimated that 18,000 children are working in Accra and 800,000 countrywide. Of those, 70 percent have no education while 21 percent only have a primary education.

The migration of children from rural to urban areas is increasing, due to economic hardship. Children are driven to the streets to fend for themselves, increasing child labor and the school dropout rate. Another ILO study in 1992 and 1993 found that almost 90 percent of the surveyed street children in Accra did not attend school. Observance of minimum age laws is eroded by local custom and economic circumstances that encourage children to work to help support their families. A 1996 ILO survey revealed that the economic activity of more than 75 percent of children between ages 5 and 14 takes place in the context of a family enterprise.

In 2000 the ILO commissioned the African Center for Human Development, a local NGO, to conduct a survey of the child labor situation. The NGO found that child labor and child trafficking are widespread in the informal labor sector, especially in larger cities and border areas (see Sections 6.a. and 6.f.). The study recommended that law enforcement officials be tasked with monitoring and combating child labor and child trafficking. In 2000 the Government established a National Steering Committee for the International Program for the Elimination of Child Labor (IPEC), composed of representatives from the Government, the Ghana Employer's Association, the Trade Unions Congress (TUC), the media, international or-

ganizations, and NGO's to look into child labor issues. The Committee developed the "National Plan of Action for the Elimination of Child Labor in Ghana 2001–2002," which was published by the Ministry of Manpower Development and Employment and ILO/IPEC Ghana.

According to government labor officials, child labor problems do not exist in the formal labor sector because "exploitive child labor" (defined as that which deprives a child of health, education, or development) is prohibited. However, child labor laws are not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, often are unfamiliar with the provisions of the law protecting children. District labor officers and the Social Services sub-committees of District Assemblies are charged with seeing that the relevant provisions of the law are observed. All law enforcement and judicial authorities in the country are hampered by severe resource constraints and a lack of public awareness about the problem. The Ministry of Manpower Development and Employment has more than 100 labor inspectors throughout the country responsible for monitoring companies labor practices; however, there is no record of any prosecutions for child labor resulting from these inspections. Additionally, the inspectors' efforts are concentrated only in the formal sector. All published studies and reports concur that the majority of child labor is engaged in the informal and agricultural sectors, which the inspectors do not monitor. NGO's report that children as young as age 7 work illegally as porters, domestic servants, "hawkers," rock-breakers in quarries, small-scale miners, farmers, and fishermen. They are paid poorly, if at all, and sometimes are molested or abused. They seldom receive sufficient food or health care, and do not attend school.

In late 1998, the President signed into law legislation to provide additional child labor protection and strengthen the punishment for violators under a comprehensive children's act. The act incorporates the existing labor legislation's minimum age for employment and prohibitions on night work and hazardous labor. In addition the legislation allows for children aged 15 years and above to have an apprenticeship whereby the craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. Fines and imprisonment for violators are increased considerably. In May Parliament ratified ILO Convention 182 concerning the elimination of the worst forms of child labor.

In February the Ministry of Manpower Development and Employment, in conjunction with ILO/IPEC, issued a "National Plan of Action for the Elimination of Child Labor in Ghana. Implementation of the IPEC began during the year; a national coordinator and steering committee were established, and the Government's statistical service was conducting a national survey of the child labor problem.

In 2000 the acting executive secretary of the Ghana National Commission on Children (GNCC) expressed concern about the increasing use of child labor in fishing enterprises, and advocated greater law enforcement of child labor laws. She appealed to parents and fishing communities to combat the practice.

The Ministry of Manpower Development and Employment has over 100 labor inspectors conducting approximately 400 inspections per month. However, inspectors do not look exclusively or specifically at child labor; they investigate child labor cases only as part of their overall duties and their inspections focus entirely on the formal sector. When inspectors find infractions of child labor laws, they generally inform the employers about the provisions of the law and ask them to make changes. There have been no recorded cases of prosecutions based on these inspections. Officials only occasionally punish violators of regulations that prohibit heavy labor and night work for children. Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations. They visit each workplace annually and make spot checks whenever they receive allegations of violations.

The law prohibits forced and bonded labor performed by children; however, during the year, international observers reported that approximately 100 girls and women were connected to Trokosi shrines. Children are trafficked into and from the country (see Sections 5, 6.c., and 6.f.).

Unlike in the previous year, there were no media reports that children were sold for either sexual exploitation or labor (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—In 1991 minimum standards for wages and working conditions were set by a tripartite commission composed of representatives of the Government, labor, and employers. On April 30, after lobbying by trade unions, the Tripartite Commission raised the daily minimum wage to \$.78 (5,500 cedis), which still is considered to be insufficient to provide a decent standard of living for a single wage earner and family. Furthermore, there is widespread violation of the minimum wage law. In most cases, households have multiple wage earners, and family members engage in some family farming or other family-based commer-

cial activities. Trade unions argue that an eventual minimum of a \$1.00 (7,050 cedis) a day would provide a living wage to workers.

The law sets the maximum workweek at 45 hours, with one break of at least 36 consecutive hours every 7 days; however, through collective bargaining the basic workweek for most unionized workers is 40 hours. In 1999 the Government began compensating extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposes sanctions on violators. However, safety inspectors are few and poorly trained. They take action if matters are called to their attention, but lack the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercise this right.

The law protects both legal and illegal foreign workers.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons, and trafficking in persons is a problem; however, the Government can prosecute traffickers under laws against slavery, prostitution, and underage labor. The country is a source and a destination country for trafficked persons; however, the Government is beginning to acknowledge that trafficking is a problem.

Trafficking is both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involves boys from the Northern Region going to work in the fishing communities in the Volta Region or in small mines in the west and girls from the north and east going to the cities of Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders. In the previous year, over 100 boys reportedly were contracted out to Lake Volta fishermen (see Sections 6.c. and 6.d.).

Teenage girls from the rural areas also are sent by relatives to work in the cities as housemaids for little remuneration. Often an assurance is given that after several years' service, the housemaid would be sponsored to train in dressmaking or hairdressing. However, often an excuse is found to fire the housemaid before such apprenticeship begins.

Children between the ages of 7 and 17 also are trafficked to and from the neighboring countries of Cote d'Ivoire, Togo, and Nigeria to work as farm workers, laborers, or household help.

Much of the recruitment of children is done with the consent of the parents, who sometimes are given an advance payment or promised regular stipends from the recruiter and are told the children will receive food, shelter, and often some sort of training or education. Some parents sent their children to work for extended family members in urban areas; treatment of children sent to work in relatives' homes varies. Many children are given to professional recruiters, usually women, who place the children with employers in cities. A child in these circumstances usually is paid between \$2.80 and \$4.20 (20,000 and 30,000 cedis) per month. In many cases, the children never receive the education or vocational training the recruiters promised. Girls may be forced into prostitution and often are sexually abused by their employers.

Women are also trafficked to Western Europe, mostly Germany and the Netherlands. International traffickers promise the women jobs; however, the women often are forced into prostitution once they reach their destination. The women are sent sometimes directly to Europe, while others are trafficked through other countries. Some young women are trafficked to the Middle East, particularly Lebanon, where they work in menial jobs or as domestic help. There also is a growing trade in Nigerian women transiting Ghana on their way to Western Europe and reportedly the Middle East to work in the sex industry. Traffickers in person from other countries reportedly used Accra as a transit point to Europe and reportedly the Middle East. There is reportedly some trafficking in persons from Burkina Faso, mostly transiting Ghana on the way to Cote d'Ivoire.

The law, which defines the rights of children and codifies the law in areas such as child custody, health, and education, does not address specifically trafficking. The country is a signatory of ILO Convention 182 and various ministries were working with the ILO and NGO's to address trafficking. In February the Ministry of Manpower Development and Employment, in conjunction with ILO/IPEC, issued a "National Plan of Action for the Elimination of Child Labor in Ghana (see Section 6.d.)."

Law enforcement authorities are not trained or given resources to deal with the problem. Law enforcement officials also have a difficult time identifying persons who are being trafficked because of the fluid nature of family relations in the country. For example, a friend often is called a "cousin," and an older woman an "aunt," even if there is no blood relation.

In April a woman was arrested at Paga, Upper East Region, on the border with Burkina Faso for trafficking to the Gambia 8 boys and 3 girls, between the ages of 6 and 14. Police investigations into the case were continuing at year's end.

In 2000 two men who had attempted to sell two young men into forced labor for \$9,100 (50 million cedis) each were remanded to prison custody and charged with "slave dealings." The case was pending in court at year's end.

In October the Government hosted a regional experts' conference on trafficking in persons under the auspices of ECOWAS. The Government pledged to draw up its own National Plan to combat trafficking and to establish a National Commission on Trafficking in 2002.

A local NGO in the north conducts rehabilitation programs for women who have been trafficked. The NGO provides counseling and training in professions such as sewing and hairdressing to give them a source of income. The NGO also carries out a public information program about the dangers of trafficking and prostitution.

GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984, when he led the only successful coup d'etat in the country's history, first as head of a military junta, and since 1994 as a civilian president elected in 1993. The country held its first multiparty legislative elections in 1995, delivering more than 60 percent of the National Assembly seats to President Conte's Party of Unity and Progress (PUP). The PUP is one seat short of the supermajority required to amend the Constitution. On November 11, a nationwide referendum was held on constitutional changes to allow the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years. The Government reported 91 percent participation in the referendum, and more than 98 percent of the votes in favor of the changes; however, unbiased observers stated that turnout appeared to be no more than 25 percent. Although the PUP continued to dominate all three branches of Government, opposition parties on occasion have persuaded PUP Members of Parliament, including the National Assembly leadership, to vote with the opposition on specific legislative matters. Conte won a second 5-year term in a December 1998 election that was marred by violence and civil unrest before and after election day, widespread and diverse irregularities that tended to favor the incumbent, and the arrest and detention of major opposition candidates during the vote-counting process. Legislative elections originally scheduled for 1999 were rescheduled for December 27; however, they were postponed again due to logistical and timing issues, and after pressure from the international community. An increasingly disproportionate number of appointed public sector positions, including senior military and cabinet posts, are held by members of the President's own minority ethnic group, the Soussou. The judiciary is subject to executive influence, particularly in politically sensitive cases.

The Gendarmerie and the national police share responsibility for internal security and sometimes play an oppressive role in the daily lives of citizens. Members of the Presidential Guard are accountable to almost no one except the President. There is no effective civilian control of the security forces. Members of the security forces frequently committed serious human rights abuses, although there were fewer reported abuses than in previous years.

Approximately 85 percent of the country's population of 7.6 million engage in subsistence agriculture. Annual recorded per capita gross domestic product was approximately \$595 (GF 866,320) in 1999. More than 80 percent of export earnings come from mining, particularly bauxite, gold, and diamonds. Other exports include coffee and fruit. There had been modest economic growth in recent years, especially between 1996 and 1999, due in part to substantial assistance from international financial institutions and bilateral donors. However, economic performance has lagged since 1999, and government collaboration with international financial institutions and donors was complicated by additional defense spending in response to attacks from Sierra Leone and Liberia by Revolutionary United Front (RUF) rebels and Liberian forces. In addition widespread corruption and limited transparency in the Government blocked efforts at economic and fiscal reform; in particular corruption at the port and customs offices hampered effective collection of nonmining receipts.

The Government's human rights record was poor; although there were some improvements in a few areas, serious problems remained in many others. The Government's tight and sometimes partisan control of the electoral process, both in the 1998 presidential election and the deeply flawed 2000 municipal elections; its re-

fusal to create an independent electoral oversight mechanism; and its prohibition of nongovernmental broadcast media, effectively restricted citizens' right to change their government. Serious human rights abuses include: Extrajudicial killings; disappearances; use of torture, beatings, and rape by police and military personnel; and police abuse of prisoners and detainees. Soldiers, police, and civilian militia groups killed, beat, and raped citizens, as well as refugees from Sierra Leone and Liberia. Security forces used arbitrary arrest and detention. Members of the security forces committed abuses with impunity. Prison conditions were inhuman and, combined with inadequate medical care, life threatening. Prolonged pretrial detention was a problem. The Government failed to ensure access by attorneys to clients in prison, maintained the executive branch's influence over the judicial system and the electoral process, and infringed on citizens' privacy rights. The Government restricted freedom of speech and of the press. The private press criticized the Government freely, but the Government continued to monopolize the broadcast media, including radio, the most important medium of mass communication. The Government restricted freedom of assembly. The Government imposed cumbersome requirements for official recognition on associations, and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination and interethnic violence, child labor, reports of trafficking of women and children, and vigilante actions by victims or others persisted.

RUF rebels from Sierra Leone and armed attackers from Liberia committed numerous killings, mutilations, abductions, and other abuses, including the burning of homes.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces killed numerous persons during the year, particularly during clashes with RUF rebels in Sierra Leone, and there were reports of deaths in custody due to torture and abuse. There were several violent riots, and on two occasions, security forces shot and killed protesters.

On November 30, bodyguards of the prefect of Koundara shot and killed at least two students who were protesting school conditions. On December 11, in the town of Mali, internal security officials shot and killed two protesting students and injured five others (see Section 1.c.).

Deaths in custody due to inhuman prison conditions and inadequate medical treatment continued to occur (see Section 1.c.). Human Rights Watch confirmed that a refugee, detained along with approximately 3,000 others following a series of cross-border rebel raids in September 2000, died while in detention because of poor prison conditions. Human Rights Watch also reported that up to 24 refugees died while in custody at Forecariah Prison between September 2000 and January (see Sections 1.d. and 2.d.). Refugees stated that they were beaten severely and deprived of food and water for up to 8 days. At least 21 detainees disappeared from the prison, and several detainees reported seeing fresh, shallow graves within the prison grounds. Reportedly Guinean prisoners, acting on orders from prison officials, also killed a number of Sierra Leonean refugees.

Between January and April, the army crossed into northern Sierra Leone on a number of occasions in pursuit of RUF rebels and other attackers from Sierra Leone and Liberia. During these actions, security forces killed a number of civilians and destroyed numerous houses and other structures in RUF-occupied villages; however, no statistics were available at year's end. According to Amnesty International, the army made little or no effort to minimize civilian deaths and injuries when artillery and helicopter gunships attacked five towns and villages in the Kambia District of Sierra Leone. On January 26, a Guinean helicopter gunship attacked the town of Kamakwie, reportedly killing 12 civilians. On February 15, Guinean artillery fire allegedly killed four civilians from one extended family in Sabuya. In a separate incident, a 3-year-old girl reportedly was killed in a Guinean artillery attack on the village in Rokel. On May 18, according to a UNAMSIL commander, a small child was killed in a Guinean artillery attack in the town of Rokupr. On January 30, Liberian Defense Minister Daniel Chea reported that a Guinean helicopter gunship attacked Solumba, a northern border town, killing at least 10 persons; however, there was no independent confirmation of the report. On May 17, Guinean troops shelled a group of RUF rebels at a disarmament site, which killed at least one civilian. Guinean and Sierra Leonean officials determined that the attack was an accident, and the commanding officer was removed immediately from his post. Following the incident, Guinean armed forces ceased cross border operation against the RUF.

No action was taken against the security forces who killed six persons, including a university professor, in Conakry in November 2000. There was no investigation into the clashes between security forces, ruling party militants, and opposition party supporters during the 2000 municipal elections, which resulted in the deaths of eight persons and injuries to several others. There was no reported investigation into one case of a prisoner who allegedly was tortured to death in 2000 (see Section 1.c.). Some opposition members believe that his death was linked directly to torture by government authorities at a small military camp on Kassa Island.

No action was taken against the members of the army who bombed or attacked several villages in northern Sierra Leone, including Rosint village, in November and December 2000, which resulted in the deaths of several civilians.

There was no action taken in the October 1999 case in which security forces killed two students while using unauthorized lethal force to bring a violent protest under control; nor in the 1999 case of a woman who died of injuries caused by members of the security forces during their suppression of riots in Labe. There also reportedly was no investigation into the January 1999 death in prison of one of Alpha Conde's codefendants, reportedly because of torture (see Sections 1.c. and 1.e.).

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGO's) to investigate political killings that took place in the 1970's under then-President Sekou Toure. Following visits during the year to Camp Boiro, where political prisoners were held during the Sekou Toure regime, human rights groups and NGO's suggested that an intentional lack of maintenance and upkeep is destroying evidence of the camp's former use. During the year, the Government did not allow survivors of Camp Boiro to receive funds intended to transform the camp into a memorial.

RUF rebels from Sierra Leone and armed attackers from Liberia killed hundreds of civilians and members of the security forces in cross-border attacks on Pamelap, Forecariah, Macenta, Guekedou, Yende Milimou, and refugee camps and villages in surrounding areas during the year (see Section 1.f.). Since September 2000, cross-border clashes have resulted in over 1,600 deaths. In December 2000, RUF rebels and Liberian forces attacked Guekedou and Kissidougou; approximately 100 civilians were killed and thousands of persons were displaced (see Section 2.d.). In February the town of Guekedou almost was destroyed during the battle to evict RUF rebels for a second time. Prior to their withdrawal from Guekedou, RUF forces vandalized and destroyed the hospital; prefecture headquarters; water, power, and phone systems; and other government installations. On March 6, RUF rebels and Liberian forces killed 6 persons during an attack on the village of Nongowa on the Liberian border.

Unlike in the previous year, there were no violent clashes between Christian and Muslim villages.

Many victims of crime fear that they may never receive justice because of judicial corruption and at times resorted to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, were beaten to death or burned by their victims or others after being soaked with a flammable liquid. On August 27, two criminals reportedly were killed; there were no reports of any punishment for those who killed criminals.

b. Disappearance.—Opposition leaders, local NGO's, and the independent press occasionally reported cases of politically motivated temporary disappearances that usually ended with the eventual release of the prisoners who were held by security forces.

According to Human Rights Watch published in June, between September and December 2000, at least 21 refugees from Sierra Leone disappeared from Forecariah Prison, where they were being detained. Several detainees reported seeing fresh, shallow graves within the prison grounds (see Sections 1.a. and 1.c.).

There were reports that members of the armed forces abducted Sierra Leone citizens after attacks by RUF rebels and Guinean dissidents. Sierra Leonean newspapers accused Guinean forces of killing the abductees. There also were unconfirmed reports that some RUF soldiers who were taken prisoner and brought to Guinea for interrogation were never heard from again.

Approximately 23 Guineans who were abducted during the December 2000 and March RUF attacks on Guekedou and Nongowa escaped in May after spending months as forced laborers and sex slaves for the RUF. In November 2000, rebels attacked Yagouya and Soumbazaya villages, abducting every person then in the village (see Section 1.a.); by year's end, the abductees had escaped and were repatriated to Guinea.

In the months after the February 1996 mutiny, hundreds of soldiers and civilians disappeared during neighborhood sweeps conducted by armed members of the security forces. Baba Sarr, a relative of reported mutiny ringleader Major Gbago

Zoumanigui, remains missing since his detention following the mutiny. Many of those missing after the 1996 mutiny were in self-imposed exile, according to family members.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces beat and otherwise abused civilians. There also were reports that security forces used torture and beatings to extract confessions and employ other forms of brutality, including holding prisoners incommunicado without charges and under inhuman conditions. In June human rights organizations and former detainees reported that some prisoners in late 2000 were bound and hung by their feet before being beaten. An NGO also reported that army troops amputated the limbs of their RUF prisoners; however, there were no witnesses to confirm these reports, which the Government denied. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens view the security forces as corrupt, ineffective, and even dangerous. Police ignore legal procedures and extort money from citizens at roadblocks (see Sections 1.f. and 2.d.). Unlike in the previous year, there were no reports that some soldiers demanded sex in exchange for entry into the country; however, there were reports of sexual assaults on refugees.

There also were reports that refugees were beaten and strip searched at roadblocks and while in detention (see Section 1.d.). Human Rights Watch documented the cases of Sierra Leonean refugees who were tortured or beaten to death in 2000 in Forecariah Prison, southeast of Conakry. Refugees stated that they were beaten severely and deprived of food and water for up to 8 days.

On November 3 in Kissidougou, trainees from a military facility beat and detained students mistakenly thought to be protesting the constitutional referendum; 76 persons were hospitalized, and 50 persons were detained briefly.

In late November and December, security forces throughout the country forcibly dispersed students who were protesting against poor school conditions, which resulted in deaths and injuries (see Section 1.a.). In Conakry and other cities, security forces beat and threatened students (see Section 2.b.).

No action was taken against the soldiers, police, and civilian militia groups who detained thousands of refugees from Sierra Leone and Liberia, some of whom they beat and raped after President Conte blamed a series of rebel raids into the country on refugees in September 2000 (see Section 2.d.). There were no reports of any action taken against the security forces who shot, beat, and raped civilians, and pillaged personal property during the June 2000 elections. No action was taken during the year in the case of defendants in the Alpha Conde trial who reported that they were tortured, starved, and neglected during their detention (see Section 1.a. and 1.e.). In January 1999, prison officials reportedly tortured to death warrant officer Guey Keita.

Between September 2000 and March, RUF rebels from Sierra Leone and Liberian rebels conducted a number of cross-border raids during which they killed, injured, and displaced persons, burned and looted homes, and pillaged crops (see Sections 1.a. and 2.d.).

Unlike in the previous year, there were no reports that vigilante groups beat and robbed refugees during the year. Vigilante groups beat and robbed Liberian nationals in Conakry on several occasions in September 2000. Refugees in the Katkama refugee camp reported at least two instances of sexual assault by vigilantes in 2000. In September 2000, armed gangs attacked the Farmoriah refugee camp near Forecariah, beating the refugees and burning their belongings. Groups of vigilantes in the Guekedou area forced refugees and humanitarian workers to undress and then examined them for tattoos, which are presumed to be identification marks for rebel groups. In one instance in October 2000, a group of vigilantes forced five of the refugees to the police station in Guekedou where they were detained (see Sections 1.d. and 2.d.).

Prison conditions are inhuman and life threatening. Family members and friends are responsible for feeding prisoners. Guards often demanded bribes in exchange for letting food through to those incarcerated. Standards of sanitation remained poor, and there were several dozen deaths due to malnutrition and disease (see Section 1.a.). A former inmate held in the central prison in Conakry in 1998 reported being housed with between 60 and 80 prisoners in 1 cell, with a single toilet and no beds. Some prisoners have reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being denied food and a place to lie down.

The Organisation Guineenne de Defense des Droits de L'Homme et du Citoyen (OGDH) determined that prisoners in at least one major prison, located in N'Zerekore, suffered more from neglect and lack of resources than from mistreat-

ment. According to the OGDH, the N'Zerekore prison is a converted grain warehouse built in 1932 for 70 prisoners, but it houses 120. There is no electricity or running water.

The independent press, a local human rights organization, and a former prisoner reported in previous years that inmates routinely are beaten and subjected to other forms of abuse at the prison in Koundara in the north. Although the Minister of Justice has criticized inhuman prison conditions during televised visits to prison facilities, no concrete action was taken to improve conditions by year's end.

There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards. Men and women are housed separately, but juveniles generally are housed with adults. Pretrial detainees are not separated from convicted prisoners, and the prison system often is unable to track pretrial detainees after arrest. At times detainees remain in prison for 2 years without trial (see Section 1.d.). Although the Government claims that it does not have political prisoners, prisoners of political importance usually are held in the main prison in Conakry with the general prison population; however, they are housed in separate cells.

The Government permits prison visits by local humanitarian and religious organizations, which offer medical care and food for those in severe need. A former prisoner reported that without this assistance, those who do not have families or friends would starve to death.

Opposition party members alleged that they had not been permitted to visit Alpha Conde in prison prior to his release in May (see Section 1.e.). During the year, Conde's private physician was allowed to visit him twice a week.

In November 1999, the International Committee of the Red Cross (ICRC) signed a detention accord with the Government for satisfactory access to prisoners. The ICRC reported that, for the most part, it had access to prisoners during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—Security forces regularly used arbitrary arrest and detention, despite procedural provisions in the Penal Code designed to safeguard detainees. In practice administrative controls over the police are ineffective, and security forces rarely follow the Penal Code.

The Code of Penal Procedure allows only the Gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detain persons as well. The Penal Code requires that the Government issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees are incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Release on bail is at the discretion of the magistrate who has jurisdiction. The Constitution proscribes incommunicado detention; however, at times it occurs in practice. The law provides for access by attorneys to their clients, but authorities frequently do not respect this provision.

The Penal Code strictly forbids civilians being detained at military camps; however, this provision largely is ignored. For example, the army and Gendarmerie continued to detain refugees during the year. On March 26, members of the army at the Massakoundou refugee camp detained 457 refugees, mostly young men, following reports of possible rebel infiltration at the camp. The refugees were held for 3 days at a military camp in Kissidougou where they were kept under harsh conditions, beaten, and strip searched for tattoos. On June 29, authorities arrested 52 persons reportedly after refugees in the Telikoro refugee camp attacked a group of gendarmes, who did not retaliate, inside the camp. Most were released, but U.N. High Commissioner for Refugees (UNHCR) reported that an undetermined number remain in custody in the Kissidougou prison. At year's end, there were unconfirmed reports that 7 Telikoro detainees still may be held in Kissidougou prison among 68 refugees. In December UNHCR reported that 126 refugees (out of a total refugee population of 192,000) were in detention throughout the country. Human Rights Watch confirmed that refugees died during the year while in detention because of poor prison conditions and abuse (see Sections 1.a., 1.c., and 2.d.).

On November 3 in Kissidougou, trainees from a military facility beat and detained students mistakenly thought to be protesting the constitutional referendum; 50 persons were detained for a short time (see Section 1.c.).

In early November, prior to the November 11 referendum, gendarmes and police arrested and detained for up to 2 weeks more than 50 antireferendum protesters; they later were released without charges (see Section 2.b.). In late November, police arrested and detained more than 60 students who were protesting poor conditions in schools; the students were released within 2 weeks.

Authorities continued to arrest journalists during the year (see Section 2.a.).

Security forces frequently detained persons at roadblocks and extorted money from them (see Section 2.d.).

According to the Rally of the Guinean People (RPG), approximately 20 party members were detained during the year by the prefecture authorities in Beyla, Kerouane, and Macenta on unspecified charges. Twelve of the detainees were brought to Conakry and released shortly thereafter. In 2000 RPG members alleged that authorities arrested and detained an individual who brought food to Alpha Conde; he was accused of threatening national security and was held in solitary confinement for 1 week before being released.

According to Agence France Presse (AFP), Alliance Nationale pour la Democratie leader Antoine Soromou, whose 2-year prison sentence ended in December 2000, threatened a hunger strike to protest his continued detention but did not carry out the threat. On February 8, he was released.

In October 2000, five refugees from the Guekedou refugee camp were detained after vigilantes found tattoos on them (see Section 1.c.). Two refugees eventually were released; however, one still may be in detention in the Guekedou police station, and two were transferred to Conakry and their present location is unknown. In September 2000, after a series of cross-border raids by RUF rebels and mercenaries, police detained approximately 3,000 refugees, although most were released within several days (see Section 2.d.). According to the National Bureau for the Coordination of Refugees, all the refugees detained during the September 2000 events were released by January.

There was no further information on the February 2000 incident in which police detained approximately 30 students who were marching to protest poor conditions in school.

Some police forces took advantage of the Alpha Conde trial, which ended in 2000 (see Section 1.e.), by arresting and detaining their creditors and other enemies, beating them, and then falsely accusing them of complicity with Conde. There were no reports such incidents continued after the trial.

Bar Association attorneys, the independent press, and government sources describe a parallel and covert system of justice run by unidentified uniformed personnel who conduct midnight arrests, detain suspects, and use torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.). In previous years, a member of a political opposition party, a soldier, a local human rights organization, and former prisoners all reported that the Government imprisons for political reasons persons considered a threat to state security at the Kassa prison, allegedly located in a former French colonial structure on an island off the coast of Conakry. The Government denied the existence of the Kassa Island prison and stated that prisoners identified as political detainees have been incarcerated for criminal acts and are housed in other prisons. In 1998 foreign diplomats visited the military installation on Kassa Island but saw no evidence of a torture facility. Reports of the existence of the Kassa facility continued through 2000; however, there were no new reports during the year. During the trial of Alpha Conde, many of the accused claimed that they were brought to Kassa Island and were tortured for time periods that ranged from a few days to several weeks (see Sections 1.a., 1.c., and 1.e.).

On December 15, 1998, the day after the election, members of the security forces arrested Alpha Conde, the presidential candidate of the RPG opposition party, at the town of Lola on the Liberian border. The Government detained Conde incommunicado until December 30, 1998, when it charged him with trying to leave the country illegally, resisting arrest, engaging in illegal foreign currency transactions, and training an armed force to overthrow the Government. In 2000 foreign officials, including the Senegalese Minister of Justice, and several foreign diplomats visited Conde in detention. Conde's lawyers reported that they had generally free access to their client as well as to the case file. Conde's doctor, but not his family members, also had access to him. Conde's trial, originally scheduled for 1999, was postponed until April 2000 and concluded in September 2000; he was released from prison in May (see Section 1.e.).

The Government does not practice forced exile, although several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile according to their families (see Section 1.b.). There are credible reports that these soldiers were engaged in the armed attacks on the country in conjunction with RUF rebels from Sierra Leone and Liberian forces (see Section 1.a.).

e. Denial of Fair Public Trial.—The Constitution provides for the judiciary's independence; however, judicial authorities routinely defer to executive authorities in politically sensitive cases. Magistrates are civil servants with no assurance of tenure. Because of corruption and nepotism in the judiciary, relatives of influential members of the Government often are, in effect, above the law. In 1996 the Cabinet

stated that it would pursue those who violate the law but avoid punishment due to judicial corruption, including the autonomous Presidential Guard; however, no action had been taken by year's end. Judges often do not act independently, and their verdicts are subject to outside interference. Influential persons often intervene on behalf of their relatives to prevent a negative judgment from being carried out or to affect otherwise the disposition of a case.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, which is the court of final appeal. Since 1988 civilian courts have rendered all judgments involving civilians under the Penal Code. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. The Government announced in 1996 the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees, but by year's end, the Council still had not prosecuted any cases.

In 2000 the State Security Court was used to try Alpha Conde and his defendants. The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open only to an appeal on a point of law, not for the reexamination of evidence.

The judicial system is plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disburses these funds. The attorney for the defense frequently receives no payment. In 2000 the Minister of Justice introduced a prisoner tracking system that enabled him to review the cases of pretrial detainees and to follow up on cases that did not reach the courts in an appropriate amount of time; however, the system was ineffective due to a lack of information technology and training.

During the December 1998 presidential elections, the Government ordered the closure of all land borders. On December 15, 1998, presidential candidate Alpha Conde, leader of the RPG, and three others were arrested in Pine, Lola, near the Liberian border. Conde subsequently was charged with illegal use of military force, undermining the authority of the state and the integrity of the national territory, use of violence against a state security officer, wrongful possession and transfer of foreign currency, and an illegal attempt to cross the border. Conde's arrest led to street protests by RPG militants in Conakry, which were suppressed by police, resulting in the arrest and detention of many protesters.

The Government continued its investigation, and it later arrested and charged several civilians and military officers in connection with Conde. In April 2000, Conde and 47 others were brought to trial. At the start of the trial, the presiding judge allowed an international team of lawyers to defend Conde and allowed international observers in the courtroom, over the objections of the Government. However, when the court refused to nullify the case based on Conde's parliamentary immunity, the legal team resigned in protest. The court immediately appointed other lawyers to defend Conde and his codefendants. Conde and one other defendant rejected those lawyers and refused to speak in court. Others accused the prosecution of witness tampering, intimidation, and outright fraud. An international NGO, Commission Internationale de Juristes, sent an observer to the trial who noted several problems with the conduct of the trial. On September 11, 2000, Conde was found guilty; he was sentenced to 5 years in prison. Most of Conde's codefendants were found innocent and released, while all of the others were sentenced to time served. On May 18, President Conte pardoned Alpha Conde and later restored his passport and reportedly all other political and civil rights. On September 25, Conde attended his first parliamentary session since his release.

Many citizens are wary of judicial corruption and instead prefer to rely on traditional systems of justice at the village or urban neighborhood level. Litigants present their civil cases before a village chief, a neighborhood leader, or a council of wise men. The dividing line between the formal and informal justice systems is vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminates against women in that evidence given by women carries less weight, in accordance with Islamic precepts and customary law (see Section 5).

At year's end, the Government continued to hold an unknown number of political prisoners. These prisoners are individuals incarcerated for allegedly politically motivated acts, such as protests, meetings, and campaigns. However, they were arrested

and convicted under criminal laws, such as those applying to creating disorder, inciting violence, and corruption. Some of these individuals received disproportionately harsh sentences because of their political affiliation. Members of political opposition parties and a local human rights organization claimed that dozens of persons also are being detained or have disappeared for political reasons (see Sections 1.b. and 1.d.). The Government denies holding any political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, and judicial search warrants are required by law; however, police frequently ignore these procedures. Police and paramilitary police often ignore legal procedures in the pursuit of criminals. Police and the military frequently detained persons at nighttime roadblocks for purposes of security but also to extort money or goods (see Section 2.d.).

It is believed widely that security officials monitor the mail. Local businesses, including foreign companies, often complained of intimidation and harassment by public officials and authorities.

During the year, authorities relocated thousands of refugees from border areas to camps in the country's interior; the relocation was voluntary (see Section 2.d.).

In July police in Conakry closed the offices of the Union of Republic Forces (URF), whose leader vocally opposed the Government's campaign to extend the President's term in office (see Section 3).

In September 2000, after a series of cross-border raids, police and civilian militias looted houses, stole property, and destroyed property belonging to Sierra Leonean and Liberian refugees. In 2000 Governor Mbemba Bangoura reportedly told mayors of different communes within Conakry to conduct house to house searches for weapons. There were no reports of similar incidents during the year.

During the year, the army crossed into northern Sierra Leone on several occasions and destroyed numerous houses and other structures (see Section 1.a.).

RUF rebels from Sierra Leone and Liberian forces killed civilians, burned homes, pillaged crops, looted food supplies and other goods, and took civilian hostages during numerous cross-border raids (see Section 1.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government broadly restricts these rights. The Government prohibits what it considers seditious talk or chants in public, has established defamation and slander as criminal offenses, and prohibits communications that personally insult the President, that incite violence, discrimination, or hatred, or that disturb the public peace. Sanctions may include fines, revocation of press cards, imprisonment, and banishment. In December 1999, two journalists who published an article about a financial scandal involving two highly placed ministers were arrested under these laws; they were released within 6 months. In May Tibou Camara, the editor of *L'Observateur*, was arrested after being tried in absentia and convicted of defamation against the permanent secretary of the Ministry of Tourism. Camara was released 1 month later on the orders of the President.

In July police in Conakry closed the offices of the UFR party, whose leader vocally opposed the Government's campaign to extend the President's term in office (see Section 3).

The Government publishes an official newspaper, *Horoya*, and operates the official television and radio (ORTG) stations. The state-owned media are not impartial; they provide extensive, and almost invariably, favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. For example, the Government and the PUP have used the state-owned media to campaign for constitutional changes to allow a third term for President Conte (see Section 3). In response to strong political pressure and in order to protect their jobs, journalists for the official press practice self-censorship and avoid reporting on politically controversial issues. However, several younger broadcast journalists for the official press reported critically about the Government and posed critical questions at official press conferences.

While the only daily newspaper, *Horoya*, is owned and operated by the Government, there is a vocal private press that is critical of the President and the Government. For example, the weekly satirical newspaper *Le Lynx* published front-page cartoons lampooning the President and senior government officials. Seven private newspapers (*Le Lynx*, *La Lance*, *L'Oeil*, *Le Democrat*, *L'Independant*, *La Nouvelle Tribune*, and *L'Observateur*) publish weekly in Conakry, and up to 10 other publications appear sporadically, although they are hampered by technical and financial difficulties stemming from paper and ink taxes. *Le Lynx* and *La Lance*, under the same management, also are connected to the Internet and have web sites. One

newspaper, *L'Espoir*, is affiliated with the governing political party, and several other newspapers are affiliated with opposition parties. Other newspapers offer news and criticism of both the Government and the opposition. However, because the literacy rate is only approximately 35 percent and the price of newspapers is beyond the reach of the average citizen, the effect of the print media is limited. Despite the limited reach of the print media, the Government still occasionally criticized and harassed print journalists whom it considers threatening.

Political tracts occasionally circulate in Conakry and other urban areas. Some tracts support the Government, while others specifically criticize senior officials. Foreign publications, some of which criticize the Government, often are available, although the Government delayed the distribution of a February 2000 issue of *L'Intelligent/Jeune Afrique* for several days, while preparing a rebuttal to an article "Guinee C'est L'enfer" ("Guinea is Hell"), which criticized conditions in the prisons and focused on the Alpha Conde case (see Section 1.e.).

In February authorities arrested, tried, and convicted journalist Aboubacar Sankoh of the *Nouvel Observateur* for libel after he published an article criticizing a government minister; he was released after serving 28 days in prison.

Unlike in the previous year, the Government did not close any newspapers.

In July 2000, authorities arrested a journalist after he published an article about the electric company Sogel. He later was released, but his trial still was pending at year's end.

The Government owns and operates all domestic broadcast media including radio, which serves as the most important source of information for the public. It is estimated that every household in the country has at least one radio. While in theory the law allows private electronic media, the Government has held up proposals for private radio and television stations, on the grounds of national security and stability. Many citizens listen regularly to foreign-origin short-wave radio because of a lack of confidence in the state media; and access to foreign television satellite broadcasts is growing. The Government does not restrict access to or distribution of foreign television programming via satellite or cable. Although relatively few citizens can afford these services, entire neighborhoods are gaining access to foreign programming by stringing a network of cables to a single satellite dish. Unlike in the previous year, the National Council of Communication did not suspend the accreditation of any foreign radio correspondents for biased reporting.

The country has had full Internet access since 1997, and the Government does not restrict Internet access. At year's end, there were four domestic service providers, two strictly private and one affiliated with SOTELGUI, a public and private telephone company that holds a monopoly on international telephone lines. Storefront operations offering Internet access are common throughout downtown Conakry; however, a lack of reliable telephone lines restricts home access, even for the few who can afford it.

The Ministry of National Education and Scientific Research exercises limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general teachers are not subject to classroom censorship.

In November and December throughout the country, security forces used tear gas and batons to disperse student protests (see Sections 1.a. and 1.c.).

b. Freedom of Peaceful Assembly and Association.—The law restricts freedom of assembly, and the Government exercises its power to restrict unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government requires notification 72 hours prior to public gatherings, otherwise the events are considered illegal.

The Government bans all street marches except funerals. The law allows local authorities to cancel a demonstration or meeting if they believe that it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues. In December 2000, the Governor of Conakry announced that written permission from his office was required for all public meetings of all associations, NGO's, groups, cooperatives, and political parties. Police and gendarmes dispersed several unauthorized demonstrations during the year.

On February 6 and 7, riot police used batons to disperse a crowd of students who were protesting violently transport prices; no deaths or serious injuries were reported.

In November antireferendum protesters were refused the right to protest on the grounds that the referendum was an administrative rather than a political action (see Section 3). Police and gendarmes used tear gas and batons to disperse antireferendum protesters who demonstrated for the 10 days prior to the vote. More than 50 persons were arrested.

In November and December throughout the country, security forces used tear gas and batons to disperse student protests (see Sections 1.a. and 1.c.).

No action was taken against security forces who killed six persons, including a university professor, who were meeting to plan a demonstration against the Government's policy in the forest region in late November or early December 2000 (see Section 1.a.).

Freedom of association is protected by law; however, the Government imposes cumbersome requirements to obtain official recognition. Political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognizes them. There were approximately 46 legally recognized political parties; deputies of 9 different parties were represented in the National Assembly.

c. Freedom of Religion.—The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respects these rights in practice. The government-sponsored National Islamic League (NIL) represents the country's Sunni Muslim majority, who make up 85 percent of the population. The Government requires that all recognized Christian churches join the Association of Churches and Missions in order to benefit from certain government privileges, such as tax benefits and energy subsidies; recognition reportedly is easy to obtain. Missionary groups are required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL. Foreign missionaries and church-affiliated relief agencies operate freely.

The NIL states that it supports peaceful coexistence with other religious denominations and actively attempts to facilitate dialog to eliminate ethnic and religious tensions. Although the Government and the NIL have spoken out against the proliferation of Shi'a fundamentalist sects on the grounds that they "generate confusion and deviation" within the country's Islamic family, they have not restricted these groups.

Government support of the powerful, semi-official NIL has led some non-Muslims to complain that the Government uses its influence to favor Muslims over non-Muslims, although non-Muslims are represented in the Cabinet, administrative bureaucracy, and the armed forces. Conversions of senior officials to Islam, such as that of the Defense Minister, are ascribed to the NIL's efforts to influence the religious beliefs of senior government leaders. The Government refrains from appointing non-Muslims to important administrative positions in certain parts of the country, in deference to the particularly strong social dominance of Islam in these regions.

There have been no recent reports that government officials have obstructed or limited missionary activities of Jehovah's witnesses, who had reported isolated instances of harassment in the past.

Despite claims of separation of church and state, in July 2000 the Government announced that it would finance the renovation of Conakry's grand mosque, the mosque at which President Conte worships; however, the renovations did not begin by year's end.

There were no reports that the Government required government ministers to take an oath on either the Koran or the Bible, a requirement that provoked criticism when it was imposed, apparently for the only time in April 1999.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities infringed on these rights in some areas. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Travelers face harassment by police and at military roadblocks, particularly late at night. Security forces frequently detained persons at roadblocks and extorted money from them (see Section 2.d.). The private press and local NGO's reported that travelers often are pressured to pay bribes to allow passage. Government officials state that a few rogue soldiers are corrupt; however, abuse at official checkpoints is systemic. The Government did not close any roads during the year; however, it did require armed escorts in early spring and early summer due to cross border attacks and violence in the region.

Although the Government permits its citizens to travel abroad, it limits such travel for political reasons. However, unlike in the previous year, there were no reports that passports were confiscated or that persons were not given diplomatic passports because they were opposition party members.

In June the Government closed the border with Liberia and reportedly expelled approximately 100 refugees. Following protests by foreign diplomats, the Government reopened the border to refugees by the end of June. At year's end, the border remained closed officially; however, the Government continued to accept refugees.

The Government has closed its border with Sierra Leone intermittently since September 2000, primarily in response to direct attacks from Sierra Leone. The border remained officially closed during the year; however, unlike in the previous year, there were no reports of refugees waiting to cross the border from Sierra Leone.

There are approximately 100,000 to 200,000 internally displaced persons (IDP's) in the country as a result of the border attacks by RUF rebels from Sierra Leone and Liberian forces. The Government estimated that this number is more than 209,000; however, the UNCHR believed that the number was approximately 100,000.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR, the World Food Program, other humanitarian organizations, and donor countries to assist refugees. The Government provides first asylum in accordance with U.N. and Organization of African Unity conventions. The UNHCR stated that as of May 2000, approximately 192,000 Liberian and Sierra Leonean refugees were resident in the country. According to the UNHCR, more than 200,000 Sierra Leoneans entered Guinea since January 1998 and are mostly in the forest region. More than 56,000 refugees returned voluntarily to Sierra Leone during the year, approximately 30,000 by ship and 26,000 overland. The Government has claimed that many more refugees are present in the urban areas of the country, and that the number of refugees in the country is closer to 1 million. Refugees account for half or more of the populations of the forest region cities of N'Zerekore, Kissidougou, and Macenta. By year's end, all of the Guinea-Bissau refugees had departed.

In past years, the Government has provided school buildings, access to local medical facilities, and land for farming to assist those designated as refugees. However, relief organizations reported that some local authorities have demanded portions of donated fuel and food from delivery convoys. In October 2000, instability in the southern border areas where most refugees lived prompted the Government and the UNHCR to call for assistance in moving refugees away from the border. For example, on March 9, RUF rebels from Sierra Leone attacked the town of Nongoa and destroyed 6 refugee camps. Between March and June, more than 65,000 refugees were relocated to camps in the country's interior. Operations to move Liberian refugees away from the border began in August and continued at year's end; it was expected that up to 19,000 refugees will be relocated by March 2002. In May Massakoundou camp was closed.

In previous years, the Government generally was hospitable toward refugees; however, as cross-border raids by RUF rebels from Sierra Leone and Liberian forces intensified, the Government increasingly become less tolerant toward refugees. There was credible evidence that RUF forces used refugees as informants and disguised themselves as refugees to prepare for attacks on the country. For example, in September 2000, after a series of rebel raids into the country, President Conte, in a radio address, accused Liberian and Sierra Leonean refugees living in the country of fomenting war against the Government. Soldiers, police, and civilian militia groups rounded up thousands of refugees, some of whom they beat and raped (see Section 1.c.). Approximately 3,000 refugees were detained, although most were released by the end of 2000 (see Section 1.d.). Human Rights Watch confirmed that several refugees died while in detention (see Sections 1.a. and 1.c.).

Reports have stopped that police and border patrol guards demanded bribes before allowing refugees into the country or that some border officers demanded sex from women who lacked money to pay bribes. However, there were some reports that refugees were forced to pay bribes to leave refugee camps guarded by the armed forces and then were forced to pay bribes to get past many of the checkpoints. Security forces arrested suspected rebels at the border as they tried to enter the country. Security forces, searching for tattoos identifying rebels, strip-searched refugees in public during the year (see Sections 1.c. and 1.d.).

Unlike in the previous year, there were no reports that vigilantes attacked refugees (see Section 1.c.).

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

Although the 1990 Constitution provides for a popularly elected President and National Assembly, the ability of citizens to exercise this provision effectively is restricted. The Government's tight and sometimes partisan control of the electoral process and lack of an independent electoral oversight mechanism call into serious doubt the ability of citizens to change their government peacefully.

Although opposition political parties have been legal since 1991, the Government has continued to dominate the electoral process; General Conte has remained Presi-

dent, and his PUP party has retained a majority in the National Assembly. The Government controlled the first multiparty presidential election in 1993 and the first multiparty legislative elections in 1995, limiting the opposition to a subordinate role.

The country's second multiparty presidential election was held on December 14, 1998, under a somewhat improved electoral process; however, despite opposition demands, the Government continued to refuse to establish a national election commission independent of the Government. In September 1998, the Government and the CODEM, an umbrella group of opposition parties formed in 1995, agreed to establish a Superior Council for Electoral Affairs (SCEA) and local vote counting commissions, composed of CODEM as well as government and ruling party representatives, with oversight authority over local vote counting and transmission of local results to Conakry. Nonetheless, the Government retained exclusive control of all registration and election procedures up to and including the casting of votes, as well as of the national tabulation of election results.

According to the Government's tabulation of results, President Conte was elected to a second 5-year term, receiving 56 percent of the 2.7 million votes cast, while Bah Mamadou of the Union pour la Nouvelle Republique received 25 percent, and Alpha Conde of the RPG received 17 percent. Had no candidate received a majority of votes cast, the Constitution would have required a second round between the two leading candidates.

Observers from various organizations affiliated chiefly with developing countries issued a statement that found no fault with the election-day vote-casting process; however, observers from European and other credible foreign organizations did not endorse that statement, which was issued before the election results were announced and which did not address the registration, campaigning, and vote-counting processes.

The 1998 presidential election was marred by violence and disruption of opposition campaigning before the polling, by civil unrest after the polling, by widespread and diverse irregularities that tended to favor the incumbent, and by the arrest and detention of major opposition candidates during the vote-counting process.

There were credible reports during the 1998 election campaign that ruling party supporters and government officials used force to prevent or disrupt opposition party meetings in Conakry and in provincial towns during the campaign. There was frequent and widespread violence between PUP and opposition party supporters, as well as violent interethnic clashes with political overtones in Conakry during the election campaign (see Section 5).

Opposition candidates suffered from inferior access both to state election funds and to coverage by the state-monopolized domestic broadcast media, although the Government nominally allotted each candidate an equal amount of television and radio broadcast time each day throughout the 1998 campaign.

On election day, international observers noted a shortage of ballots for opposition candidates in some districts of Conakry, but an abundance of ballots for President Conte. There were no charges of widespread, systematic obstruction of pollwatchers, but opposition pollwatchers often were absent from heavily pro-Conte areas, suggesting at least selective obstruction. Opposition party officials charged that security forces arrested and detained over 100 opposition pollwatchers on election day; manipulated voting procedures in some areas; and overlooked irregularities in voter registration and in ballot-counting procedures. Members of the armed forces were required to vote on the premises of the military installations to which they were posted and were subject to strong pressures to vote for President Conte.

The Government postponed the announcement of its tabulation of the election results from December 16 to December 17, 1998. During the interim, there was violence and looting in several areas.

Members of the PUP continue to hold 60 seats in the unicameral National Assembly, 1 short of the supermajority required to amend the Constitution. Legislative elections originally scheduled for 1999 were rescheduled for December 27; however, they were postponed again due to logistical and timing issues, and after pressure from the international community. The legality of the National Assembly is questioned by some as their terms expired of their terms in 2000. Nonetheless, members of the National Assembly met in April and conducted normal business.

Municipal elections took place in June 2000; President Conte's ruling PUP party claimed victory in 32 of 38 municipalities. The announcement of the results was delayed for several days in the wake of post-election violence. Security forces reportedly were present in the interior municipalities of Mamou and Kankan, and there were reports that soldiers beat citizens. The Government claimed that the elections were free and transparent, but the opposition disagreed strongly and claimed credibly that the Government and the ruling party engaged in massive "obstruction,

fraud, and intimidation” (see Sections 1.d. and 2.d.). Opposition figures alleged that the Government manipulated the voting by facilitating multiple ballot-casting by ruling party regulars and denying voting cards to opposition party supporters. President Conte made inflammatory and partisan speeches in June and July 2000, threatening opposition leaders with arrest and claiming to rule the country by “divine right.” These statements were considered widely as attempts to intimidate his opponents. During the elections, the Government closed some roads in Conakry, ostensibly to prevent election fraud; however, in practice it prevented many voters living outside the district in which they were registered from reaching their polling stations and voting (see Section 2.d.). Candidates of a new party led by former Prime Minister Sidya Toure were denied access to the electoral process.

When the victorious PUP councils could not agree on who should be appointed to leadership positions, President Conte named several mayors himself, in a move that observers criticized widely as unconstitutional and irregular.

Since June the Government and ruling party have been campaigning to amend the Constitution’s mandated limit of two 5-year presidential terms. This campaign has included the use of government-controlled media and official events in order to create the impression that there is widespread popular support for the amendment (see Section 2.a.).

On November 11, a nationwide referendum was held on constitutional changes to allow the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years. The Government reported 91 percent participation in the referendum, and more than 98 percent of the votes in favor of the changes; however, unbiased observers stated that turnout appeared to be no more than 25 percent.

The President continued to hold the power to appoint the governors, prefects, and their deputies to administer regions and subregions respectively. Most of these officials are members of the PUP or of parties allied with it.

Local governments generally have limited autonomy. Although they have some financial resources with which to fund local programs, most of their funds are controlled by the central Government. However, local government staff members, such as deputy prefects, are hired and can be fired by local authorities and are not considered central government employees.

The percentage of women in government and politics does not correspond to their percentage of the population. Four women hold seats in the 26-member Cabinet: the Minister of Foreign Affairs, the Minister of Commerce, the Minister of Tourism, and the Minister of Social Affairs and Promotion of Women. There are 9 female deputies in the 114-member National Assembly. There are few women at senior levels below minister, and there are no women in the senior ranks of the armed forces. Women also play a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership includes representatives of all major ethnic groups. However, a disproportionate number of senior military officers are Soussou, the President’s ethnic group.

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

There are a number of local NGO’s primarily interested in human rights problems. Government officials are generally cooperative and responsive to their views; however, some local organizations allege that government officials try to intimidate them, and that they often meet resistance when trying to investigate abuses or engage in civil education. Various government officials have blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984. Following a series of cross-border raids by rebels, several NGO’s suspended activities due to insecurity.

In November 1999, the ICRC signed a detention accord with the Government for full access to prisoners. In January 2000, the ICRC suspended its prison visits because it was denied access to some prisoners, including Alpha Conde; however, the ICRC reported that by the end of 2000 it had again gained access to prisoners, including Alpha Conde.

A human rights office within the Ministry of Defense, International Humanitarian Rights, has conducted more than 100 human rights seminars since 1994 to teach military personnel about human rights recognized by international and regional agreements.

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

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government does not enforce these provisions uniformly.

Women.—Domestic violence against women is common, although estimates differ as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervene in domestic disputes. The social stigma attached to rape prevents most victims from reporting it. In particular marital rape goes unreported, because most women and men view it as the husband's right. Several local NGO's are working to increase public awareness of the nature of these crimes and promote increased reporting. The Government has not pursued vigorously criminal investigations of alleged sexual crimes.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is very widespread. It is practiced widely in all regions and among all religious and ethnic groups. FGM is illegal under the Penal Code, and senior officials and both the official and private press have spoken against the practice; however, there have been no prosecutions for violations of the code. FGM is performed on girls and women between the ages of 4 and 70, but exact figures on this procedure are difficult to establish. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, cited a recent decline in the percentage of women and girls subjected to FGM, estimating the figure to be between 65 and 75 percent. A 1999 Demographic Health Survey estimates that more than 99 percent of females undergo FGM. Expert estimates vary between 65 and 90 percent. The lower figure, if accurate, would represent a decline over recent years due to education of the population by women's rights groups about the health risks associated with the practice. However, infibulation, the most dangerous form of FGM, still is performed in the forest region, but less frequently than in previous years. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continues, seriously affecting many women's lives. FGM also increases the risk of HIV infection since unsterilized instruments are shared among participants.

The Government has made efforts to educate health workers on the dangers of this procedure, and it supports the CPTAFE's efforts. The CPTAFE reports high rates of infant mortality and maternal mortality due to FGM. In March 1997, working in collaboration with the World Health Organization, the Government initiated a 20-year strategy to eradicate FGM. As a result, government ministers, health officials, and the media have discussed FGM more frequently; however, there were no statistics to determine the success of the program.

A growing number of men and women oppose FGM. Urban, educated families are opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. During the year, CPTAFE held large public ceremonies celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice; however, most of those who perform FGM oppose its eradication since the practice is quite lucrative.

There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

Although the Government has made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complain of frequent sexual harassment.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion works to advance such equality; however, women face discrimination throughout society. For example, in February 2000, President Conte remarked in a speech that there were too many women in the customs service, and then he gave instructions to recruit only men for the customs service. Women also face discrimination particularly in rural areas where opportunities are limited by custom and the demands of child-rearing and subsistence farming. Women are not denied access to land, credit, or businesses, but inheritance laws also favor male heirs over females. Government officials acknowledged that polygyny is a common practice. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carries less weight than that given by men (see Section 1.e.). The Government has affirmed the principle of equal pay for equal work; however, in practice women receive less pay than men in most equally demanding jobs.

In May 2000, the Government instituted a working plan to analyze the situation of women and children in the country. The program involves workshops and train-

ing for security and judicial personnel, as well as the education community. The Government continued to hold workshops during the year.

Children.—The Constitution provides that the Government has a particular obligation to protect and nurture the nation's youth, and the Government allocates a significant percentage of the budget to primary education; however, the Government did not spend the allocated funds. There is a Minister of Youth and a Cabinet Minister, appointed by the President, charged with defending women's and children's rights, and a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGO's, and other sectors.

The Government provides free, compulsory primary school education for 8 years; however, enrollment rates are low due to school fees and lax enforcement of the laws mandating school attendance. Approximately 51 percent of all eligible students are enrolled in primary school, including 66 percent of eligible boys compared with only 37 percent of eligible girls. Girls often are taken out of school and sent to work to help pay for their brothers' educational expenses. In 1999 the Government spent less than 6 percent of the national budget on education and training programs.

FGM is performed commonly on girls (see Section 5, Women).

The CPTAFE, in conjunction with the Government, local journalists, and international NGO's, is promoting an education campaign to discourage underage marriage. Although such marriages are prohibited by law, parents contract marriages for girls as young as 11 years of age in the forest region.

Prostitution exists in the informal economic sector and employs girls as young as 14 years of age. The Government does not take action when prostitution of minors is brought to its attention, and it does not monitor actively child or adult prostitution. There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

Child labor remains a problem (see Section 6.d.).

Persons with Disabilities.—The Constitution provides that all persons are equal before the law. There are no special constitutional provisions for persons with disabilities. The Government has not mandated accessibility for persons with disabilities, and few persons with disabilities work, although some develop opportunities in the informal sector.

Religious Minorities.—Relations between the various religions are generally amicable; however, in some parts of the country, Islam's dominance is such that there is strong social pressure that discourages non-Muslims from practicing their religion openly.

In January 2000, violent clashes between Christian and Muslim villages in the forest region left 30 persons dead. According to both the Secretary General of the Islamic League and the Archbishop of Conakry, the tensions were due primarily to a long-running land dispute and were not based on religion. The conflict eased after a visit by the Minister of Territorial Administration and Decentralization, but the region remained tense. Instigators of the event were arrested, and tried in July. Six persons were convicted and sentenced to death.

National/Racial/Ethnic Minorities.—The country's population is ethnically and regionally diverse. No single ethnic group constitutes a majority nationwide. The largest ethnic groups are the Puhlar, also called Peuhl or Fulani (approximately 40 percent of the population), the Malinke (approximately 30 percent), and the Soussou (approximately 20 percent). Each group speaks a distinct primary language and is concentrated in a distinct region: The Soussou in lower Guinea; the Puhlar in middle Guinea; and the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification is strong. Mutual suspicion affects relations across ethnic lines, in and out of the Government. Widespread societal ethnic discrimination by members of all major ethnic groups is evident in the private sector hiring and buying patterns, in urban neighborhoods that tend to be segregated ethnically, and in the relatively low levels of interethnic marriage, even in cities. The proportion of public sector positions occupied by Soussous, particularly at senior levels, is perceived widely as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, has transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UNR's main base is the Puhlar, while the RPG's main base is the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the forest region have been major sources of political tensions that sometimes have erupted into violence.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of employees to form independent labor unions and prohibits discrimination based on union affiliation. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics make it difficult to estimate the exact percentage of workers in unions. Approximately 52,000 are government workers and are automatically members of the government union. The rest are engaged in private, mixed, and informal sectors. The largest independent union, Union Syndicale des Travailleurs de Guinee (USTG), claims 64,000 members, 18,000 of whom are women.

The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. The Labor Code requires elected worker representatives for any enterprise employing 25 or more salaried workers.

There are several trade unions and labor confederations; the National Confederation of Guinean Workers (CNTG) remains the largest confederation. CNTG is an umbrella organization for 16 individual unions of government employees, and each of the 16 individual unions is tied to a government ministry. The CNTG is funded indirectly by the Government, although dissident members seek to increase the Confederation's freedom from government control. Independent unions and confederations have gained popularity, such as the Free Union of Teachers and Researchers of Guinea, the Professional Union Federation for Education, and the National Organization for Free Trade Unions of Guinea. Several dissident groups within the CNTG left the Confederation in 1996 citing corruption among its leadership. These groups joined with some independent unions to form the United Syndicates of Guinean Workers (USTG).

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services," which include hospitals, radio and television, army, and police, communications, and transport services.

Strikes are met with intimidation from security forces and, as a result, often do not make it out of the organizational stage. In July the Government did not interfere in a 1-day strike by bank and insurance workers, who were protesting a court decision. In a 1999 speech to workers at the Coyah water plant, President Conte spoke of the willingness of many unemployed workers to take the places of those who strike.

The Government continues to subsidize CNTG representatives to the International Labor Organization (ILO) conferences, by paying their travel and lodging expenses. Other independent unions must provide their own funding to attend ILO conferences.

Unions affiliate freely with international labor groups.

b. The Right to Organize and Bargain Collectively.—Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Work rules and work hours are established by the employer in consultation with union delegates. The Code also prohibits antiunion discrimination. Union delegates represent individual and collective claims and grievances with management. However, at regional and prefecture levels, unionized labor faces stiff opposition from government officials. Union officials are selected on the basis of nepotism and patronage, rather than through a hierarchy of competence; these individuals are not sensitized to the rights of workers, and often view unions as an enemy of the Government. As a result, union activities in the interior of the country face harassment and interference from many governors and prefects. Union activities in Conakry face less harassment and interference. Individual workers threatened with dismissal or other sanctions have the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convenes weekly to hear such cases. In the interior, civil courts hear labor cases.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code specifically forbids forced or compulsory labor, including forced and bonded labor by children; however, there were reports that women and girls were trafficked for forced labor and the sex trade (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 are

not permitted to work at night, for more than 12 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors is limited to large firms in the modern sector of the economy. In 1997 the Ministry of Planning estimated that in rural areas, approximately 66 percent of children between the ages of 7 and 14 were employed; the rate jumped to 91 percent in the 15 to 19 age group. In urban areas, approximately 19 percent of children between the ages of 7 and 14 were employed; the rate jumped to 50 percent for children between the ages of 15 and 19. Overall approximately 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. Child labor in factories is not a prevalent problem because of the low level of manufacturing. Working children are found mostly in the informal sector areas of subsistence farming, petty commerce, and small-scale mining. Girls as young as age 14 engage in prostitution (see Section 5). The Government has spoken out against child labor, but lacks the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers do not have access to education or health care; they suffer from chronic malnutrition, traumatic stress, and depression.

Many young Muslims are sent to live with a Koranic master; in return for instruction in Arabic, Islam, the Koran, the children work for the teacher. Children often are sent from rural areas to Conakry to live with family members while they attend school. However, if the host family is unwilling or unable to pay school fees, the children sell water or shine shoes on the streets, and the host family takes the money in exchange for their room and board.

In September the Government ratified the ILO Convention 182 on the worst forms of child labor. The worst forms of child labor can be found in the artisanal mining sector where children haul granite and sand for little or no money.

The Government prohibits forced and bonded child labor; however, there were reports that girls were trafficked (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code provides for the establishment by decree of a minimum hourly wage; however, the Government promotes no standard wage. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also are provisions in the code for overtime and night wages, which are fixed percentages of the regular wage.

According to the Labor Code, regular work is not to exceed 10-hour days or 48-hour weeks, and there is to be a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice the authorities enforce these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any of the ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health; however, enforcement remained more a goal than a reality. Labor inspectors acknowledge that they cannot cover even Conakry, much less the entire country, with their small staff and meager budget.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty. Nevertheless, many workers fear retaliation should they refuse to work under unsafe conditions. Employees in high-risk professions, such as night guards, drivers, and police, have protested poor working conditions without result. Sodefa, a joint venture of the Guinean and Chinese Governments, was criticized for inhuman working conditions, but when workers tried to protest in 2000, security forces forcibly dispersed them; there were no reports of severe injuries or deaths.

The law applies to all workers in the country, regardless of nationality; however, the law does not define whether it applies to persons working in the country illegally.

f. Trafficking in Persons.—The law prohibits trafficking in persons and carries a penalty of 5 to 10 years imprisonment and confiscation of any money or property received as a result of trafficking activities; however, some NGO's report that women and children are trafficked within the country, as well as internationally, for the sex trade and illegal labor. Accurate statistics are difficult to obtain, because victims do not report the crime due to fear for their personal safety.

Trafficking in persons from rural areas to urban centers is increasingly recognized as a problem in the country. Many young Muslims are sent to live with a Koranic master; in return for instruction in Arabic, Islam, the Koran, the children work for the teacher. Children often are sent from rural areas to Conakry to live with family members while they attend school. However, if the host family is unwilling or unable to pay school fees, the children sell water or shine shoes on the streets, and the host family takes the money in exchange for their room and board.

In February the Children's Protection Division and UNICEF reported that trafficking of children is a problem among the Sierra Leonean and Liberian refugee populations in the prefectures of Guekedou, Macenta, N'Zerekore, and Forecariah; girls are exploited for domestic labor, and boys are exploited as street sellers and agricultural workers. The International Rescue Committee and UNICEF reported that children living in foster families often do not receive adequate food, shelter and clothing, and are compelled to work in the streets, sometimes as prostitutes, for their subsistence.

Twenty-three Guineans who were abducted during the December 2000 and March attacks on Guekedou and Nongowa escaped in May after spending months as forced laborers and sex slaves for the RUF. In late July, authorities arrested 51 Nigerians in Conakry for trafficking in persons. The authorities released 33 young girls, who were destined for Europe, to the Nigerian Embassy. The remaining 17 were adult males who are to be prosecuted by a special tribunal for trafficking in persons.

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor, which carries a penalty of 6 months to 5 years imprisonment and a fine of approximately \$25 (36,400) to \$150 (GF 218,400). Submitting a vulnerable or dependent person to inhumane working or living conditions carries a sentence of 1 month to five years imprisonment and a fine of approximately \$25 to \$250 (GF 364,000).

Several government agencies, particularly the Ministry of Social Affairs and the Promotion of Women and Children, are involved in antitrafficking efforts.

GUINEA-BISSAU ²

Guinea-Bissau continued its transition to a multiparty democracy following the end of the 1998–99 bloody civil war that led to the ouster of President Bernardo Viera by a military junta. The country is led by President Koumba Yala of the Partido de Renovacao Social (PRS), who was elected in January 2000 with a 72 percent electoral majority in a runoff election. The 1999 legislative elections began the transition to democracy; the PRS won 38 of 102 National Assembly seats in the elections. The PRS victory ended the 26-year domination of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). Local and international observers considered both elections to be generally free and fair, although there were reports of some irregularities in the November 1999 election. During the year, the country was characterized by political and economic instability after the President expelled an Islamic religious group in August, which provoked a major confrontation involving the executive, judicial, and legislative branches over the limits of presidential power. When the Supreme Court declared the expulsion unconstitutional, Yala dismissed the President of the Supreme Court and four other justices on charges of corruption. The National Assembly criticized the dismissals and supported the Court's decision. Yala subsequently informed the National Assembly that he had the constitutional power to suspend the National Assembly for 10 years. The struggle between the President and the other branches of the Government polarized the citizenry. There was dissent within the PRS. President Yala tried to justify his actions as constitutional and intended to preserve political stability. He called the dismissed justices corrupt, mediocre, and liars; however, he did not provide evidence to support these assertions. In December President Yala reshuffled his cabinet for the third time since he became president, and the political situation continued to be unstable at year's end. The Constitution provides for an independent judiciary; however, it is subject to political influence and corruption, and was undermined by the President's dismissal of the five justices.

The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security; however, a lack of resources and

²On June 14, 1998, the United States Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries and from other sources.

training continued to hamper their effectiveness. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies. Following pressure from international donor groups, the Government announced plans for a comprehensive demobilization program to restructure the armed forces and improve military living conditions. The military remains loyal to the President and generally was under his full control and responsive to him. However, on December 3, some members of the military allegedly attempted a coup d'état; 28 officers were arrested and detained. Members of the police and the military committed serious human rights abuses.

The population of approximately 1.3 million relies largely upon subsistence agriculture and the export of cashew nuts. Since the end of the civil war in 1999, cashew crop yields have increased significantly; however, during the year, the world market for cashews collapsed and prices dropped to record lows. Annual per capita gross domestic product (GDP) was estimated at \$170 (128,000 CFA francs). The GDP has improved modestly since 1998 and is estimated at \$1.1 billion (814 million CFA francs). The country remained burdened by heavy external debt and massive underemployment.

The Government's human rights record was generally poor, and serious problems remained. Citizens were allowed to vote in generally free and fair elections. Members of the security forces continued to use beatings, physical mistreatment, and other means to abuse persons; one detainee reportedly died while in detention. Arbitrary arrest and detention were problems, and included journalists and members of the Supreme Court. The Government did not punish any members of the security forces for such abuses. The Government at times used incommunicado detention. Prison conditions remained poor. The judiciary is subject to political influence and corruption, and the President removed five Supreme Court justices during the year. The Government infringed on citizens' privacy rights. The Government increased its limits on freedom of the press, and journalists practiced self-censorship. The President banned an Islamic religious group and expelled its members. The Government at times restricted freedom of movement. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced widely. Child labor, including some forced child labor, persisted.

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 by the Government or its agents.

One soldier, detained after the 2000 attempted coup, reportedly died in detention (see Sections 1.c. and 1.d.). In addition one officer reportedly died in custody after he was detained in connection with the December alleged coup attempt.

Although reliable statistics were not available, during the year, at least seven persons were killed by landmine explosions (see Section 1.c.).

No action was taken, nor is any action likely to be taken, on the killings committed during the 1998–99 civil war by either government or rebel forces.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and evidence obtained through torture or coercion is invalid; however, the Government often ignored these provisions, and security forces beat, mistreated, and otherwise abused persons. Human rights observers noted repeated instances of police and members of the armed forces beating and abusing civilians for minor social or legal infractions. Several journalists reported abuse while in detention (see Section 2.a.). Security and police authorities historically have employed abusive interrogation methods, usually in the form of severe beatings or deprivation. The Government rarely enforced provisions for punishment of abuses committed by security forces.

In January Fernando Gomes, president of the Socialist Alliance of Guinea (Bissau) and former President of the Guinea-Bissau Human Right League (LGDH), checked into Simao hospital in Bissau after suffering a number of beatings ostensibly by security forces while he was in incommunicado detention in May 2000.

In October the British Broadcasting Corporation (BBC) news reported that President Yala had threatened to shoot any politician trying to enter a military barracks in order to use the army against him.

In November 2000, the Government arrested approximately 400 citizens and soldiers immediately following an attempted coup by General Mane (see Section 1.d.). Inacio Tavares, president of the LGDH, alleged that the soldiers were held in three military camps, sometimes without drinking water, food, or medical attention. In

December 2000, he accused the military of physical abuse, torture, and persecution of the families of suspects. One soldier reportedly died while in detention.

No action was taken to investigate or prosecute members of the security forces for abuses committed prior to the May 1999 coup.

Although reliable statistics were not available, during the year, landmine explosions injured at least nine persons (see Section 1.a.).

Prison conditions remained poor, but generally they were not life threatening. Beatings were used as a means of coercion. Prison authorities had very little control over inmates, many of whom simply left during the day. The prison in Bissau is overcrowded and without running water or adequate sanitation. Detainees' diets are poor and medical care is limited or nonexistent. In 1998 the European Union renovated two prisons, but following the fighting in 1999, no further repairs have been made. Many prisons were damaged during the fighting in 1999, and the inmates escaped and have not been recaptured. Men and women are held in separate facilities, and juveniles are held separately from adults. Pretrial detainees are not held separately from convicted prisoners.

The Human Rights League was given access to most prisoners and detainees during the year. The office of the Special Representative of the U.N. Secretary General (UNOGBIS) visited high profile prisoners during the year, and was instrumental in assuring their well being and providing them with food and medical care. By year's end, all were released except for the approximately 28 arrested following the alleged December 3 coup attempt (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces arbitrarily arrested and detained persons, including journalists and members of the Supreme Court.

The law provides for procedural rights, such as the right to counsel, the right to release if no timely indictment is brought, and the right to a speedy trial; however, in practice the judicial system generally failed to provide these rights (see Section 1.e.).

Police detained suspects without judicial authority or warrants, occasionally using house arrest.

During the year, the Government arrested and detained numerous journalists and other members of the media (see Section 2.a.).

In early November, President Yala ordered Emiliano Nosolini, President of the Supreme Court, his deputy, and a senior accounting official to be arrested and detained (see Section 1.e.). They were charged with corruption following an audit of Supreme Court finances and remain in detention at year's end.

In December authorities arrested and detained 28 members of the military following an alleged coup attempt on December 3. The Government did not release publicly any evidence linking the 28 detainees to the reported coup. At year's end, they still were in incommunicado detention and had not been charged. Human rights nongovernmental organization (NGO's) had not been permitted access to the detainees. In December the President appointed a Supreme Military Tribunal to try the detainees.

In November 2000, the Government arrested approximately 400 citizens and soldiers immediately following an attempted coup by General Mane. Inacio Tavares, the president of the LGDH, accused the military of physical abuse, torture, and persecution of the families of suspects (see Section 1.c.). He called for accelerated hearings, and by the end of 2000, many of the arrested had been released. In February Amnesty International reported that 124 military and security officers remained in detention without formal charges, in "appalling conditions." One detainee already had died and others were in serious condition. In May the Government released 92 detainees. By October the remainder had been released.

In November 2000, the Government arrested several opposition politicians on suspicion that they had supported the attempted coup by General Mane. Those detained included PAIGC president Francisco Benante, Fernando Gomes, Fernando Mendoca, and several members of the Union for Change opposition party, including Amine Saad (the former Procurator General), Manuel Rambout Barcelos, Caramba Ture (a member of the National Assembly), and Agnello Regala (director of Bombolon Radio). They reportedly were held for almost a week before a judge released them for lack of evidence. President Yala invalidated their passports and placed them under house arrest in Bissau. At year's end, some remained under house arrest. Francisco Benante, Agnello Regala, and others arrested in connection with the November 2000 coup attempt still were not issued passports by year's end and were restricted in that they were required to report to the Public Ministry twice a week.

Afonso Te, Vieira's former deputy chief of staff, was released from prison; he was arrested in connection with the May 1999 coup.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, judges are trained and paid poorly and sometimes are subject to political pressure and corruption. The Supreme Court is especially vulnerable to political pressure, because its members are appointed by the President and serve at his pleasure. In November 2000, the President of the Supreme Court was elected democratically by his colleagues and officially installed in December 2000; the President did not appoint him. In previous years, there was some evidence that the judiciary retained a degree of independence; however, the judiciary was subject to executive influence and control. When the Supreme Court declared unconstitutional President Yala's ban on the Islamic group Ahmadiya and the expulsion of its members from the country in August, President Yala dismissed the Supreme Court President, Emiliano Nosolini, and four other justices on charges of corruption. The National Assembly strongly criticized the dismissals and supported the Court's decision. In October judges and prosecutors throughout the country organized a 30-day strike in protest of the removal of the justices (see Section 6.a.). In early November, President Yala ordered Supreme Court President Nosolini, his deputy, and a senior accounting official to be arrested and detained. At year's end, all three still were in detention and had been charged with misuse of official funds. The President replaced Nosolini with his former political adviser, Mario Lopes.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. In December President Yala appointed a Supreme Military Tribunal to try the soldiers in detention for involvement in the alleged December 3 coup attempt (see Section 1.d.). The Supreme Court is the final court of appeal for both military and civilian cases. The President has the authority to grant pardons and reduce sentences.

Citizens who cannot afford an attorney have the right to a court-appointed lawyer.

Traditional law still prevails in most rural areas, and persons who live in urban areas often bring judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolve disputes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government does not always respect these prohibitions in practice. The police do not always use judicial warrants and have forced entry into some private homes. There were unconfirmed reports that police searched the mail.

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, during the year, the Government steadily increased limits on the independence of the press. In March the Vice-Procurator General advised the domestic media to practice "self-censorship"; journalists still practice self-censorship.

On March 14, Adolfo Palma, a correspondent of the Portuguese news agency Lusa, faced charges of defamation for his report of the arrest of four persons in February. The Government insists that only three persons were arrested.

The privately owned *Diario de Bissau* published several times a week during the year; other newspapers, including *Banobero*, *Gazeta de Noticias*, and *No Pintcha*, were weeklies. A new privately owned weekly paper named "Fraskera" was publishing at year's end. All of the newspapers published only sporadically during the year due to financial constraints and dependence on the state-owned printing house. The national printing press, the only facility for publishing newspapers in the country, often lacked the raw materials to publish them.

In October Attorney General Caetano Intchama shut down two of the country's private newspapers, *Diario de Bissau*, and *Gazeta de Noticias*, for causing "irreparable damage" to the independence of the nation and operating without a license. Observers criticized the closures as violations of freedom of the press and a deliberate move to create a climate of intimidation. The *Diario de Bissau* and the *Gazeta de Noticias* remained closed at year's end.

On January 27, Amnesty International reported that Bacar Tcherno Dole, a journalist for the national radio and for the weekly newspaper *No Pintcha*, was arrested and held without charge for a report on an attack in the Sao Domingos area of the country by Casamancais rebels. He was abused physically and intimidated by the military and police during his detention.

In June the authorities arrested newspaper owner Joao de Barros and journalist Athizar Mendes after they published an article linking President Yala to corruption; they later were released on bail. De Barros accused the President of spending exor-

bitant amounts of money on trips to other African nations. Amnesty International criticized the arrest as "arbitrary"; there were no warrants.

In 2000 the independent stations Radio Pidjiguiti and Radio Mavegro resumed broadcasting; however, the NGO-assisted community stations have not resumed operations. The Voice of the Military Junta no longer broadcasts. National TV broadcasts from 7 p.m. to midnight on weekdays and 5 p.m. to midnight on weekends. Reportedly the government-controlled stations practice self-censorship.

On September 11, Attorney General Caetano Intchama entered Radio Pidjiguiti offices and demanded cassettes from an earlier broadcast reporting on President Yala. Intchama threatened to arrest the journalists after the staff refused to hand over the tapes. The next day, Intchama sent his bodyguards to intimidate the staff again.

On March 30, according to Amnesty International, a senior military official interrupted and stopped a live debate on Radio Bombolom on the events of November 2000 and the armed conflict of 1998–99, which he considered critical of the Government.

The Internet is available in the country, and the Government does not restrict its use.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. Permits are required for all assemblies and demonstrations. In November the Government initially banned an assembly organized by human rights NGO's and civil society groups to protest the President's conduct for security reasons but later permitted the assembly. It took place peacefully and without government interference. All private associations were required to register with the Government. There were no reports that any associations were denied registration.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government did not respect this right when in August President Yala abruptly expelled the Ahmadiya, an Islamic religious group, from the country; 11 members were deported (see Section 2.d.). He asserted that his actions were in the interests of the Muslim community. Yala declared he would support "real religious associations but not sects." The Ahmadiya (a Muslim group that originated in Pakistan and is an offshoot of Islam) came to the country in 1995. They believe their founder, Ahmady, to be a prophet, and they do not believe in the pilgrimage to Mecca as a pillar of Islam. The Supreme Court declared the expulsion unconstitutional; however, the Ahmadiya was not permitted to return by year's end. The President subsequently dismissed five of the justices (see Section 1.e.).

Although the Government must license religious groups, no applications were refused during the year; however, there were no reports that any applications were made.

Observers have noted that since the death in November 2000 of General Mane, who was an ethnic Mandinga and a Muslim, President Yala, who is an ethnic Balanta and a Christian, increasingly has been intolerant of other ethnic and religious groups.

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

Checkpoints and police harassment occurred frequently during the year. After the outbreak of fighting in 1998, vehicle traffic was curtailed severely; however, during the year, such restriction was intermittent. Both government and rebel forces blocked the road from Bissau to the interior and interfered with the free movement of traffic. The Government carefully controlled movement within Bissau, prohibiting most traffic. Movement in the interior was restricted to a lesser extent, but it still was subjected to occasional interference by both government and rebel forces. The land borders with Senegal were closed to travelers during the early stages of the conflict. Since 2000 Senegal has allowed humanitarian convoys to transit the border. In previous years, the Government had closed the border with Senegal in reaction to cross-border raids by bandits in both countries; however, this did not occur during the year.

The Minister of the Interior issues passports. In 2000 President Yala invalidated the passports of several politicians and placed them under house arrest in Bissau. At year's end, some remained under house arrest (see Section 1.d.).

Citizens have the right to return to the country and are not subject to revocation of their citizenship.

In August the President banned the Islamic group Ahmadiya (see Section 2.c.), and 11 members (all citizens of Pakistan) were expelled to Senegal (see Section 2.c.).

The law provides for the granting of asylee and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has provided asylum to refugees from the conflicts in Liberia, Sierra Leone, and the Casamance region of Senegal. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, the UNHCR reported that more than 7,000 refugees, mostly Senegalese citizens, were in the country. The majority of these persons were along the country's northern border with Senegal. Sierra Leonean refugees continue to flee to the country in response to harassment in Guinea. The majority of the refugees live in the market place (Mercado de Bandim), sleeping in stalls and on rollaway mats. Some of the refugees earn money by selling handicrafts or through working in trades. Many depend on the charity of NGO's. The UNHCR reported that the country has been tolerant of these refugees.

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

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

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

In January 2000, voters elected President Koumba Yala with a 72 percent electoral majority in a runoff election following multiparty elections in 1999. Yala defeated interim president Malam Bacai Sanha of the PAIGC. International observers, foreign diplomats, and local NGO's considered both elections to be generally free and fair. Yala's party, the PRS, won 38 of 102 National Assembly seats. The victory of the PRS ended the 26-year domination by the PAIGC. The PAIGC, the country's only legal party from 1974 to 1991, and the majority party in the National Assembly until the 1999 elections, won 24 of the 102 seats in the National Assembly, while opposition parties gained a majority. In addition to the 38 seats won by the PRS, the Resistencia da Guine Bissau (RGB) won 29 seats, and 4 other parties split the remaining 11 seats. International observers judged the elections, which included candidates from 13 parties as well as several independents, to be generally free and fair, although they reported some irregularities.

The 1999 coup leader, General Ansumane Mane, made possible the process that brought Yala to the presidency; however, General Mane insisted on maintaining control over military funding and operations. This "coalition" government unraveled when President Yala sought to assert what he perceived as his legitimate constitutional authority. In November 2000, in response to President Yala's promotion of 30 officers without Mane's authorization, General Mane initiated a poorly organized, little-supported coup attempt. A week later, Mane was killed in a gun battle with military forces.

The President reshuffled his cabinet several times throughout the year. Between August and September, Yala dismissed Attorney General Rui Sanha and Interior Minister Artur Sanha, after the death of the Interior Minister's alleged mistress (see Section 4); Presidential Advisor on Social and Religious Affairs Ibrahima Djalo resigned after the expulsion of the Ahmadiya religious group from the country (see Sections 1.e., 2.c., and 2.d.). In December President Yala reshuffled his cabinet again. He replaced Prime Minister Faustino Imbali with Alamara Nhasse, formerly Minister of Interior. Following the reshuffle, the PRS held a majority of seats in the cabinet. The political situation was unstable at year's end.

In November President Yala informed the National Assembly of his ability to suspend it for up to 10 years. This threat followed a confrontation over limits on the President's constitutional powers and the independence of the judiciary after the expulsion of the Ahmadiya religious group (see Sections 1.d., 1.e., 2.c., and 6.a.). The National Assembly had criticized several of the President's actions. In November the President also threatened to replace 60 percent of the country's civil servants in order to "improve" the bureaucracy.

The percentage of women in government and politics does not correspond to their percentage of the population. In the National Assembly, there were 9 women among the 102 members. There was one female minister in the Government.

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

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on

human rights cases. Government officials are somewhat cooperative and responsive to their views.

The LGDH was influential in the dismissal of Interior Minister Artur Sanha after the July 17 death of his alleged mistress Florinda Tavares (Minister Sanha denied their relationship). The LGDH consequently convinced President Yala to fire Sanha.

In December Amnesty International expressed concern over the fate of the 28 detainees arrested following the December 3 alleged coup (see Section 1.d.). Amnesty International also has recommended that the Government investigate various human rights abuses committed since November 2000, including General Mane's death, to further encourage reconciliation efforts.

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

The Constitution and law prohibit discrimination on the basis of sex, race, and religion; however, in practice, the Government does not enforce these provisions effectively.

Women.—Domestic violence, including wife beating, is an accepted means of settling domestic disputes. Although police intervene in domestic disputes if requested, the Government has not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

The law prohibits prostitution, and there was no evidence that it is a problem.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced widely within certain ethnic groups, especially the Fulas and the Mandinkas. The practice is increasing as the Muslim population has grown and is being performed not only on adolescent girls, but also on babies as young as 4 months old. The Government has not outlawed the practice; however, it formed a national committee in the mid-1990's that continues to conduct a nationwide education campaign to discourage FGM. International NGO's, including the Swedish group Radda Barnen and Plan International, as well as several domestic NGO's, such as Friends of Children and Sinim Mira Nasseque, continued working through the national committee to eliminate FGM.

Official discrimination against women is prohibited by law; however, it persists. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Adult illiteracy is 66 percent for men and 82 percent for women. Women do not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

Traditional and Islamic law do not govern the status of women, and men and women are treated equally under the law.

Children.—The Government allocates only limited resources for children's welfare and education. According to a November 2000 study by an international agency, enrollment in basic education rose from 42 percent in 1993 to 62 percent in 2000 (enrollment of girls increased from 32 percent to 45 percent, while the rate for boys increased from 55 percent to 79 percent). However, in 1998 10 percent of rural schools offered only the first grade, and 23 percent offered only the first and second grades.

FGM is performed commonly on young girls and sometimes even infants (see Section 5, Women).

Child labor is a problem (see Section 6.d.).

Persons with Disabilities.—There is no law mandating accessibility. The law does not prohibit specifically discrimination against persons with disabilities, and the Government does not ensure equal access to employment and education; however, there were no reports of overt societal discrimination. The Government has made some efforts to assist veterans with disabilities through pension programs, but these programs do not address adequately veterans' health, housing, and food needs; there are no reports of funds for special programs for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all civilian workers with the freedom to form and join independent trade unions. However, the vast majority of the population works in subsistence agriculture. Most union members are government or parastatal employees; only a small percentage of workers are in the wage sector and are organized.

The Government registers all labor unions. There are 11 labor unions registered and operating in the country. All unions officially are independent of the Government, but seven unions are affiliated with the National Workers Union of Guinea-Bissau (UNTGB), which retains close informal ties with the PAIGC. The law does not favor UNTGB-affiliated unions over others.

The Constitution provides for the right to strike and protection for workers from retribution for strike activities. The only legal restriction on strike activity is the requirement for prior notice. In past years, several unions have conducted legal strikes with no retribution against the strikers. In October judges and prosecutors throughout the country organized a 30-day strike to protest the removal of the justices on charges of corruption (see Section 1.e.). Also in October, the Government locked out a number of judges returning to work at the end of their 30-day strike. The National Assembly criticized the lockout, and the judges were permitted to return after 1 day.

In March the Government's refusal to intervene on the behalf of the Union of Bissau Guinean Workers (UNTG) discouraged the union from continuing its strike, and employees of the national radio and television stations returned to work after walking out for up to 15 days.

During the year, the International Labor Organization's (ILO) Committee of Experts made 13 direct requests to the Government for information and 4 observations regarding the country's treatment and implementation of ILO conventions.

All unions are able to affiliate freely with national confederations and international labor organizations of their choice. The UNTGB is affiliated with the International Confederation of Free Trade Unions. Individual unions belong to International Trade Secretariats.

b. The Right to Organize and Bargain Collectively.—The Constitution does not provide for or protect the right to bargain collectively, and there were no instances of genuine collective bargaining. Most wages are established in bilateral negotiations between workers and employers, taking into consideration the minimum salaries set annually by the Government's Council of Ministers (see Section 6.e.).

The Government's provisions for the protection of workers against antiunion discrimination have very little effect due to low union membership. Although there are no laws providing sanctions against employers practicing such discrimination, no workers have alleged antiunion discrimination, and the practice is not believed to be widespread.

There are no export processing zones.

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

The law prohibits forced and bonded labor by children, and these prohibitions generally are enforced in the formal sector; however, children often are forced by their parents or guardians to work as street traders or agricultural laborers in the informal sector (see Section 6.d.). The Government has not taken action to combat such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age is 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements generally are followed in the small formal sector, but the Ministry of Justice and the Ministry of Civil Service and Labor do not enforce these requirements in other sectors.

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

The law prohibits forced and bonded child labor; however, forced child labor is a problem (see Section 6.c.). Children in cities often work in street trading, and those in rural communities do domestic and fieldwork without pay. The Government does not attempt to discourage these practices.

e. Acceptable Conditions of Work.—The Government's Council of Ministers annually establishes minimum wage rates for all categories of work; however, it does not enforce them. The lowest monthly wage is approximately \$20 (14,800 CFA francs). This wage is insufficient to provide a decent standard of living for a worker and family, and workers must supplement their income through other work, reliance on the extended family, and subsistence agriculture.

The maximum number of hours permitted in a normal workweek without further compensation is 45, but the Government does not enforce this provision. With the breakdown of the formal economy in 1998, most of the country returned to barter, and both the Government and private sectors lacked the funds to pay salaries. Since January 2000, the Government has failed to pay on a regular basis its teachers, civil servants, and medical practitioners.

With the cooperation of the unions, the Ministry of Justice and Labor establishes legal health and safety standards for workers, which then are adopted into law by the National Assembly. However, these standards are not enforced, and many persons work under conditions that endanger their health and safety. Workers do not have the right to remove themselves from unsafe working conditions without losing

their jobs. In view of the high unemployment rate, a worker who left for such reasons could be replaced easily.

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.

KENYA

Kenya is a republic dominated by a strong presidency. President Daniel Arap Moi, who has led the ruling Kenya African National Union (KANU) and served as President since 1978, was reelected most recently in 1997 in the country's second general election since the restoration of multiparty politics in 1991. Since independence in 1963, no president ever has left because of an electoral loss, and KANU has controlled both the presidency and the national legislature continuously, although other parties were illegal only from 1982 to 1991. KANU won a majority of the popular vote and a narrow majority of parliamentary seats in the 1997 general elections. While there were numerous flaws in the 1997 elections, observers concluded that the vote broadly reflected the popular will. In June President Moi appointed National Development Party (NDP) leader Raila Odinga and three other NDP Members of Parliament (M.P.'s) to his cabinet. KANU and NDP have formed an alliance and are contemplating a full merger. At year's end, KANU and NDP members held 139 of 222 seats in the unicameral National Assembly. In addition to his role as President, Moi is the commander in chief of the armed forces, and he controls the security, university, civil service, judiciary, and provincial, district, and local governance systems. The judiciary suffers from corruption and is subject to executive branch influence.

In addition to the armed forces, there is a large internal security apparatus that includes the police's Criminal Investigation Department (CID), the National Security Intelligence Service (NSIS), the National Police, the Administration Police, and the paramilitary General Services Unit (GSU), which details members on a rotating basis to staff the 700-person Presidential Escort. The CID investigates criminal activity and the NSIS collects intelligence and monitors persons whom the State considers subversive. In 1999 in an effort to improve the accountability of investigative services, Parliament passed and implemented laws that removed arrest authority from the NSIS and separated the organization from the CID. While civilian authorities generally maintain effective control of the security forces, there were some instances in which the security forces acted independently of government authority. Members of the security forces, especially the police, continued to commit numerous, serious human rights abuses.

The large agricultural sector provides food for local consumption, substantial exports of tea, coffee, cut flowers, and vegetables, and more than 70 percent of total employment for the country's population of approximately 29 million. Estimates for the unemployment rate range from the official 25 percent to more than 50 percent. Although many sectors continued to be dominated by state-owned monopolies, the nonfarm economy includes large privately owned light manufacturing, commercial, and financial sectors. Tourism was the third largest source of foreign exchange earnings after tea and other agricultural exports. Major international financial institutions continued their suspension of financial assistance following a 2000 court ruling that the Kenya Anti-Corruption Authority's investigatory and prosecutorial powers were unconstitutional, and the cancellation of other anti-corruption measures. During the year, annual per capita gross domestic product declined in real terms to approximately \$271 (21,200 shillings). The spread of HIV/AIDS, which was estimated to have infected approximately 14 percent of the population between the ages of 14 and 49, as well as drought and famine in some rural areas during the year, exacerbated economic problems.

The Government's human rights record remained poor, and it continued to commit numerous, serious abuses. Citizens' ability to change their government peacefully has not yet been demonstrated fully. Security forces, particularly the police, continued to commit extrajudicial killings, torture and beat detainees, use excessive force, rape, and otherwise abuse persons. Prison conditions remained life threatening. Police harassed and arbitrarily arrested and detained persons, including journalists, politicians, and political activists. The Government arrested and prosecuted a number of police officers for abuses; however, most police who committed abuses were neither investigated nor punished. Lengthy pretrial detention is a problem, and the judiciary is subject to executive branch influence. The authorities infringed on citizens' privacy rights. The Government limited freedom of speech and of the press, and harassed, intimidated, and economically pressured newspapers that often

were critical of the Government; however, in recent years the Government continued to reduce its domination of the domestic broadcast media. The Government repeatedly restricted freedom of assembly, and the police disrupted public meetings and used force to disperse demonstrators and protesters. The Government restricted freedom of association. The Government continued to limit the independence of its Standing Committee on Human Rights (SCHR), and the President continued to criticize nongovernmental human rights organizations (NGO's) for their alleged involvement in partisan politics. Violence and discrimination against women and abuse of children remained serious problems. Female genital mutilation (FGM) remained widespread, child prostitution remained a problem, and the spread of HIV/AIDS created many orphans. There was some discrimination against persons with disabilities. The Government continued to exacerbate ethnic tensions by discriminating against many ethnic groups; interethnic tensions continued and resulted in numerous violent conflicts and some deaths. There continued to be reports of ritual murders associated with aspects of traditional indigenous religious rites. The Government continued to limit some worker rights. Child labor remained a problem, and there were instances of forced child labor. Violence by mobs and by nongovernmental armed groups also resulted in many deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces, especially members of the police, the GSU, and the CID, continued to use lethal force and committed a number of extrajudicial killings. According to government figures, police killed 137 suspected criminals, and another 31 suspects and detainees died while in police custody during the year. The Kenyan Human Rights Commission (KHRC), a domestic NGO, reported that police killed 251 persons during the year (compared with 198 persons in 2000), including 49 by torture (see Section 1.c.). However, People Against Torture (PAT) reported 70 cases of death by torture and still was documenting cases at year's end (see Section 1.c.). Police often were not restrained in the use of lethal force, especially when confronting armed criminal suspects, and the Government generally failed to take appropriate action against members of the security forces accused of unlawful or arbitrary killings.

According to a human rights organization, Muslims for Human Rights (MUHURI), on January 18 in Mombasa, police allegedly tortured, shot, and killed Abdillahi Mohamed Mashuhuri after raiding his home (see Sections 1.c., 1.d., and 1.f.). MUHURI has demanded the arrest of the officers involved; a government investigation into the death of Mashuhuri was ongoing at year's end.

On February 17, police shot and killed Allan Mbito, a 22-year-old student at the University of Nairobi and the son of a prominent judge, as he was walking back to his campus at night. An autopsy revealed that Mbito was shot twice from behind, which contradicted police accounts of the incident. The police claimed that Mbito had approached three plain-clothes officers with a "simi" (a machete) and that the officers shot Mbito only after he did not heed their order to stop. The three officers involved in the killing were arrested, and the President personally promised justice. On December 23, one of the three officers was sentenced to 10 years in prison; the other two officers remained in detention pending trial at year's end. Human rights organizations condemned the killing and applauded the swift action against the offenders; however, they also criticized the Government's inaction on numerous other cases.

On March 25, administration police (AP's) guarding the home of the Minister for Rural Development shot and killed Francis Kiraha Kibugi, a prominent Nairobi businessman, following a traffic accident and an argument between Kibugi and a taxi driver. The officers reportedly jumped the fence of the compound they were guarding and fired five shots, killing Kibugi and injuring the taxi driver. The two officers later were arrested, and the hearing was ongoing at year's end.

On March 30, four armed men carjacked Geoffrey Ngoima Mbugua, a minister at the Presbyterian Church of East Africa's (PCEA) Thika parish and a lecturer at St. Paul's Theological Seminary (see Section 2.c.). Police officers pursued the vehicle; when the armed men began shooting at the police, the police shot back, killing Mbugua; the perpetrators escaped. No investigation into the case had occurred by year's end, and it is unlikely that an investigation will be undertaken; the killing was considered to have taken place while the officers were discharging their duties, and it does not appear that the crime was religiously motivated.

On July 25, police from a special response squad shot and killed seven suspected bank robbers who were traveling by bus on the main highway leading into Nairobi. Police officers allegedly stopped the bus and ordered all of the passengers out of it.

Several witnesses reported that the officers then identified the suspected criminals, frisked and disarmed them, ordered them to lie face down on the ground, and shot them. The life of an eighth suspected criminal, a GSU policeman, reportedly was spared following pleas from his pregnant wife; however, police arrested and reportedly beat him. Police claimed the seven victims were killed during a shoot-out after they drew their weapons and shot at the police officers trying to arrest them. The Government has not charged the police officers with any offense; however, it has ordered an investigation after public protest over the killings. No arrests were made by year's end.

On July 29, security officers shot and killed a primary school teacher during a fight between Kisii and Maasai youths (see Section 5). No action was taken against the officers by year's end. Some Kisii leaders claim the security forces target the Kisii community for failing to elect a KANU candidate in a parliamentary by-election in January (see Sections 3 and 5).

In 2000 after numerous deadly attacks on police, Marsden Madoka, Minister of State in the Office of the President, stated that police should use lethal force to eliminate criminals from the streets. The Minister's comments reflect a growing concern that security forces often are not armed or equipped sufficiently. In responding to continuing high levels of crime, some police used excessive force. Police claim that the increased use of sophisticated weapons by criminals has increased the risks faced by police in discharging their duties.

The KHRC reported there were incidents in which police killed bystanders while exchanging gunfire with criminals; however, further information and specific examples were not available at year's end.

Some official efforts have been made to punish police abuses. In March 2000, a police officer in Meru reportedly killed Wallace Kiogora; the officer was arrested. A subsequent public inquest into Kiogora's death was held, and the court ruled that no one was to blame for the death. In March 2000, Philip Kopkoech Kirui died after he allegedly had been tortured. Five police officers based at the Londiani Police Station were charged with Kirui's killing, and the case was pending in the courts at year's end. In January 2000, authorities arrested two police officers who allegedly beat Joseph Ndung'u Nyoike; the 10-year-old boy died after spending the night in prison. The court dropped murder charges against one of the officers for lack of evidence; the other officer committed suicide in October 2000. In August 1999, police killed five Muslim worshipers in the Anas Bin Malik Mosque in Chai village, near Mombasa. Within 1 month of the killings, the Government charged two police officers; one of the officers later escaped, and the case against the other officer was pending before the Senior Resident Magistrate in Mombasa at year's end. In November 1999, a trial began against Justus Munyao Kovu and Gabriel Muendo, two Makeni police officers accused of killing Mwendo Kiema during detention in July 1999. No further information was available at year's end. In July the High Court sentenced to death a police officer for the murder of a 14-year-old street boy in 1998. In December 2000, an inquest was completed into the January 1997 death of Catholic lay brother Larry Timmons in Njoro. In August a police officer was indicted for the killing; the trial date had not been set by year's end.

On June 15, the SCHR released its investigation report into the 2000 case in which prison guards at the King'ong'o Prison in Nyeri killed six inmates who were attempting to escape. Officials initially claimed that guards shot the six as they fled; however, the report concluded that the prison guards bludgeoned the inmates to death to cover up a plot by the guards to facilitate the escape of another inmate. In August following the release of the SCHR report, a judge recommended that the Attorney General charge Professor Onesmus Mutungi, chairman of the SCHR, with contempt of court for releasing the report, and Joseph Odindo, managing editor of the Daily Nation newspaper, for publishing the conclusions of the report. The judge reportedly thought that the release of the report compromised the inquest by the Attorney General, which was completed during the year; a trial was scheduled for January 2002.

Two police officers were charged with manslaughter during the year for the May 2000 killings of two suspected carjackers; one of the officers escaped, and a trial was scheduled for the other in December. It was unknown whether the trial was held by year's end. An inquest before the Principal Magistrate's Court at Kerugoya was ongoing at year's end into the case of Sophia Nyaguthil Mbogo, who died in custody at the Kagio Police Post in April 2000 reportedly after she was beaten by a policeman (see Section 1.c.); no arrests were made in the case. An inquest into the March 2000 killings of eight suspected carjackers was ongoing at year's end. In January 2000, police from the Mukuruweini police station allegedly beat to death Philip Machau. An inquest into this case by the Chief Magistrate in Nairobi was com-

pleted, and the court ruled that the two officers should stand trial. The trial date was pending at year's end.

There were some internal police investigations into the many killings of civilians by members of the security forces and some prosecutions; however, few were effective. The authorities sometimes attribute the absence of an investigation into an alleged extrajudicial killing to the failure of citizens to file official complaints. However, the form required for filing complaints is available only at police stations, which often lack the forms or are not forthcoming in providing them. There also is considerable public skepticism of a process that assigns the investigation of police abuse to the police themselves. The Police Department reported that 73 police officers were charged during the year for various offenses (the offenses were not noted); only 13 were tried. Of those tried, 9 were acquitted; 1 officer received a 10-year sentence; another received a 3-year sentence; 1 was imprisoned for 15 months; and another was fined approximately \$128 (10,000 shillings).

An investigation into the January 2000 killing of 5-year-old Chesortich remained open during the year; however, the body never was found.

The investigations were ongoing at year's end into the September 1999 killings of Mwanzia Mutkuku and of two armed men at a Nairobi bank. During the year, three police officers charged with the June 1999 killings of Victor Polo and Vincent Odhiambo were convicted of manslaughter and sentenced to 15 years imprisonment. An investigation into the January 1999 killings of two rice farmers in Mwea was ongoing at year's end.

There were no reported investigations into the following 1999 cases during the year: The July killings of Peter Kariuki, Jacob Anaseti, and Ramadhani Barula; the April killing of Ahluwalia Subir Ahluwalia; the March killing of Ibrahim Kullow Hussein; the February killing of Elijah Kimani Mwaura; and the February killing of David Muragi.

A hearing before the Senior Resident Magistrate in Kitale in the 1997 deaths in police custody of Moses Macharia Gicheru and Lomurodo Amodoi was ongoing at year's end.

In April the U.S. Federal Bureau of Investigation (FBI) released its final report into the August 2000 death of Father John Anthony Kaiser, a Catholic priest working in the country for more than 30 years; the report concluded that the evidence collected was most consistent with suicide (see Section 2.c.).

Unlike in the previous year, there were no reports of fighting between Muslim worshippers and local traders over land surrounding mosques.

Hundreds of prisoners died in custody due to life-threatening prison conditions, including inadequate food and medical treatment (see Section 1.c.). The Government recorded 464 deaths in prisons between January and November.

Mob violence continued at high levels during the year, which observers believe may have been associated with a continuing high crime rate. According to the Government and the KHRC, 56 persons were killed in mob violence during the year. Human rights observers attribute mob violence to a lack of public confidence in the police and the judicial process. The great majority of mob violence victims, who died by lynching, beating, or burning, were persons suspected of criminal activities, including robbery, cattle rustling, and membership in terror gangs. However, the social acceptability of mob violence also provided apparent cover for personal vengeance under the guise of "mob justice." In late April in a Nairobi slum, following beatings of two gang members by residents angered over recent gang muggings, the remaining gang members attacked the residents; seven people were killed in the ensuing violence. A man also was stoned to death during the violence after he shot and killed an 8-year-old boy.

In early May in the Kericho District of Rift Valley Province, a mob attacked a suspected murderer and set fire to many houses in revenge for the killing of a local businessman. Although police rescued the suspected murderer from the mob, a man was stoned to death as he fled his burning home. The incident also reportedly exacerbated ethnic tension in the area (see Section 5).

Occasionally mobs killed members of their communities on suspicion that they practiced witchcraft; however, there were no statistics available on the number of such deaths during the year (see Section 5).

Interethnic violence continued to cause numerous deaths (see Section 5). Some of these disputes spilled over into the country from neighboring countries (see Section 2.d.).

In 2000 armed men reportedly from Ethiopia killed nine persons and seriously injured five others near the border town of Moyale. Local politicians claimed that the attackers had support from Ethiopian security forces; the incident was not resolved by year's end.

Unlike in the previous year, there were no reports that the Oromo Liberation Front (OLF), an Ethiopian rebel group, laid landmines in northern areas of the country near the Ethiopian border.

b. Disappearance.—There were no reported cases of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution states that “no one shall be subject to torture or degrading punishment or other treatment;” however, security forces continued to use torture and physical violence during interrogation and to punish both pretrial detainees and convicted prisoners. Although authorities periodically issue directives against the use of torture by police, the problem persists. Human rights organizations, churches, and the press highlighted and criticized numerous cases of torture and several cases of indiscriminate beating of groups of persons by police during the year. Common methods of torture practiced by police included hanging persons upside down for long periods, genital mutilation, electric shocks, and deprivation of air by submersion of the head in water. The KHRC reported 49 torture-related deaths during the year, and PAT reported 70 cases of death by torture and 238 total cases of torture; however, PAT still was documenting cases at year’s end (see Section 1.a.).

There were numerous allegations of police use of excessive force and torture. The KHRC believe police brutality is widespread and estimated that there were hundreds of cases during the year. Detainees routinely claimed that they had been tortured, making it difficult to separate real from fabricated incidents. According to MUHURI, on January 18, police allegedly tortured, shot, and killed Abdillahi Mohamed Mashuhuri (see Sections 1.a., 1.d., and 1.f.); no action was taken against the responsible officers by year’s end.

On January 2, Arwings Odera was charged with publishing false information; in December 2000, police reportedly shot and injured Odera (see Sections 1.d. and 2.a.). No action was taken against the police by year’s end.

In June The Nation newspaper reported that Francis Muruatetu testified that he had been tortured by police into confessing to a murder. The victim, a retired police inspector, reportedly said that he was hung naked from a tree in a forest where a dead body hung from another tree; the police allegedly shot at the other body while they interrogated Muruatetu. The victim also claimed that he was denied food and medicine during his 4 days’ detention. During his trial, the court determined that his allegations of torture were unfounded.

According to an unconfirmed report published on August 1 in the People Daily newspaper, workers at Nyeri Provincial Hospital said that prison wardens from King’ong’o prison pulled a murder suspect from his hospital bed and returned him to the prison. The suspect reportedly claimed that he was beaten outside the hospital and then beaten unconscious after he returned to the prison. Prison guards reportedly returned the suspect to the hospital the following day out of fear that he might die from his injuries.

According to organizations that work with street children, police also beat and abuse street children (see Section 5). The case against Mombasa police officers Mwingi Chula and Peter Ndwiga, who were arrested for raping a 13-year-old street girl in May 1999, was pending at year’s end.

Police repeatedly used excessive force and beat persons when breaking up demonstrations and opposition political party rallies (see Sections 2.b. and 6.a.). Police forcibly dispersed several protests after they became violent, injuring some persons (see Section 2.b.).

Following President Moi’s December 2000 ban on all future rallies by Muungano wa Mageuzi (MWM or Movement for Change), police prevented or forcibly dispersed all rallies held by the group, which resulted in several injuries and arrests (see Sections 1.d., 2.a., 2.b., and 3).

On February 4, police beat and arrested James Orengo when he notified them of a planned MWM rally; on February 8, police forcibly prevented the rally (see Sections 1.d. and 2.b.). On July 7, police again beat and arrested Orengo and environmental activist Wangari Maathai at a rally to commemorate the anniversary of the multi-party movement; they were released and their cases were pending at year’s end (see Sections 1.d. and 2.b.). On July 22, police used tear gas to forcibly disperse a rally in Kapsabet town (see Section 2.b.).

On October 20, police arrested 71 members of the Release Political Prisoners (RPP) group, prominent activist Kivutha Kibwana, and members of other NGO’s for holding an illegal meeting to commemorate Kenyatta Day (see Sections 1.d. and 2.b.). Police reportedly used tear gas during the arrests and beat some of the detainees. On October 21, members of the RPP converged on the police station where the detainees were being held to call for their release. Police officers responded with tear gas and beat the RPP members with batons and hockey sticks. On October 26,

the detainees were released on bond and scheduled for trial in December; all charges against the group later were dropped (see Sections 1.d. and 2.b.).

In May 2000, President Moi was quoted widely in the press calling for action against the Mungiki religious and political group; police forcibly disrupted several of the group's meetings during the year, injuring several persons (see Section 2.b.). On April 18, police used tear gas and batons to forcibly disperse a march by Mungiki members; numerous persons were injured, (see Sections 1.d., 2.b., and 2.c.). The Government arrested numerous Mungiki members during the year (see Section 1.d.).

Student protests and riots occurred frequently during the year, and police forcibly dispersed several protests after they became violent, which resulted in injuries.

Unlike in the previous year, there were no violent incidents during the elections to the Kenya Tea Development Authority's Board of Directors (the cooperative which represents the country's 56 tea factories).

In 2000 94 M.P.'s released a report entitled "The Politicization and Misuse of the Kenya Police and the Administration Police Force," which criticized the police for misuse of force and human rights abuses. The SCHR wrote in its 2000 report that the "majority of [human rights] cases have involved torture and brutality meted out to individuals mainly by law enforcement agencies and others whose primary duty would be to protect and defend those very rights." In June 2000, President Moi ordered police to stop using live ammunition when quelling riots; however, the pronouncement had little effect on police behavior.

During the year, the Government investigated some allegations of police use of excessive force and torture, and prosecuted several police officers; some officers were charged, convicted, and sentenced for killings (see Section 1.a.). The Government recorded no cases of torture during the year. In September 2000, prison guards at the King'ong'o Prison in Nyeri killed six inmates who were attempting to escape (see Section 1.a.). Officials initially claimed that guards shot the six as they fled; however, there were media and NGO reports that the six had died of blows to the head and severe beatings after recapture. By some accounts, the dead inmates had their eyes gouged out and heads beaten and were disfigured beyond recognition. The Attorney General ordered an inquest into the killings, and the police were investigating the matter at year's end. A woman, Margaret Njeri, claimed that police tortured her to extract a confession; police officers allegedly stripped, whipped, beat her until she bled, and sexually abused her. In 2000 Njeri filed a formal complaint to police and said that she intended to sue police for damages; the case was pending at year's end. In May 2000, police officers Charles King'ori and Wilson Kinyanjui from the Makueni Police Station allegedly undressed Charles Muteti Mulwa, bound his hands and legs, and sexually abused him. King'ori and Kinyanjui were charged with assault and their cases were pending before the Makindu Principal Magistrate at year's end, and further hearings were scheduled for February 2002; it was unknown whether they were in detention or released on bail.

In September 2000, a magistrate in Nakuru granted the request of six army officers, Nahashoon Kili, Moses Kiprotich, John Masai, Joseph Tanui, Henry Buienei, and Tito Rono, to pursue charges of torture against members of the 66th Artillery Battalion; the six had been held for 6 months in 2000 on suspicion of mutiny. On February 3 in Eldoret, four of the six officers told journalists that while under military detention, they had their testicles pricked with needles, were beaten, were deprived of food for days, and were doused with cold water while naked. The officers said they were tortured into falsely confessing to having planned a mutiny. During the year, the Chief Magistrate dismissed the case against the members of the 66th Artillery Battalion for procedural reasons; the army officers appealed the decision, which was pending at year's end.

In 2000 authorities disbanded a special squad of 30 police officers attached to the CID because they allegedly were involved in numerous robberies, carjackings, and killings. Due to lack of evidence against them, there were no reports that members of the squad, reportedly code-named Alfa Romeo, were prosecuted by year's end. The Attorney General's office reported that the officers were redeployed in order to enhance efficiency, not for any illegal activities.

The inquest into the April 2000 killing of Sophia Nyaghtii Mbogo was ongoing at year's end. The inquest into the January 2000 killing by two officers of Philip Machau was completed during the year; the officers were awaiting trial at year's end.

The December 2000 case of Betty Dindi and the January 2000 killing of Joseph Nding'u Nyoike, which involved torture, beatings, or abuse by members of the security forces, were dismissed due to lack of evidence.

No action was taken in the February 2000 beating case of journalist Mohammed Sheikh; the Government claimed that it was unaware of Sheikh's complaint and that Sheikh could not be found.

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the February 2000 case in which police fired at suspected robbers who were fleeing from police and seriously injured a teenaged boy and the January 2000 case of William Tanui.

No known action was taken during the year against police who reportedly used excessive force when breaking up demonstrations, student riots, or Mungiki meetings on the following dates in 2000: December 17; December 13; September 11; August 19; July 30; June 21; June 20; June 12; and February 28.

Investigations were ongoing in the following 1999 cases: The case of Julius Muhoro Mugo, who was tortured by CID officers; and the case of Johnnes Musyoka Kimonyi, who was beaten by police in Buru Buru.

The May 1999 case of residents of Balessa and El Hadi and the April 1999 case of Duncan Ndwega, which involved torture, beatings, or abuse by members of the security forces, were dismissed due to lack of evidence.

Police denied that charges of torture, beating, or abuse had been filed in the following 1999 cases: The September case of Geoffrey Mbutia Nduati; the February case of Peter Macendu; and the January case of Jeremiah Kasuku.

There was no known action taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The May case of James Orengo; and the January case in which police beat a crowd protesting the results of the National Assembly by-election in Eastern Province.

Caning continued to be used as punishment in cases such as rape (see Section 5).

Acts of violence, including rape, banditry, and shootings, occur regularly near refugee camps (see Sections 2.d. and 5).

There were several violent incidents between progovernment supporters and opposition supporters during the year, mostly during opposition rallies (see Section 2.b.).

Unlike in the previous year, there were no reports of fighting between Muslim worshippers and local traders over land surrounding mosques.

Prison conditions are harsh and life threatening, due both to a lack of resources and to the Government's unwillingness to address deficiencies in the penal system. Prisoners are subjected to severe overcrowding, deficient health care, and receive inadequate water, diet, and bedding. Police and prison guards subject prisoners to torture and inhuman treatment (see Section 1.a.). Rape of both male and female inmates, primarily by fellow inmates, is a serious problem, as is the increasing incidence of HIV/AIDS. Disease is widespread in prisons, and the death rate is high. Only one prison health facility had a resident doctor. The others were staffed by clinical officers or nurses posted from the nearest government hospital. Prisoners sometimes are kept in solitary confinement far longer than the maximum 90 days allowed by law. Prisoners and detainees frequently are denied the right to contact relatives or lawyers. On July 4, The Nation newspaper reported on its investigation into prison conditions nationwide. The article highlighted the difficulty family members have in visiting prisoners, including numerous bureaucratic and physical obstacles, each requiring a bribe.

The country's prisons reportedly hold 2 to 3 times their estimated combined capacity of 15,000 inmates. The average daily population of prison inmates was 38,739, 33 percent of whom were pretrial detainees. While the prison population has increased steadily over the last several years, prison facilities have not. According to the Government, there are 89 prison facilities. Overcrowding led to health-related problems arising from the sharing of amenities, encouraged the spread of infectious diseases, and resulted in food and water shortages. There is little access to health care and medicine. According to the Government, 464 prisoners died in jails during the first 11 months of the year, compared with 768 in 2000. Deaths were due chiefly to tuberculosis, dysentery, anemia, malaria, heart attack, typhoid fever, and HIV/AIDS, for which there is little access to health care and medicine.

On March 23, the KHRC hosted a public meeting at which former prisoners discussed their experiences while in prison. The former prisoners described prisons as full of disease, death, corruption, and brutality with guards demanding bribes for the most basic amenities. Responding to public allegations of unacceptable detention conditions, in 2000 the Government sent to Kodiaga Prison a fact-finding team, which found that prison conditions were acceptable. In January 2000, Commissioner of Prisons Edward Lokopoyit dismissed allegations of widespread torture in prisons; however, press reports continue to highlight the substandard conditions in the prisons. In September 2000, the Attorney General said publicly that some prisons were

“unfit for humans.” The following day, the Nyeri District Commissioner decried poor prison conditions countrywide.

By most accounts, prisoners receive three meals per day; however, in the past there have been reports of food shortage as well as reports that senior prison officers misappropriated the meat provided for prisoners. There were no reports during the year of food shortages or that prisoners died from hunger. During a 1999 visit by the U.N. Special Rapporteur for Torture, Nigel Rodley, prison authorities at Nakuru GK Prison confirmed that inmates on remand received half the ration of food provided to regular prisoners because they did not work.

Men, women, and children officially are kept in separate cells, and there were no reports that men and women were placed in the same cells. Women sometimes lack access to sanitary napkins and often have only one change of clothes, leaving them naked during the washing of their laundry. Young teenagers frequently are kept in cells with adults in overcrowded prisons and detention centers. Youth detention centers are understaffed, and inmates have minimal social and exercise time. Some young inmates remain for years in the centers, as their cases await resolution.

Nearly all prisoners serving more than 6 months in prison work in the prison industries and farms. Men work in printing services, car repair, tailoring, metal work, and leather and upholstery work. Women are taught sewing, knitting, dressmaking, rug making, basket weaving, jewelry making, and other crafts. Outdated laws mandate prisoners’ earnings at \$0.35 to \$0.70 per year. Prisoners on good conduct can, with permission, work beyond the 8-hour day to produce goods, from which they earn two-thirds of the profits. Prisons are unable to invest these sizable profits in the prisons because income generated from the sale of prison products is sent directly into the Government Consolidated Fund. Some observers allege that prison officials use the free prison labor for personal profit; however, many inmates leave prison with a valid trade certificate.

The courts are responsible partly for overcrowding, as the backlog of cases in the penal system continues to fill the remand sections of prisons (see Section 1.d and 1.e.). Many detainees spend more than 3 years in prison before their trials are completed, often because they cannot afford even the lowest bail. Very few can afford attorneys.

The Government does not permit consistent independent monitoring of prison conditions. In general the Government does not permit domestic NGO’s to visit prisons; however, some independent NGO’s work with the Government in evaluating torture cases and performing autopsies on deceased prisoners. The SCHR has the authority to inspect prison facilities on demand at any time. The SCHR inspected several prisons during the year and found very poor conditions. For example, the Industrial Area Prison in Nairobi housed 3,000 prisoners despite a capacity for only 500.) In 2000 U.N. Special Rapporteur Rodley released a report on his visits to several prisons in 1999. Rodley noted the problems of limited access by observers, poor sanitation and health care, and overcrowding.

d. Arbitrary Arrest, Detention, or Exile.—Despite constitutional protections, police continued to arrest and detain citizens arbitrarily. The Constitution provides that persons arrested or detained be brought before a court within 24 hours in noncapital offenses and within 14 days in capital cases. The Penal Code specifically excludes weekends and holidays from this 14-day period. The law does not stipulate the period within which the trial of a charged suspect must begin. Indicted suspects often are held for months or years before being brought to court. The Government has acknowledged cases in which persons have been held in pretrial detention for several years. Police from the arresting location are responsible for serving court summons and for picking up remandees from the prison each time the courts hear their cases. Police often fail to show up or lack the means to transport the remandees, who then must await the next hearing of their case. For example, in the case of six army officers who pursued charges of torture against members of the 66th Artillery Battalion, the courts later criticized Police Commissioner Philemon Abong’o for failing to serve the accused army officials with the court summons (see Sections 1.a and 1.c.).

The law provides that families and attorneys of persons arrested and charged are allowed access to them, although this right often is not honored (see Section 1.c.). Family members and attorneys may visit prisoners only at the discretion of the authorities. This privilege often is denied. For those who have been charged, it often is possible to be released on bail with a bond or other assurance of the suspect’s return.

Prison overcrowding is a problem, and the backlog of cases in the penal system continues to fill the remand sections of prisons (see Section 1.e.). Many detainees spend more than 3 years in prison before their trials are completed, often because they cannot afford even the lowest bail.

In 2000 the Government instituted the Community Service Order (CSO), a program whereby petty offenders perform community service rather than serve a custodial sentence. According to the Home Affairs Permanent Secretary, the Government spent \$250,000 (20 million shillings) on the CSO in 2000 and \$500,000 (40 million shillings) before year's end. There were 11,000 petty offenders participating in the program during the year. The program eventually may help alleviate overcrowding; however, there was no indication of any relief by year's end.

Citizens frequently accuse police officers of soliciting bribes during searches or falsely arresting individuals to extract bribes (see Section 1.f.). The police continued repeatedly to conduct massive searches ("sweeps") for illegal immigrants and firearms (see Sections 1.f. and 2.d.). The KHRC recorded 1,950 arrests during sweeps in 2000. In May police arrested approximately 1,400 suspects during a single sweep (see Section 1.f.). It was unknown if they had been released by year's end.

According to MUHURI, police allegedly detained five colleagues of Abdillahi Mohamed Mashuhuri whom they arrested on narcotics charges after raiding Mashuhuri's house on January 18 (see Sections 1.a., 1.c., and 1.f.). A ruling on the case was pending at year's end; it was unknown whether the five remained in detention.

On March 7, environmental activist Wangari Maathai was arrested as she collected signatures to block a controversial government plan to transfer vast tracts of forest from public to private ownership; no charges were filed, and Maathai was released 2 days later.

The Government often arrested civil society leaders and opposition politicians and charged them with participating in illegal gatherings (see Section 2.b.). On February 4, police beat and arrested James Orengo when he and others went to a proposed rally site in Kisii to notify police of their intent to hold an MWM rally, as required by law (see Sections 1.c. and 2.b.). Police prevented Orengo's lawyers from seeing him. Orengo was charged with taking part in an illegal assembly and resisting arrest; he subsequently was released, but his case remained pending before the court at year's end. Orengo has been arrested on questionable charges more than eight times since 1997; many of these cases against Orengo, including one from January 2000, remained pending at year's end. On February 8, police forcibly prevented the MWM rally and arrested numerous persons. On February 8 in Kisumu, police arrested another opposition M.P., Anyang' Nyong'o, and four other opposition supporters in Kisumu, where MWM also attempted to hold a rally (see Section 2.b.). On July 7, police again beat and arrested James Orengo and environmental activist Wangari Maathai at a rally to commemorate the 10th anniversary of the multi-party movement (see Sections 1.c. and 2.b.). Orengo and Maathai were released, and the charges against them were dropped.

Following an opposition rally on April 28 that police earlier had attempted to cancel for "security concerns," police arrested two Democratic Party (DP) M.P.'s, Maina Kamanda and David Manyara (see Sections 2.a. and 2.b.). Kamanda was charged with treason for allegedly threatening the life of President Moi during a speech at the meeting. Kamanda later was released and the treason charge was dropped; however, he was charged with the lesser offense of "incitement," the same charge on which Manyara was arrested a few days later for a speech he gave at the same rally.

On April 18, police forcibly dispersed a march by Mungiki members; six persons reportedly were arrested, and numerous persons were injured (see Sections 1.c., 2.b., and 2.c.). It was unknown whether those arrested had been released by year's end. On November 16, more than 70 members of the Mungiki and Kamjesh groups were arrested for extortion and for seizure of the routes used by privately owned public transportation vehicles, known as matatus. On November 19, police arrested Mungiki leader Ibrahim Waruinge, who previously had announced that Mungikis planned to take over the management of the routes of privately owned transportation vehicles; he was charged with promoting "warlike" activities during a July clash between Mungiki members and matatu drivers which resulted in five deaths.

On October 20, police arrested 71 members of the RPP group, prominent activist Kivutha Kibwana, and members of other NGO's for holding an illegal meeting to commemorate Kenyatta Day (see Section 2.b.). Police reportedly used tear gas during the arrests and beat some detainees. On October 26, the detainees were released on bond and scheduled to go on trial in December; all charges against the detainees later were dropped.

Student protests and riots occurred frequently during the year, and police arrested numerous students responsible for violence during the incidents.

During the year, police arrested a number of journalists on charges of publishing information "likely to cause alarm to the public" (see Section 1.a.). On January 2 in Kisumu, Arwings Odera, a freelance journalist, was charged with publishing false

information (see Sections 1.c. and 2.a.) In January he was released on bail; Arwings reportedly fled the country, and the case against him remained pending at year's end. In April the Government sealed the offices of Citizen Radio and Television and detained its owner, who later was released (see Section 2.a.). The case was pending at year's end.

There were no developments in the following cases from 2000: The December case of several journalists arrested during an MWM rally; the July arrests of 10 Mungiki members; and the April arrests of Joseph Kirangathi Njoroge, Esther Wamucii, John Gitonga, and Mwangi Gachie Kamau.

In April 2000, police arrested and beat Mohammed Sheikh, a journalist for *The People* (see Section 2.a.). Sheikh was released on bail and filed a complaint; the Government claimed that it was unaware of Sheikh's complaint and that Sheikh could not be found. In February 2000, John Wandetto, a journalist for *The People* who was arrested in 1999, received an 18-month jail sentence for writing a report that "risked causing alarm." During the year, Wandetto appealed the sentence to the High Court, which ruled in his favor and released him without charge.

Pretrial detention remained a problem. On June 22, Richard Wachira Wambugu was released after spending 18 years in detention awaiting trial for murder. On October 26, 2000, Michael Owour, on remand at Kamiti Prison and charged by the Kiambu Court with a violent robbery, was tried, convicted, and sentenced to death; he allegedly had been awaiting trial for 4 years.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary often is corrupt and subject to strong influence from the executive branch. The President has extensive powers over appointments, including those of the Attorney General, the Chief Justice, and Appeal and High Court judges. The President also can dismiss judges and the Attorney General upon the recommendation of a special presidentially appointed tribunal. Although judges have life tenure (except for the very few foreign judges who are hired by contract), the President has extensive authority over transfers.

In previous years, judges who ruled against the Government sometimes were punished with the transfer or nonrenewal of their contracts; however, no retaliatory action against judges was reported during the year. Judges occasionally demonstrated independence. Several cases involving opposition M.P.'s have been pending for years, with the courts repeatedly postponing the hearings, thereby requiring the M.P.'s to appear periodically in court or risk fines or imprisonment. In 2000 a Homa Bay court sentenced M.P. Shem Ochuodho to more than 3 years in prison for a violent assault on a political rival during the 1997 election. While violence may have occurred, observers believe the court may have applied the law inequitably; no KANU M.P.'s were similarly charged despite credible allegations of violence on their part during campaigning. There were a number of protests against Ochuodho's conviction; 10 days later, High Court Justice Barbara Tanui overturned the conviction, ordered a new trial, and released Ochuodho. Police immediately rearrested Ochuodho, took a statement regarding the case, and then released him on bail. On November 30, eight charges of malicious damage to property and two assault charges were withdrawn; however, the case remained under investigation at year's end.

The Attorney General's constitutional power to discontinue proceedings in private prosecution cases was a problem. Arguing that citizens must first notify his office before initiating private prosecution, Attorney General Amos Wako has used this authority on a number of occasions to terminate cases against government officials.

No action was taken during the year to implement the recommendations of the 1998 Kwach Commission, which the Chief Justice appointed to report on the problems of the judiciary. The Kwach Commission cited "corruption, incompetence, neglect of duty, theft, drunkenness, lateness, sexual harassment, and racketeering" as common problems in the judiciary. The Commission recommended amending the Constitution to allow for the removal of incompetent judges, introducing a code of ethics, improving the independence of the judiciary, overhauling the Judicial Services Commission (the administrative branch of the judiciary), and shifting prosecutorial responsibilities from the police to the judiciary. Upon receipt of the report, the Chief Justice in late 1998 appointed another commission to investigate modalities of implementing the Kwach Commission's recommendations for improving the judiciary. No action was taken on those recommendations by year's end.

The court system consists of a Court of Appeals, a High Court, and two levels of magistrate courts, where most criminal and civil cases originate. The Chief Justice is a member of both the Court of Appeals and the High Court, which undercuts the principle of judicial review. Military personnel are tried by military courts-martial, and verdicts may be appealed through military court channels. The Chief Justice appoints attorneys for military personnel on a case-by-case basis.

The country has Islamic courts that resolve disputes, adjudicate inheritance questions and marital issues, and handle other civil matters where all parties are Muslim and accept the court's jurisdiction. The Constitution provides for these courts, and states that "jurisdiction of a Kadhi's court shall extend to the determination of questions of Muslim law relating to personal status, marriage, divorce, or inheritance in proceedings in which all the parties profess the Muslim religion." The courts have functioned in the country for numerous years. There are no other customary or traditional courts in the country. However, the national courts use the customary law of an ethnic group as a guide in civil matters so long as it does not conflict with statutory law. This is done most often in cases that involve marriage, death, and inheritance issues and in which there is an original contract founded in customary law. For example, if a couple married under national law, then their divorce is adjudicated under national law, but if they married under customary law, then their divorce is adjudicated under customary law. Citizens may choose between national and customary law when they enter into marriage or other contracts; however, thereafter the courts determine which kind of law governs the enforcement of the contract. Some women's organizations seek to eliminate customary law because they feel it is biased in favor of men (see Section 5).

Civilians are tried publicly, although some testimony may be given in closed session. The law provides for a presumption of innocence, and for defendants to have the right to attend their trial, to confront witnesses, and to present witnesses and evidence. Civilians also can appeal a verdict to the High Court and ultimately to the Court of Appeals. Judges hear all cases. In treason and murder cases, the deputy registrar of the High Court can appoint three assessors to sit with the High Court judge. The assessors are taken from all walks of life and receive a sitting allowance for the case. Although the assessors render a verdict, their judgment is not binding. Lawyers can object to the appointments of specific assessors.

Defendants do not have the right to government-provided legal counsel, except in capital cases. For lesser charges, free legal aid rarely is available, and then only in Nairobi and other major cities. As a result, poor persons may be convicted for lack of an articulate defense. Although defendants have access to an attorney in advance of trial, defense lawyers do not always have access to government-held evidence. The Government can plead the State Security Secrets Clause as a basis for withholding evidence, and local officials sometimes classify documents to the hide the guilt of government officials. Court fees for filing and hearing cases are high for ordinary citizens. The daily rate of at least \$25 (2,000 shillings) for arguing a civil case before a judge is beyond the reach of most citizens.

Critics of the Government—politicians, journalists, lawyers, and students—have been harassed through abuse of the legal process. Authorities continued to arrest opposition M.P.'s and journalists during the year (see Sections 1.d. and 2.a.), and a number of opposition M.P.'s, student leaders, and human rights activists still had one or more court cases pending during the year. Some of these cases often have been pending for months or even years.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—At times authorities infringed on citizens' privacy rights. Although the Constitution provides that "no person shall be subjected to the search of his person or his property or the entry by others on his premises", it permits searches without warrants "to promote the public benefit." The Police Act permits police to enter a home forcibly if the time required to obtain a search warrant would "prejudice" their investigation. Although security officers generally obtain search warrants, they occasionally conduct searches without warrants to apprehend suspected criminals or to seize property believed to be stolen. Citizens frequently accuse police officers of soliciting bribes during searches or of falsely arresting individuals to extract bribes (see Section 1.d.). Unlike in previous years, there were no reports that Nairobi police searched offices of the media without warrants.

According to MUHURI, on January 18 in Mombasa, police allegedly raided the house of Abdillahi Mohamed Mashuhuri and detained Mashuhuri and five of his colleagues (see Sections 1.a., 1.c., and 1.d.).

In April the Communications Commission of Kenya (CCK) sealed the offices of Citizen Radio and Television and confiscated equipment (see Sections 1.d. and 2.a.) On May 20, police officers raided offices of The People newspaper, reportedly to take statements from two senior editors who had written a story alleging a connection between the Office of the President and troubles in the hotel businesses of opposition politician Kenneth Matiba (see Section 2.a.).

The police continued to conduct massive warrantless searches ("sweeps") for illegal immigrants and firearms in residential neighborhoods of major cities (see Section 2.d.). The KHRC recorded 1,950 arrests during sweeps in 2000 (see Section

1.d.). Residents complained that police who entered homes on the pretense of searching for weapons often asked for radio, television, and video receipts and permits and demanded bribes to refrain from confiscating those items in the absence of such documents. During one such sweep in May, police arrested approximately 1,400 suspects; Nairobi Police Chief Geoffrey Mwathe announced that he had directed a “massive operation to pick up all known criminals for known offenses and unknown offenses” and admitted that some innocent people were “likely to suffer.”

Security forces monitored closely the activities of dissidents, following or otherwise harassing them. They employed various means of surveillance, including a network of informants to monitor the activities of opposition politicians and human rights advocates. Some opposition leaders, students, journalists, and others continued to report that the Government subjected them to surveillance and telephone wiretaps; however, there were no reports of interference with written correspondence during the year.

Members of the coastal Bajuni, Mijikenda, and Digo communities accused the Government of denying them their rights to land (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government broadly interprets existing laws to restrict free expression. The Government continued to harass, beat, and arrest elements of the media during the year (see Sections 1.c. and 1.d.), and various media and human rights organizations criticized police for such actions during rallies and demonstrations in 2000. The print media has been relatively independent for decades and since 1992 has multiplied and become more outspoken; there was further liberalization of the electronic media during the year, including radio, television, and Internet communications. The developing regulatory framework for broadcast media allowed abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies. Police repeatedly dispersed demonstrators to prevent criticism of the Government, and journalists covering such events often were present during the dispersals (see Sections 1.c., 1.d., and 2.b.). In spite of these pressures, the press, civic organizations, and the opposition continued to present their views to the public, particularly in the print media. Government pressure led journalists to practice some self-censorship.

Following an opposition rally in Central Province on April 28 that led to the arrest of two M.P.’s on charges of incitement, President Moi ordered the police to monitor and record all public speeches by politicians at political rallies (see Sections 1.d. and 2.b.). The order was regarded widely as an attempt to restrict political speech by threatening to arrest those whose speech could be interpreted by the Government as inflammatory.

Following an opposition rally on April 28 that police earlier had attempted to cancel for “security concerns,” police arrested two DP M.P.’s, Maina Kamanda and David Manyara (see Sections 1.d. and 2.b.). Kamanda was charged with treason for allegedly threatening the life of President Moi during a speech at the meeting. The Government-controlled Kenya Broadcasting Corporation (KBC) broadcast a video that showed Kamanda saying that President Moi should be shot if he did not leave office after his current term ended; however, a Kenya Television Network (KTN) news video of the same event indicated that the tape shown on KBC had excluded three words. Kamanda actually had said that Kamanda himself should be shot if he (Kamanda) were to agree to another term for Moi. Kamanda later was released and the treason charge was dropped; however, he was charged with the lesser offense of “incitement.”

On the whole, the print media remained candid and independent. The mainstream print media include four daily newspapers that report on national politics. The largest newspaper, the Nation, is independent and often publishes articles critical of government policies. The second largest newspaper, the East African Standard, is controlled by an investment group with close ties to the Government and the ruling KANU party. It is generally, although not automatically, supportive of the Government. The third daily newspaper, The People, formerly a weekly, is owned by an opposition politician and is highly critical of the Government. The fourth daily, the Kenya Times, which has a small circulation, reflects KANU party views. There also are numerous independent tabloid or “gutter” periodicals, which appear irregularly and are highly critical of the Government. Reporting in these tabloids ran the gamut from revealing insider reports to unsubstantiated rumor-mongering. While all Kenyan newspapers suffered financially to varying degrees because of the prolonged economic and business downturn, the Government no longer openly pressured businesses against advertising with opposition media during the year.

Unlike in previous years, the Government did not pressure businesses against advertising with opposition media during the year. While there was no overt official government pressure on journalists, individual journalists reported that they were pressured by government officials and other influential persons to avoid reporting on issues that could harm the interests of these persons or expose their alleged wrongdoings. Some editors and journalists reportedly practiced self-censorship because of government pressure or bribes; there also were credible reports of journalists accepting payments to report or withhold certain stories, some of which were fabricated.

The Government attempted to intimidate the pro-opposition press with arrests and pressure, and by selective prosecution of journalists under a colonial-era section of the Penal Code that criminalizes the publication of information likely to cause fear or alarm. Reports that police beat and arrested journalists continued during the year (see Sections 1.c., 1.d., and 2.b.). In December 2000, police arrested Arwings Odera, a freelance journalist who had published a series of articles alleging corruption in government-backed projects, including the foreign-funded hydroelectric power project in Sondu-Miriu. On January 2, Odera was charged with publishing false information, trespassing, incitement to violence, and resisting arrest; he was released later in January. Police reportedly also had shot and injured Odera in his car in December 2000; in January he was released on bail and in July he fled to South Africa for fear of his life (see Sections 1.c. and 1.d.).

On May 20, police officers raided offices of The People, reportedly to take statements from two senior editors who had written a story alleging a connection between the Office of the President and troubles in the hotel businesses of opposition politician Kenneth Matiba (see Section 1.f.).

In November the court tried and acquitted Aola Ooko, a correspondent for the Agence France Presse, who was arrested in March 2000 for fabricating allegations against the police in Mombasa.

In February 2000, John Wandetto, a journalist for The People who was arrested in 1999, received an 18-month jail sentence for writing a report that "risked causing alarm." During the year, Wandetto appealed the sentence to the High Court, which ruled in his favor; he was released.

In April 2000, police arrested and beat Mohammed Sheikh, a journalist for The People. Sheikh was released on bail and filed a complaint; the Government claimed that it was unaware of Sheikh's complaint and that Sheikh could not be found.

The case against Simbi Kisumba, a journalist for The People, who was arrested in 2000 for publishing an article that criticized the police, remained pending at year's end.

There were no developments in the December 2000 arrest and detention of several journalists at an MWM rally.

The Government continued to loosen its control over electronic broadcast media in and around Nairobi, while maintaining its dominance of broadcast services to regional towns and rural areas, where the majority of the country's population live. KBC is the oldest broadcaster and the only one with a national network of broadcast and cable television, AM and FM radio, and short-wave broadcasts. KBC remained the only domestic source of current information for most persons outside the Nairobi area; stations operated by other media companies, including 12 radio stations, operate primarily in Nairobi and its outlying areas.

The Government controls KBC, and KBC's monopoly on broadcasting nationally continued to limit severely the ability of opposition leaders and other critics of the Government to communicate with the electorate outside the capital. KBC stations do not criticize the Government and give a large share of news time to government or KANU party functions and little coverage to opposition activities. During the 1997 elections, the Electoral Commission directed KBC to accord equal treatment to all political parties; however, this directive has never been implemented fully. KBC news coverage remains biased in favor of KANU and President Moi. In addition the KBC's limited coverage of the opposition generally was negative, compared with uniformly positive coverage of KANU. Opposition politicians accused the Government of using similar tactics in the 1999 by-elections.

KTN, a subsidiary of the East African Standard group of newspapers that is owned by KANU supporters, airs news programs with more balanced political coverage than KBC. KTN broadcasts in Nairobi and Mombasa. Stellavision also is owned by KANU supporters and operates in collaboration with TV Africa and SKY TV of London. Stellavision does not air local news, relying instead on rebroadcasts of SKY TV and British Broadcasting Corporation (BBC) world news; it broadcasts in Kisumu, Mombasa, and Nairobi. Other TV stations in operation in Nairobi are Nation-TV, associated with the Nation newspaper group, and Family, a Christian-oriented broadcaster. Citizen TV and Citizen Radio, which broadcast generally ob-

jective news programs, ceased operations during the year. By year's end, Citizen Radio resumed its broadcasts to much of the central areas of the country; Citizen TV, which formerly broadcast to the Nairobi area, remained closed. Family TV and Radio broadcasts in the Nairobi metropolitan area; Nation Television also broadcasts in Mombasa, providing independent media coverage.

The following radio stations also broadcast in Nairobi: Nation, Kameme, BBC, Voice of America (VOA), Capital, Family, Kiss, Iqra, Metro East, and Sounds Asia. In addition to KBC, Sauti ya Rehema, a non-denominational religious radio station broadcasting in Kiswahili, English, and other local languages in Eldoret, and the Mombasa-based Christian-oriented Baraka FM radio broadcasting in Kiswahili and English transmit outside of Nairobi.

In June rebroadcasts of VOA programming on FM radio began in Nairobi; in 2000 the Government issued a permit to VOA to broadcast locally. VOA requests for similar broadcast access to Mombasa were not approved.

The Government, through the CCK, continued to delay action on a number of radio and television license applications on the grounds that it was reorganizing and regularizing its licensing procedures. The Ministry of Information, Transport, and Communication continued to argue that it was waiting for the recommendations on media liberalization from the Attorney General's Task Force on Press Law. That Task Force made its initial report in December 1998; however, it still has several outstanding issues to resolve, including the manner of selection of the 13-member Media Commission, which would act as an independent body issuing broadcast licenses. In April the Government announced that a policy on broadcast licensing would be issued to ensure transparency in licensing procedures; however, no such policy was issued by year's end. The CCK regulates frequency allocations, while the Ministry of Transport and Communications issues licenses. The Ministry has licensed 33 organizations (6 of which are KBC companies) to broadcast, and the CCK has allocated frequencies to a total of 9 television and 18 radio stations, although some were not broadcasting at year's end. In 1999 Nation Media Group received authorization for radio broadcasts in Nairobi, Mombasa, Kisumu, and Nakuru, and began radio and television transmission to Nairobi. Nation Media also sued the Government for permission to broadcast radio and television nationwide, but the case was still before the courts at year's end. In 1998 the Ministry approved radio and television broadcast licenses for a Muslim group and for a Christian group, and in 1999, the Ministry licensed an Islamic radio station and three Catholic television stations. In 2000 the Supreme Council of Kenya Muslims (SUPKEM) began test-running Iqra Radio Station, which provides information, educational programming, and entertainment for Muslim audiences in Nairobi; Iqra was operational fully at year's end. In June the Government announced that it would not issue any more licenses to broadcast in Nairobi until new policies were in place. According to the Ministry, there were 120 applications for Radio/TV licenses pending at year's end.

Private organizations that have been issued frequencies to broadcast but have not done so include the Pentecostal Church, Pete Aviation, and Maritime Media Services. The Catholic Church, which reportedly has been allocated radio and television frequencies for Nairobi, had not begun broadcasting by year's end. It reportedly wants a nation-wide frequency, while the Government insists on region-by-region allocation of locally based broadcasters. The Government also licensed and provided frequencies to the East African Television Network (EATN), the only recipient of a national frequency other than KBC; however, a dispute arose with the Government after EATN formed a partnership with Nation Media. The Government blocked EATN from using the frequencies and the case was pending in the courts at year's end.

In January the CCK ordered the shutdown of Citizen Radio and Television broadcast for unpaid licensing fees and improper use of communications equipment. Citizen claimed that the shutdown, which only affected its operations outside Nairobi, was motivated politically. Citizen, which began broadcasting in 1999, appealed the order in the courts and continued broadcasting in Nairobi; however, in 2000 the court upheld the CCK's order and Citizen again appealed to the highest court, the Court of Appeal. In April after Citizen moved its broadcast equipment from borrowed space on government-controlled towers to a new location on the outskirts of Nairobi, the CCK sealed Citizen's offices, confiscated equipment, and detained its owner (see Section 1.d.). Citizen appealed the Government's action, and the court ruled that the CCK had acted properly in seizing equipment. The CCK subsequently stripped Royal Media, the parent company of Citizen, of its broadcast licenses. Citizen's owner appealed that ruling; the appeal was pending at year's end.

In April 2000, during a speech to Parliament, Julius Sunkuli, the Minister of State in the Office of the President, criticized ethnic vernacular radio stations as being tribal and a detriment to national unity (see Section 5). In August 2000, Presi-

dent Moi's request that the Attorney General draft a law to force radio stations to broadcast only in English or Kiswahili drew negative public reaction, which caused several Government officials to deny that the Government intended to ban vernacular broadcasting. No such law was implemented by year's end.

Representatives of the international media remained free to operate; 120 international correspondents work in Kenya, and approximately 100 media organizations report out of Nairobi without official interference.

A number of publications remained banned, including such works as "The Quotations of Chairman Mao Zedong" and Salman Rushdie's "Satanic Verses."

Sedition is not a ground for censorship of publications; however, the Prohibited Publications Review Board reviews publication bans. Public officials use libel laws to attack publications directly critical of actions by government officials. In October 2000, a ruling in a libel case involving a government minister ordered that printers and distributors are to be held equally responsible with publishers and authors for libelous content in publications and books. Further interpretation of libel laws and related legislation also has made retail stores equally liable should the material in question be found libelous.

In June President Moi and Nicholas Biwott, Minister for Trade and Industry, sued a former U.S. Ambassador accredited to the country and a bookstore that carried the Ambassador's book for libel over allegations in the book that the President and Biwott were involved in the 1991 murder of Foreign Minister Robert Ouko. In August the President and Biwott successfully blocked The Nation newspaper from publishing excerpts from the book. Also in August, a court ordered The Nation to stop publishing further reports on corruption charges, filed with a regional court, against a company partly owned by one of the President's sons.

The Government does not restrict access to the Internet. There were approximately 20 domestic Internet service providers (ISP's), which generally are privately owned. Internet access was limited only by economic and infrastructural factors, and was fairly widespread in urban areas. Although liberalization of Internet communications continued, Internet access in the country continued to be limited by Telkom. All ISP's are required to use the communications parastatal to connect to the Internet. There were no reports of Telkom interfering with the content of Internet transmissions. Telkom was slated for privatization during the year; however, no action was taken by year's end.

Despite constitutional provisions for free speech, the Government and school administrators continued to limit academic freedom. There were six private universities and six universities owned, subsidized, and administered by the Government. Most post-secondary students attended Government-run institutions, partly because of their lower fees. President Moi, as chancellor of all state universities, appoints the vice chancellors, who manage the institutions under the supervision of the Ministry of Education. A number of student activists have been expelled from universities in recent years because of political activities, and most have been refused readmission. Students claim that the Government interferes in student elections to ensure sympathetic student leaders.

Student protests and riots occurred frequently during the year, and police forcibly dispersed several protests after they became violent, which resulted in injuries.

Fighting between the Orma and Pokomo communities forced 20 schools to close in March (see Section 5).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. Organizers must notify the local police in advance of planned public meetings; however, authorities continued to disrupt public demonstrations about which the police had been duly informed in advance. Government officials claimed that the organizers lacked authorization to hold public gatherings, although there no longer appeared to be any legal basis for requiring specific authorization. In 2000 President Moi repeated his 1999 statements that government officials should deny "permits" (for public demonstrations) to politicians who use public rallies to abuse other leaders; however, officials have legal authority to cancel planned public gatherings only if there are simultaneous meetings previously scheduled for the same venue, or if there are specific security threats. The President's 2000 statement barring MWM from holding public meetings has been aggressively enforced, although there is no apparent legal basis for this policy (see Sections 1.c. and 1.d.). Moi said that licenses would only be given to registered political parties, and that the Government would ban events by any "lobby groups, some religious organizations, and nongovernmental organizations whose aims and operations were sinister." Government and opposition politicians often threaten political opponents not to attend or organize gatherings in certain constituencies.

Following an opposition rally on April 28 that police earlier had attempted to cancel for "security concerns," police arrested two DP M.P.'s, Maina Kamanda and David Manyara (see Sections 1.d. and 2.a.). Kamanda was charged with treason for allegedly threatening the life of President Moi during a speech at the meeting. Kamanda later was released and the treason charge was dropped; however, he was charged with the lesser offense of "incitement," the same charge on which Manyara was arrested a few days later for a speech he gave at the same rally.

Police forcibly disrupted public assemblies, including some political protest demonstrations (see Sections 1.c. and 1.d.). On July 22 in Kapsabet town, police prevented Michael Wamalwa, FORD/Kenya party leader and presidential candidate, from addressing a gathering and used tear gas to forcibly disperse the crowd (see Section 1.c.). Newspapers quoted police as saying they had acted on "instructions from above;" rally organizers claimed to have notified police in advance as required by law.

Police continued to attempt to prevent and forcibly disrupt rallies by the MWM. On February 4, police beat and arrested James Orengo when he notified them of a planned MWM rally; on February 8, police declared the planned rally illegal, forcibly prevented it, and arrested numerous persons (see Sections 1.c. and 1.d.). Also on February 8, police arrested five persons in Kisumu, where the MWM attempted to hold another rally. On July 7, police beat and arrested Orengo and Wangari Maathai at a rally to commemorate the 10th anniversary of the multiparty movement (see Sections 1.c. and 1.d.). Organizers had notified police in advance and had received public assurances from Marsden Madoka, Minister for Internal Security, that the rally would be allowed. Police claimed to be acting on "new information" and "security concerns."

On October 20, police arrested 71 members of the RPP group, prominent activist Kivutha Kibwana, and members of other NGO's for holding an illegal meeting to commemorate Kenyatta Day (see Sections 1.c. and 1.d.). Police reportedly used tear gas during the arrests and beat some of the detainees. On October 21, members of the RPP converged on the police station where the detainees were being held to call for their release. Police officers responded with tear gas and beat the RPP members with batons and hockey sticks.

In 2000 President Moi was quoted widely in the press calling for action against the Mungiki cultural and political group, and police disrupted several of the group's meetings and marches during the year (see Sections 1.c. and 2.c.). On April 18, police used tear gas and batons to forcibly disperse a march by Mungiki members in front of Parliament. The Mungiki were protesting the alleged killing by police of one of their members; six persons reportedly were arrested and numerous persons were injured (see Sections 1.c. and 1.d.). During the year, authorities began allowing the Mungiki to hold public meetings without interference; however, in November the police initiated a crackdown and arrested several members of the group, including Mungiki leader Ibrahim Waruinge (see Section 1.d.).

Student protests and riots occurred frequently during the year, and police forcibly dispersed several protests after they became violent, which resulted in injuries.

Violent incidents continued between progovernment supporters and opposition supporters during the year; political parties reportedly use gangs of young followers to harass other parties and to prevent them from holding meetings or events. On May 20, youths, reportedly acting on behalf of KANU, disrupted a rally by hurling gasoline bombs at the stage on which the leader of the official opposition, Mwai Kibaki of the DP, and several other M.P.'s were sitting. No action was taken against the youths by year's end.

The Government continued to use the Societies Act to restrict freedom of association. The act requires that every association be registered or exempted from registration by the Registrar of Societies. Since 1997 the Government has acted on some long-pending applications for political party registration, increasing the number of registered political parties from 23 to 40. However, the Government continued to refuse to reverse its 1994 denial of registration of the Islamic Party of Kenya (IPK), which was involved in a number of violent confrontations with police in 1992. The United Democratic Movement political party has awaited registration since 1998; however, it still was not registered at year's end, and the group that was advocating for its registration largely has disbanded.

The Government continued to criticize publicly and to intimidate NGO's, many of which it accuses of being "subversive" and of working with the opposition to overthrow the Government. The Government NGO Coordination Board under the NGO Act registers NGO's. The Government used this structure to put pressure on the nongovernmental National NGO Council. In 1999 the Office of the President instructed all district governments to monitor NGO's within their districts with a view to ensuring that NGO's either advance government-approved objectives or cease to

operate; however, NGO's did not report an increase in government monitoring during the year. President Moi repeatedly attacked NGO's in public speeches throughout the year, saying they were in the pay of foreigners intent on destabilizing the country, but offered no evidence to back these charges.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, while groups generally were allowed to worship freely, the Government at times interfered with other activities by religious groups.

The Government requires religious organizations to register with the Registrar of Societies, which reports to the Office of the Attorney General. The Government allows traditional indigenous religious organizations to register, although many choose not to do so. Once registered religious organizations enjoy tax-free status, and clergy are not subject to duty on purchased goods. Religious organizations generally receive equal treatment from the Government; however, some small splinter groups have found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organization. The Government has not granted registration to the Tent of the Living God, a small Kikuyu religious group banned during the single party-era; however, with the arrival of a multiparty system in 1992, membership in the Tent of the Living God has greatly diminished. Some members of the group were believed to have joined the Mungiki.

The Government refused to reverse its 1994 denial of registration of the Islamic Party of Kenya (IPK) on the grounds that the IPK was a religious-based party, and had been involved in a number of violent confrontations with police in 1992.

Following the discovery of "cult" killings in Uganda in 2000, William Ruto, Assistant Minister in the Office of the President, said that the Government would crack down on religious groups that endanger the safety of their adherents; however, there was no reported harassment of religious groups, and no action was taken by the end of the year.

In late August, Marsden Madoka, former Minister for Internal Security, reportedly stated that the Government intended to take more than 341 schools, which are mainly under the control of the Presbyterian, Anglican, and Catholic churches, and hand over control to the African Independent Pentecostal Church of Africa (AIPCA). No action had been taken by year's end.

In April the High Court allowed the Buru Buru Church of God in Nairobi to reopen; in June 2000, local authorities blocked entry to the church ostensibly to prevent fighting between rival factions in the church.

Foreign missionary groups of nearly every faith operate in the country. The Government generally has permitted them to assist the poor and establish schools and hospitals. The missionaries openly promote their religious beliefs and have encountered little resistance; however, some missionary groups expressed concern following the 1999 release of the report of the Presidential Commission of Inquiry into Devil Worship. The Commission's widely publicized report included numerous reports of ritual murder, human sacrifice, and cannibalism, and feats of magic allegedly done by using powers acquired through such acts. It also reported that "Satanists" had infiltrated nonindigenous religious groups and other organizations, making them "doorways" to Satanism. The Commission is no longer functioning, and the Government took no action to follow up on the report.

Practicing witchcraft reportedly is a criminal offense under colonial-era laws; however, persons generally are prosecuted for this offense only in conjunction with some other offense, such as murder. Witchcraft traditionally has been a common explanation for diseases for which the causes were unknown. The practice of witchcraft is understood widely to encompass attempts to harm others not only by magic, but also by conventional means such as poisons. Although many traditional indigenous religions include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it.

Muslim leaders continued to charge that the Government is hostile toward Muslims. Muslims complain that non-Muslims receive better treatment when requesting citizenship documents. According to Muslim leaders, government authorities scrutinize more rigorously the identification cards of persons with Muslim surnames and require them to present additional documentation of their citizenship (i.e., birth certificates of parents and, sometimes, grandparents). The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members are required to carry an additional form of identification to prove citizenship. Ethnic Somalis must produce upon demand their Kenyan identification card and a second identification card verifying screening; both cards are required to apply for a passport. This heightened scrutiny appears to be due to an attempt to deter illegal immigration, rather than due to the religious affiliation of ethnic Somalis. Muslim lead-

ers claim that since the August 1998 bombing of the U.S. Embassy in Nairobi, government discrimination against their community has worsened. Following the September 11 terrorists attacks in the U.S., the immigration office in the predominately Muslim city of Mombasa required that applicants for birth certificates or passports had to include their grandparents' national documents with their applications (see Section 2.d.).

In May Muslims protested the reported allocation of a public plot of land to a private developer in Mombasa. The grounds traditionally have been used for celebrating Islamic events. Following the protests, the Government apparently has ceased developing plans to allocate the land, and the land remained public as of the end of the period covered by this report.

Police forcibly disrupted several meetings of the Mungiki religious and political group during the year (see Section 1.c.).

The Government historically has been unsympathetic to tribal religious groups that have engendered protest movements. The Government frequently harassed and periodically arrested and detained members of the Mungiki, a small, controversial, cultural and political movement based in part on Kikuyu ethnic traditions. Mungiki espouses political views and cultural practices that are controversial to mainstream society (see Sections 1.c., 1.d., and 2.b.). While religion may have played a role in the formation of the group, observers believe that it is not a key characteristic of the group. The Mungiki do not adhere to any single religion and members are free to choose their own religion; the group includes Muslims and Christians. The number of Mungiki members is unknown, but the group has a significant following among the unemployed and other marginalized segments of society. The debate over the rights of the Mungiki to practice their cultural traditions and advance their political agenda is ongoing.

The case of two police officers charged with the 1999 murder of five Muslim worshippers in the Anas Bin Malik mosque in Chai village, near Mombasa, remained pending before the court at year's end (see Section 1.a.).

In August 2000, Father John Anthony Kaiser, a Catholic priest working in the country for more than 30 years, was found dead near Naivasha town. Father Kaiser was a vocal human rights activist and a critic of key members of the Government. Although there was much public speculation to the contrary, an FBI report, released in April, concluded that the evidence collected was most consistent with suicide, and that it was unlikely that Father Kaiser had been murdered. The Catholic Church and some human rights groups have rejected the FBI report and have called for further independent investigation. The Attorney General did not respond to these demands by year's end.

In May the Ufungamano Initiative, a group of Christian, Muslim, and Hindu leaders formed as an alternative process to reform the Constitution, merged with the Parliamentary constitutional review process (see Section 3).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—By law citizens may travel freely within the country, and there were no reported violations of this right. However, police routinely stop vehicles and check vehicles' safety and drivers' documents on roads throughout the country. Many vehicles often are in disrepair, and many drivers often lack required documentation. Police often demand bribes at such checkpoints. Ethnic Somalis must produce upon demand their Kenyan identification card and a second identification card verifying screening; both cards are required to apply for a passport (see Section 2.c.). Following the September 11 terrorists attacks in the U.S., the immigration office in the predominately Muslim city of Mombasa required that applicants for birth certificates or passports had to include their grandparents' national documents with their applications. Sheikh Mohammed Dor, the Secretary General of the Council of Imams and Preachers, criticized the action as imposing "outrageous restrictions" on the country's Muslims.

The Government does not restrict emigration or foreign travel; however, the law requires a woman to obtain her husband's or father's permission to obtain a passport (see Section 5). However, in practice, adult women often are able to circumvent this restriction by claiming to be unmarried. Civil servants and M.P.'s must get government permission for international travel, which generally is granted routinely. Unlike in the previous year, the Government did not deny permission to some government ministers to travel.

On July 28, the Government closed its border with Somalia and banned cross-border trade with Somalia, including air shipments for the second time in 2 years. The Government claimed that it wanted to stop illegal weapons flows; however, the effects of the ban were felt most immediately by traders, other business people, and travelers. President Moi vowed that he would not reopen the border until a new central Somali government is formed. However, on November 1, the Government offi-

cially was reopened the border with Somalia after it organized a reconciliation conference in Nairobi between the Somali Transitional National Government and the Somali Reconciliation and Restoration Council.

The majority of the estimated 400,000 persons displaced or forced to relocate during the early 1990's because of ethnic violence are believed to have returned to their homes or moved elsewhere; however, some still were waiting to return home at year's end. Many of the rural residents displaced by the violent ethnic clashes in Rift Valley between 1991 and 1993 still have not returned to their homes and remain displaced in urban areas. Some of the several thousand persons displaced by ethnic clashes since then also have not returned to their homes due to fear of renewed violence (see Section 5).

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in 1991 the Government drafted legislation to establish a mechanism for granting refugee or asylum status. The drafting committee submitted the legislation to the Attorney General's office for review in 2000; however, no further action was taken by year's end. The United Nations High Commissioner for Refugees (UNHCR) grants refugee status to Somali refugees at the Dadaab camps and to Sudanese refugees arriving at the Kakuma camp. A UNHCR eligibility committee in Nairobi performs a similar function for individuals of other nationalities.

The Government offers first asylum and provided it to the approximately 200,000 refugees registered by UNHCR who lived in official UNHCR camps. An undetermined number of refugees live outside the camps in cities and rural areas. Somalis accounted for approximately 80 percent of the total refugee population, followed by large numbers of Sudanese and a scattered number of other nationalities from across the region. A total of 12,310 refugees, most of whom were Somalis who only were in country for a short period of time, were repatriated during the year, primarily to Somalia and Tanzania. In January more than 2,200 Tanzanians fled to the country from the Indian Ocean islands of Zanzibar and Pemba following political unrest during the year. The majority of the refugees returned to Tanzania in April and May following assurances they would not face charges in Tanzania.

Police performed nighttime sweeps in urban areas to round up illegal immigrants and refugees (see Sections 1.d. and 1.f.).

During the period between 1997 and 1999, the UNHCR, at the direction of the Government, closed 5 refugee camps near the coastal city of Mombasa and relocated more than 7,000 refugees against their wishes to camps near the Somali and Sudanese borders. The Government requires all refugees to reside at designated camps unless granted permission to live elsewhere in the country, primarily to attend higher education, undergo medical treatment, or avoid security threats at the camps. However, many refugees live illegally outside the camps, especially in Nairobi.

Incidents of rape of women and girls in refugee camps continued to occur, especially near the Dadaab camps (see Sections 1.c. and 5). More than 80 percent of such rapes occurred when women and girls collected firewood and building materials outside the camps; however, reported rapes continued to decline during the year.

Acts of violence, including banditry and shootings, occur regularly near the camps. Refugees have been mistreated and abused by citizens of the country and by residents of different refugee camps because of ethnic and religious differences. Inter-clan violence frequently erupts among rival Somali clans at the camps (see Section 5); Somali refugees who marry non-Muslims also may be subjected to abuse by family members.

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 through free and fair multiparty elections; however, citizens are not fully able to do so. The National Assembly continued to be dominated by the same ruling party, KANU. The December 1997 general elections, despite numerous logistical and other flaws, generally reflected the will of the electorate. The elections were marked by much less violence and intimidation, less fraud, and less overt use of government resources to assist KANU candidates, than the 1992 polls. Due to greater fragmentation, the opposition was perceived widely to pose less of a challenge to Moi's reelection than it had in 1992. Opposition candidates won 60 percent of the vote, but these votes were split among four main and several fringe parties, thereby enabling Moi to win reelection for another 5-year term and giving KANU a narrow majority in the unicameral National Assembly. In June President Moi appointed NDP leader Raila Odinga and three other NDP M.P.'s to his cabinet. KANU and NDP

have formed an alliance and are contemplating a full merger. At year's end, KANU and NDP members held 139 of 222 seats in the unicameral National Assembly.

By-elections were held during the year in several constituencies. In January a by-election in South Mugirango, Nyanza Province, was marred by vote buying, ballot-stuffing, and violence. The incumbent candidate for FORD/Kenya won decisively. Vote buying and violence also marred the by-election on the same day in January in Kapenguria, Rift Valley Province; KANU retained the seat. In July KANU lost a seat in a by-election for the first time when a DP candidate won the seat in Taveta, Coast Province. The by-election generally was perceived to be free of irregularities; however, violence preceding the election resulted in the death of a student. On November 9, a by-election was held in Kilome following the August killing of KANU MP Anthony Ndilinge. The Kilome race was marred by numerous reports of vote buying by all parties, which the chairman of the electoral commission publicly condemned.

At the local level, the President exercises sweeping power over the administrative structure. The President appoints both the powerful provincial and district commissioners and numerous district and village officials. In elections many local officials actively assist the ruling KANU.

At the national level, the Constitution authorizes the President to dissolve the legislature and prohibits debate on issues under consideration by the courts. This prohibition, in conjunction with a ruling by the Speaker of the Assembly that some aspects of the President's conduct are inappropriate topics for parliamentary debate, has limited the scope of deliberation on a number of political issues. M.P.'s are entitled to introduce legislation, but in practice it is generally the Attorney General who does so. The President significantly influences the legislative agenda. However, the National Assembly has the power to hire its own staff and to vote its own budget, despite President Moi's long-expressed opposition to it doing so. In November 2000, the National Assembly passed implementing legislation to establish the Parliamentary Service Commission, which was exercising fully its power to hire staff and establish budget by year's end. In August opposition M.P.'s in the National Assembly successfully blocked a constitutional amendment to establish an independent anti-corruption authority, which was backed by KANU and the President. The opposition claimed that the legislation did not give the proposed authority sufficient independence and objected to an amnesty provision in the legislation.

The Government continued to use both physical beatings and arbitrary arrest and prosecution to harass and intimidate opposition M.P.'s and to restrict their freedom of speech and assembly (see Sections 1.c., 1.d., 1.e., 2.a., and 2.b.). The Government's domination of domestic broadcast media, especially outside major urban centers, continued to restrict severely the ability of opposition politicians to communicate with citizens (see Section 2.a.).

In December 2000, President Moi, acting as chairman of KANU, suspended six M.P.'s for dissent, including Jimmy Angwenyi, Kipkalya Kones, Anthony Kimeto, Cyrus Jirongo, and former Finance Minister Simeon Nyachae. The suspension prevents the M.P.'s from bringing any motions sponsored by their party to Parliament; however, they still can submit motions on their own and participate in all Parliament activities.

Reforms adopted in 1997 addressed the lack of independence of the presidentially appointed Electoral Commission, which oversees elections, by nearly doubling its size to include members nominated by the opposition.

Since 1996 a broad coalition of NGO's and religious organizations has mobilized public opinion in support of a reform of the Constitution to reduce the power of the presidency. In 1997 the National Assembly enacted the Constitution of Kenya Review Act, which was amended in 1998 to create a constitutional review commission to recommend changes in the Constitution. In 1999 the constitutional reform process stalled, when political parties were unable to agree how seats on the commission should be divided among the parties. In December 1999, the National Assembly created a Parliamentary Select Committee to revise the existing act and form a review commission; the Ufungamano Initiative, a church-led group, formed the next day, creating a parallel process (see Section 2.c.). The Government, although critical of the Ufungamano group, permitted it to proceed with its constitutional review process. The Parliament created a separate review commission in November 2000. During the year the Constitution of Kenya Review Commission (CKRC) expanded and in March, following many months of political wrangling and stalled efforts, members of the Ufungamano Initiative agreed to take seats on the CKRC. In May the Ufungamano process merged with the parliamentary process; in June the newly-created Constitutional Review Commission began work. The new Commission is expected to have a draft constitution ready by October 2002.

In July at the start of the CKRC hearings, the President declared that NGO's and churches should not involve themselves with the review process and should not engage in civic education. However, this directive was ignored; the CKRC had accredited several NGO's to conduct civic education on the process by year's end.

The Government and police continued to harass and disrupt meetings of the MWM, an organization backed by a coalition of both opposition and dissident KANU M.P.'s that promotes opposition unity to achieve political and constitutional reform. It is not a political party.

Elected local councils exist, but the executive branch of the central Government has not granted them adequate access to revenue and has restricted their functions. Although rural and municipal councils are authorized by law to provide a wide range of health, education, and infrastructure services, in practice their functions have been reduced to partial oversight of schools, secondary and tertiary roads, markets, and natural resources such as forests. Most councils lack sufficient financial autonomy and revenues to perform adequately even these limited functions.

The percentage of women in government and politics does not correspond to their percentage of the population. Although there are no legal restrictions, traditional attitudes circumscribe the role of women in politics. The National Assembly included six female M.P.'s (one elected and five nominated), down from seven in the last session. The Women's Political Caucus, formed in 1997, continued to lobby over matters of concern to women and to increase the influence of women on government policy. A bill was introduced in 2000 to create a number of parliamentary seats reserved for women; however, no action was taken on the legislation by year's end.

The percentage of minorities in government and politics does not correspond to their percentage of the population. Although the President's Cabinet included persons from many ethnic groups, approximately one-third of the ministers were either Kalenjin or Luhya. At year's end, there were only two ministers from the country's largest ethnic group, the Kikuyu. However, in 1999 President Moi appointed a person affiliated with the Kikuyu ethnic group as Vice President. In July Luos, the fourth largest ethnic group, increased their presence in the Government with the appointment of four NDP M.P.'s, all Luos, to the Cabinet. The President continued to rely on an inner circle of advisors, drawn largely from his Kalenjin ethnic group. There is one nominated M.P. who is of Asian origin.

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

A number of domestic and human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are somewhat cooperative and responsive to their views; however, there were numerous reports that less established NGO's, particularly those in rural areas, were subjected to interference from provincial administrators and security forces. The number of human rights organizations continued to grow. These include NGO's such as the KHRC, the Kenya Antirape Organization, the Legal Advice Center, the Catholic Justice and Peace Commission, the National Council of Churches of Kenya, the Center for Governance and Development, People Against Torture, the Independent Medico-Legal Unit (IMLU), and the Release Political Prisoners pressure group. An array of legal organizations, including the International Commission of Jurists-Kenya, the International Federation of Women Lawyers (FIDA), the Law Society of Kenya, and the Public Law Institute, advocate human rights.

Several NGO's maintain comprehensive files on human rights abuses. A number of attorneys represent the indigent and human rights defendants without compensation, although they can handle only a small percentage of those who need assistance, and are concentrated chiefly in Nairobi and other large cities.

The President has instructed government officials to monitor NGO's carefully, and government officials including the President continued to intimidate, and threatened to disrupt human rights and other organizations and NGO's (see Section 2.b.). According to a 1999 KBC report, President Moi said that he would reveal a list of names of subversive NGO's and their antisocial activities; however, the President did not release such a list during the year, and none was expected.

The Government allowed human rights organizations to witness some autopsies of persons who died in police custody. The Attorney General's Office generally responded in detail to foreign embassies' human rights inquiries.

The KHRC produces a "Quarterly Human Rights Report" (formerly the "Quarterly Repression Report") that catalogs the human rights situation in the country, as well as special reports on pressing human rights problems. The Institute for Education in Democracy and other NGO's monitor elections in cooperation with the Electoral Commission and diplomatic missions.

The 10-member SCHR established in 1996 is empowered to “investigate alleged violations of constitutional freedoms,” including abuse of power by public officials. It is tasked with drafting recommendations on human rights problems and providing these to the government agencies under whose purview the problems fall. However, it is subordinate to the Office of the President, its chairman is a long-standing KANU loyalist, and it has received sufficient funds to fill only 8 of its 27 authorized staff positions. Although it had been accused of being relatively inactive in the past, in June the SCHR produced a thorough report on the death of six prisoners from King’ong’o prison in Nyeri (see Section 1.a.). The National Assembly was considering draft legislation, drafted by the Attorney General and the SCHR with the help of NGO’s and civil society, that would grant the SCHR greater autonomy and independence; the legislation was pending at year’s end.

In 1998 the Parliament passed a resolution to create an Ombudsman’s office that would be charged with addressing complaints about inefficiency, corruption, nepotism, and abuse of power by public servants; however, the Attorney General had not drafted a bill to turn the resolution into law by year’s end.

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

The Constitution prohibits discrimination on the basis of a person’s “race, tribe, place of origin or residence or other local connection, political opinions, color, or creed;” however, government authorities did not enforce effectively many of these provisions. There is credible evidence that the Government sponsored large-scale ethnic violence during the early 1990’s, and there were some indications that some government officials have at least tolerated and in some instances instigated ethnic violence on a smaller scale since that time.

Women.—Domestic violence against women is a serious and widespread problem. According to the Government, 1,199 cases of rape were reported to the police in Nairobi during the year, compared with 1,148 in 2000. The available statistics probably underreport the number of incidents, as social mores deter women from going outside their families or ethnic groups to report sexual abuse. A study by Kangemi Women Empowerment Centre, a small group based in one of Nairobi’s largest low-income communities, claimed that three out of five women in the community were victims of domestic violence, and that one-third of the women had suffered sexual abuse. The study noted that the abused women rarely reported the violations, because they believed perpetrators would not be punished, and no protective or remedial action would be taken. Although the validity of the study is unproven, the basic figures support other published figures and anecdotal evidence.

The law carries penalties of up to life imprisonment for rape, although actual sentences usually are no more than 10 years. The rate of prosecution remains low because of cultural inhibitions against publicly discussing sex, fear of retribution, disinclination of police to intervene in domestic disputes, and unavailability of doctors who otherwise might provide the necessary evidence for conviction. Moreover, wife beating is prevalent and largely condoned by much of society. Traditional culture permits a man to discipline his wife by physical means and is ambivalent about the seriousness of spousal rape. There is no law specifically prohibiting spousal rape. Throughout the year, the media continued to report on violence against women, including widespread spousal abuse.

Since 1994 FIDA has collaborated with the police to stop domestic violence. Police typically view violence against women as a family matter, not a crime. FIDA has trained more than 800 police officers about gender issues.

There continued to be incidents of rape of refugee Somali women at the Dadaab refugee camps (see Section 2.d.). According to the UNHCR, refugee women reported 70 rapes during the first 11 months of the year, compared with 82 rapes in 2000.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by certain ethnic groups and remains widespread, particularly in rural areas. The press reported severe injuries to several girls from the practice of FGM. According to a December 8 report by the Government and UNICEF, 38 percent of women nationwide have undergone FGM. The percentage of girls undergoing the procedure is as high as 80 to 90 percent in some districts of Eastern, Nyanza, and Rift Valley provinces, according to the women’s rights organization Maendeleo Ya Wanawake (“Development of Women” in Swahili). FGM usually is performed at an early age. President Moi has issued two presidential decrees banning FGM, and the Government prohibits government-controlled hospitals and clinics from practicing it. In December the Children’s Bill, which bans FGM on girls under the age of 18, was passed and signed into law. In an attempt to end FGM, some members of the Marakwet and Maasai ethnic groups instituted new “no cut” initiation rites for girls

entering adulthood. According to statistics compiled by a group of NGO's in Marakwet, only 169 girls were subjected to FGM in 1999, compared with 12,000 girls during the same month in the 4 previous years.

Women experience a wide range of discriminatory practices, limiting their political and economic rights and relegating them to second class citizenship. The Constitution extends equal protection of rights and freedoms to men and women, but only in 1997 was the Constitution amended to include a specific prohibition of discrimination on grounds of gender. However, constitutional provisions allow only males to transmit automatically citizenship to their children. The Government has not passed domestic enabling legislation to implement international conventions on women's rights; however, the Attorney General submitted to Parliament three bills designed to protect women's rights—The Domestic Violence (Family Protection) Bill; The National Commission on Gender and Development Bill; and The Equality Bill—all were pending at year's end. The Task Force on Laws Relating to Women, established by the Attorney General in 1993, has produced a draft report; however, it was not published by year's end.

Prostitution is illegal; however, it is a problem and is perpetuated by poverty. Prostitution has contributed to the spread of HIV/AIDS, which affected approximately 14 percent of the population.

Women continue to face both legal and actual discrimination in other areas. For example, a married woman legally is required to obtain the consent of her husband before obtaining a national identity card or a passport (see Section 2.d.).

The Law of Succession, which governs inheritance rights, provides for equal consideration of male and female children; however, in practice most inheritance problems do not come before the courts. Women often are excluded from inheritance settlements, particularly if married, or given smaller shares than male claimants are. Moreover, a widow cannot be the sole administrator of her husband's estate unless she has her children's consent. Most customary law disadvantages women, particularly in property rights and inheritance. For example, under the customary law of most ethnic groups, a woman cannot inherit land and must live on the land as a guest of males who are relatives by blood or marriage.

Women make up approximately 75 percent of the agricultural work force and have become active in urban small businesses. Nonetheless, the average monthly income of women is approximately two-thirds that of men, and women hold only an estimated 5 percent of land titles. Women have difficulty moving into nontraditional fields, are promoted more slowly than men, and bear the brunt of layoffs. Societal discrimination is most apparent in rural areas.

Maendeleo Ya Wanawake, the nation's best known women's rights and welfare organization, was established as a nonpolitical NGO during the colonial era, but is aligned closely with the ruling party. A growing number of women's organizations are active in the field of women's rights, including FIDA, the National Council of Women of Kenya, the National Commission on the Status of Women, the Education Center for Women in Democracy, and the League of Kenyan Women Voters.

Children.—The system of free education in the early years of the country's independence has given way to a "cost-sharing" education system in which students pay both tuition and other costs. These are a heavy burden on most families. Although the law mandates that schooling be available for all children up through grade 12 and that it be compulsory, there is a very high dropout rate in part because of large educational expenses. The East African Standard newspaper reported in March that 8,000 girls drop out of school each year due to pregnancy. There are an estimated 4 million children between 6 and 14 years of age who are out of school. The legally mandated universal schooling also does not occur in practice because of a shortage of schools. Levels of education for boys and girls differ widely. Although the number of boys and girls in school is roughly equal at the primary level, boys substantially outnumber girls in higher education. Rural families are more reluctant to invest in educating girls than in educating boys, especially at the higher levels. Seventy percent of illiterate persons in the country are female. During the year, corporal punishment of students was banned formally; however, it reportedly did not cease completely in practice.

The health care system for school children, which once provided periodic medical checkups and free milk, is defunct. In December Parliament passed the Children's Bill, which has provisions to ensure children's welfare and provide them with basic rights.

FGM is practiced commonly on girls by certain ethnic groups, particularly in rural areas (see Section 5, Women).

Economic displacement and the spread of HIV/AIDS continued to affect the problem of homeless street children. The number of Nairobi's street children was more than 60,000 in 2000, an estimated 20 percent increase from 1999. These children

often are involved in theft, drug trafficking, assault, trespassing, and property damage. According to a 1997 Human Rights Watch report, street children face harassment as well as physical and sexual abuse from the police and within the juvenile justice system. They are held in extremely harsh conditions in crowded police station cells, often without toilets or bedding, with little food, and inadequate supplies (see Section 1.c.). They often are incarcerated with adults and frequently beaten by police.

Child rape and molestation continued. There were frequent press reports of rapes of young girls by middle-aged or older rapists. There were repeated reports of molestation or rape of children by schoolteachers, mostly in rural areas. Legally, a man does not "rape" a girl under age 14 if he has sexual intercourse with her against her will; he commits the lesser offense of "defilement." The penalty for the felony of rape can be life imprisonment, while the penalty for defilement is up to 5 years' imprisonment. Men convicted of rape normally receive prison sentences of between 5 and 20 years, plus several strokes of the cane.

In 2000 teachers at the Top Station Primary School in Kitale allegedly raped several students during the year. In a letter to the Minister of Education, FIDA demanded that the Government fire these teachers. The authorities investigated the allegations and charged one teacher; however, in May 2000, he was acquitted for lack of evidence. The Government reported that the medical reports did not support the charge.

Child prostitution is a major problem in Nairobi and Mombasa, often connected with the tourist trade (see Section 6.d.). Child prostitution has grown considerably due both to economic contraction and to the increase in the number of children orphaned because of the spread of HIV/AIDS.

Unlike in the previous year, there were no reports that children were killed for body parts by persons practicing healing rituals associated with traditional religions.

Child labor, including forced and bonded labor, occurs (see Sections 6.c. and 6.d.).

Persons with Disabilities.—Government policies do not discriminate against persons with disabilities in employment, education, or in the provision of other state services; however, persons with disabilities frequently are denied drivers' licenses. There are no mandated provisions of accessibility for persons with disabilities to public buildings or transportation. KTN broadcasts some news programs in sign language. A bill to address problems faced by persons with disabilities was pending before Parliament at year's end. The bill aims to outlaw discrimination against persons with disabilities and to assist them through provisions such as mandatory education for children with disabilities.

In August the African Medical Research Foundation of Kenya (AMREF) released a study entitled "Sexual Abuse of People with Learning Disabilities." According to the study, there is a high prevalence of rape of persons with disabilities; one survey indicated that numerous rapes occur daily in Makueni District in Eastern Province.

Religious Minorities.—There generally is a great level of tolerance among religious groups; however, there were a few instances of violence between Christian and Muslim groups, and Muslims continued to perceive themselves treated as second-class citizens in a predominantly Christian country. Inter-marriage between members of Christian denominations is common and interfaith prayer services occur frequently. Inter-marriage between Muslims and Christians, although less frequent, also is socially acceptable, and mosques and Christian churches can be found on the same city blocks.

For years Muslims and Christians have held an open debate over their respective places in society. Each group claims to have a larger number of adherents than is plausible, and some Muslim groups believe that the Government and business communities deliberately have impeded development in predominantly Muslim areas. Some Muslim leaders claim that discrimination against Muslims has resulted in a greater incidence of poverty among Muslims than among other religious groups; however, there is no statistical evidence to support this claim. At times the debate has undermined mutual trust.

In the past, the misuse of authority by mainly Christian security forces in the northeast, which largely is Muslim and in which banditry is widespread, contributed to Muslim mistrust. However, during the year, there was greater inclusion of Muslims in security forces and provincial administrations; for example, a Muslim was appointed Provincial Commissioner in the Northeast Province.

There were a few instances of tension and violence between adherents of different religions. In September Muslim youths were suspected of responsibility for burning down two wooden churches in Isolo. Muslim leaders criticized the attacks and met in an attempt to diffuse tensions and allay concerns of Christians in the area. Police officers did not believe the fire to be religiously motivated.

A number of incidents took place in November and December 2000, when a land dispute led to violence between Muslims and Christians in a densely populated neighborhood in Nairobi. At least one person was killed and numerous persons were injured in the riots. Two days of violent clashes resulted in the burning of several buildings, including a mosque and two churches. Muslim leaders apologized for the violence and clarified that the dispute originated over land and was not religiously motivated. Following the riots, religious leaders on both sides cited police inaction as a reason for the spread of the violence.

Unlike in the previous year, there were no reports of ritual murders associated with aspects of traditional indigenous religions.

Occasionally mobs killed members of their communities on suspicion that they practiced witchcraft; however, there were no statistics available on the number of such deaths during the year. On August 5 in Nyamira, Jethiter Mboga was slashed to death by three of his brothers for "bewitching" their mother; his brothers went into hiding after the murder (see Section 1.a.).

National/Racial/Ethnic Minorities.—The country's population is divided into more than 40 ethnic groups, among which there were frequent and credible allegations of discrimination, as well as frequent interethnic violence. In general each ethnic group has a distinct primary language and is concentrated in a distinct region; however, the languages of some groups are very similar to the languages of related ethnic groups. In private business and in the public sector, members of virtually all ethnic groups commonly discriminated in favor of other members of the same group when able to do so. Neighborhoods in large cities tended to be segregated ethnically, although interethnic marriage has become fairly common in urban areas. Political cleavages tended to correlate with ethnic cleavages (see Section 3).

Unofficial results of the 1999 census indicated that the Kikuyu constitute 21 percent of the population, and the Luhya were estimated to constitute 16 percent, the Kalenjin 12 percent, the Luo 11 percent, and the Kamba 10 percent of the population.

Ethnic-regional differences continue to pose obstacles to political and economic liberalization. Members of President Moi's Kalenjin ethnic group (a coalition of nine small ethnic groups) and other traditionally pastoral Nilotic ethnic groups are represented disproportionately and hold key positions in the Government, the ruling KANU party, the GSU, and the Presidential Escort. Many members of these groups appear to believe that economic and political liberalization would be likely to harm their groups, and to favor other groups. The Kikuyu and the closely related Kamba, Meru, and Embu groups make up more than one-third of the country's population; members of these groups also dominate much of private commerce and industry and have tended to support opposition parties since they were legalized in 1992. The Kikuyu, the largest, best-educated, and most prosperous ethnic group, dominated the country under its first president, Jomo Kenyatta, a Kikuyu.

In 1999 a presidential Commission on Ethnic Clashes, a government-appointed panel of three judges formed in 1998, submitted to President Moi its report on the cause of ethnic clashes that occurred in the Rift Valley in 1992 and 1997, the Coast province in 1997, and the areas of Molo and Laikipia in 1998. Many of the hearings were public, and witnesses often directly accused local politicians of abetting the combatants, although they rarely provided other than hearsay evidence. However, key churches and NGO's claim that a number of witnesses were prevented from testifying, especially after, half way through the investigation, the Government replaced the Commission's aggressive prosecutor. The Government still had not released the report or announced that it was taking any formal action on its findings by year's end.

Attacks and revenge counterattacks continued between ethnic groups throughout the country, resulting in an average of 50 to 75 deaths per month (see Section 1.a.). Significant conflict occurred between ethnic Pokots and Marakwets, between Pokots and Turkanas, between Turkanas and Samburus, between Maasais and Kisiis, between Orma and Pokomos, between Boranas and Somalis, and among various Somali clans. Many factors contributed to interethnic conflicts, including the proliferation of guns, the commercialization of traditional cattle rustling, the weakening of state authority, the emergence of local militia leaders, the development of a modern warrior/bandit culture (distinct from the traditional culture), irresponsible local political leadership, shrinking economic prospects for affected groups, a regional drought, and the inability or unwillingness of security forces to stem the violence.

Numerous persons were killed during ethnic fighting between the Kisii and Maasai communities in the southwestern part of the country. On May 9, Maasai raiders shot and killed four Kisii youths. During the weekend of May 12, six Kisii were killed in attacks that some residents claimed were instigated by the police. On

July 29, security officers shot and killed a primary school teacher during a fight between Kisii and Maasai youths (see Section 1.a.).

Clashes between the Orma and Pokomo communities in Tana River District in Coast Province also claimed many lives. Twenty schools were closed after 13 persons were killed in 2 weeks of fighting between the communities in March. It was unknown whether the schools had reopened by year's end. In mid-July five people reportedly were killed in fighting that started after Pokomo rivals stoned to death two Orma men.

On August 21, 300 armed Pokot cattle raiders attacked a village in Turkana District; six people reportedly were killed. More than 7,000 livestock were stolen.

Members of the coastal Bajuni, Mijikenda, and Digo communities accused the Government of denying them their rights to land, and of favoring members of inland "up-country" ethnic groups, who migrated to the coast largely during the period when Kenyatta was president.

The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members are required to carry an additional form of identification to prove that they are citizens. The continued presence of and at times criminal activities by Somali refugees have exacerbated the problems faced by citizens of Somali ethnicity (see Sections 2.c. and 2.d.).

There is widespread resentment among citizens of African ethnicity toward Asians living in the country. The Asian community constitutes between 0.5 and 1 percent of the total population and consists of second and third generation Asians with full citizenship and a smaller body of recent immigrants. Many persons of African descent resent those of Asian descent for their affluence, and for their reluctance to assimilate African culture and to employ blacks, particularly in management positions. They also see Asians as taking jobs and commercial opportunities away from Africans. The involvement of some Asians in corrupt activities along with government officials further fuels popular resentment. Politicians, both opposition and ruling party, from time to time appeal to majority prejudices by attacking Asian citizens, accusing them of exploiting and usurping the natural inheritance of African citizens. Chenge Mbitiru, DP M.P. from Laikipia West, has called Asians "the greatest economic enemies" of the country and in 2000 called for "Kenyans" to isolate "Asians" unless the government acts to constrain them. The M.P. reportedly said that President Moi should consider expelling Asians "or allow the Kenyan people to force them to leave through mass action." However, no action was taken in response to the M.P.'s statements, and he did not make any subsequent similar statements.

Police conducted sweeps for illegal immigrants (see Sections 1.f. and 2.d.).

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers are free to join unions of their choice; however, the Police Act prohibits members of the national police force from joining unions. Workers employed in export processing zone (EPZ) firms and those who work in many small firms face dismissal if they join unions. On December 10, the Labor Commissioner registered the Union of Kenya Civil Servants, which granted civil servants the right to join unions for the first time since 1980. The law provides that as few as seven workers may establish a union, so long as the objectives of the union do not contravene the law and no union is representing the employees in question already.

Unions must apply to and be granted registration by the Government. The Government also may deregister a union, but the Registrar of Trade Unions must give the union 60 days to challenge the deregistration notice. An appeal of the Registrar's final decision may be brought before the High Court.

There were 41 unions representing approximately 600,000 workers, approximately one-third of the country's formal-sector work force. All but 5 of these unions, representing approximately 250,000 workers, are affiliated with the one approved national federation—the Central Organization of Trade Unions (COTU). The largest non-COTU union is the 240,000-member Kenya National Union of Teachers (KNUT). The COTU leadership generally does not pursue workers' rights vigorously; however, most affiliates chose to remain rather than give up its even minimal support. As a result, most union activity takes place at the shop steward level and not at the industrial level where most labor-related decisions are made. This places the average worker at a disadvantage in disputes with management. Many COTU unions evolved into de facto ethnic groupings; however, this was no longer the case during the year.

The Government created COTU in 1965 as the successor to the Kenya Federation of Labor and the Kenya African Workers' Congress. COTU's constitution gives the President the power to remove COTU's three senior leaders from office and grants nonvoting membership on the executive board to representatives of the Ministry of

Labor and of KANU. Although the board is composed of the leadership of affiliated unions, it is common for political parties, especially KANU, to provide funding and other support for the election of senior union officials.

In August Frances Atwoli, the leader of the Agriculture and Plantation Workers Union, was elected Secretary General of COTU. Atwoli, who replaced the incumbent of 15 years, pledged to end corruption within the union and to remove the provisions in COTU's constitution that grant seats on COTU's board to government and ruling party officials.

The law permits workers to strike, provided that 21 days have elapsed following the submission of a written letter to the Minister of Labor. By law members of the military services, police, prison guards, and members of the National Youth Service may not strike. Other civil servants, like their private sector counterparts, can strike following the 21-day notice period (28 days if it is an essential service, such as water, health, education, or air traffic control). During this 21-day period, the Minister may mediate the dispute, nominate an arbitrator, or refer the matter to the Industrial Court, a body of five judges appointed by the President, for binding arbitration. Once a dispute is referred to mediation, factfinding, or arbitration, any subsequent strike is illegal. Moreover, the act gives the Minister of Labor broad discretionary power to determine the legality of any strike.

In past years, the Minister used this power to declare strikes by bank workers and teachers illegal, although the required notice had been given; however, there were no such incidents during the year. In 1997 the KNUT called a nationwide strike, which the Government quickly settled with pay increases of more than 200 percent spread more than 5 years, rather than risk antagonizing the influential teachers before the election. The Government's failure to implement the second of the promised pay hikes resulted in a 1998 KNUT strike, which the Government declared illegal. The strike ended after 15 days when the Government refused to renegotiate. In 2000 Dr. Gitu, the Ministry of Labor's Permanent Secretary, admitted that the Government should not have agreed to pay the 1997 salary package for teachers. The Government and the KNUT remain in sporadic negotiation regarding the implementation of the agreed-upon salaries; however, the contracted pay hikes have not been paid, and relations between the KNUT and the Government continue to be poor.

In 2000, the last year for which statistics are available, there were 41 strikes involving 17,794 workers and resulting in the loss of 51,171 cumulative days of work. Most strikes were due to unpaid wage arrears and involved local government and manufacturing workers. During the year, there were several strikes; most lasted 1 or 2 days, and some involved violence on the part of the strikers, usually in an attempt to keep other workers off the job. There were no reports that strikers were dispersed forcibly.

Workers' rights groups continue to raise the general problem of the Government's harshness towards labor with the International Labor Organization's (ILO) Committee on Freedom of Association. In June the Government inaugurated a tripartite Labor Law Reform Task Force (labor, government, and private sector) to conduct workshops on ILO core labor standards.

The COTU is affiliated internationally with both the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions. Many of its affiliates are linked to international trade secretariats.

b. The Right to Organize and Bargain Collectively.—While not having the force of law, the Industrial Relations Charter, executed by the Government, the COTU, and the Federation of Kenya Employers, gives workers the right to engage in legitimate trade union organizational activities. Both the Trade Disputes Act and the charter authorize collective bargaining between unions and employers. Wages and conditions of employment are established in negotiations between unions and management. The Government permits wage increases of up to 100 percent and renegotiation of collective agreements; however, the law allows employers in ailing industries to dismiss workers regardless of the provisions of their collective bargaining agreements. Collective bargaining agreements must be registered with the Industrial Court in order to ensure adherence to these guidelines.

The law prohibits employers from intimidating workers. Employees wrongfully dismissed for union activities can take their cases to the Industrial Court, and many have been awarded damages in the form of back pay—reinstatement is not a common remedy. More often aggrieved workers have found alternative employment in the lengthy period prior to the hearing of their cases.

With the exception of the Factories Act, all labor laws, including the right to organize and bargain collectively, apply in the EPZ's (see Section 6.e.). However, the EPZ Authority and the Government grant many exemptions to applicable laws. For example, the Government waived aspects of the law that prevent women from work-

ing in industrial activities at night. In practice workers in EPZ firms may face dismissal if they join unions (see Section 6.a.). In August the Textile and Tailors Union alleged widespread intimidation of workers seeking to unionize at a foreign-owned EPZ firm; however, the employer stated that the union had forged the signatures of workers supporting unionization. The leader of the union was arrested, and the case was pending before the court at year's end.

c. Prohibition of Forced or Compulsory Labor.—The Constitution proscribes slavery, servitude, and forced labor; however, under the Chiefs' Authority Act, a local authority can require persons to perform community services in an emergency. The ILO Committee of Experts has found that these and other provisions of the law contravene ILO Conventions 29 and 105 concerning forced labor. The law remains in effect; however, attempts by chiefs to institute arbitrary community service during the year were overruled by the Government. Some observers allege that prison officials use free prison labor for personal profit (see Section 1.c.).

The Constitution prohibits forced and bonded labor by children; however, there reportedly were instances during the year, especially in rural areas, of children being loaned out as workers to pay off family debts.

d. Status of Child Labor Practices and Minimum Age for Employment.—The employment in industry of children under the age of 16 is illegal; however, the law does not apply to the agricultural sector, where approximately 70 percent of the labor force is employed, nor to children serving as apprentices under the terms of the Industrial Training Act. Ministry of Labor officers nominally enforce the minimum age statute, and the Government is making efforts to eliminate child labor, working closely with the COTU and the ILO's International Program for the Elimination of Child Labor. According to an unpublished survey by the Central Bureau of Statistics, there are 1.9 million children who work in the country, 1.4 million of whom are employed full time and 500,000 of whom work while attending school; however, the number of child laborers may be as high as 5 million. The problem has received considerable media attention for several years.

Children often work as domestic servants in private homes. There are many instances of children working in the informal sector, mostly in family businesses. Children usually assist parents on family plots rather than seek employment on their own. However, deteriorating economic conditions and the effects of the HIV/AIDS pandemic have given rise to more child labor in the informal sector, which is difficult to monitor and control. During the year, there were reports of abuse of children serving as domestic employees. A significant number of workers on coffee, sugar, and rice plantations are children, who usually work in family units. In addition a large number of underage children were active in the sex industry (see Section 5) and in the salt harvesting industry along the coast. In view of the high levels of adult unemployment and underemployment, the employment of children in the formal industrial wage sector in violation of the Employment Act is less common but not unknown.

On July 5, Parliament ratified ILO Convention 182 on the worst forms of child labor; implementing regulations were being drafted at year's end. In September the Ministry of Labor created a Child Labor Office under the Directorate of Occupational Health and Safety Services. Many NGO's also are active in this area. An ILO-sponsored COTU program has facilitated the return of 562 child laborers to school and trained 1,100 shop stewards on the prevention of child labor since 1997. An NGO working with COTU and the Agriculture and Plantation Workers Union has facilitated the return of another 962 child laborers to school since 1999.

The law prohibits forced and bonded labor by children; however, there reportedly were instances in which it occurred, primarily in rural areas, as a form of family debt repayment.

e. Acceptable Conditions of Work.—The legal minimum wage for blue-collar workers in the wage sector has 12 separate scales, varying by location, age, and skill level; however, in many industries the minimum wage equals the maximum wage. The lowest minimum wage is \$42 (3,288 shillings) per month in the largest urban areas and \$25 (1,535 shillings) in rural areas. Workers covered by a collective bargaining agreement (CBA) generally receive a better wage and benefit package than those not covered, including an average of \$90 (7,303 shillings) per month, a mandated housing allowance of 15 percent, and traditional benefits such as a transport allowance or a "house owner occupier" allowance.

The minimum wage is insufficient to provide a decent standard of living for a worker and family. Most workers relied on second jobs, subsistence farming, informal sector opportunities, or the extended family for additional support.

The law limits the normal workweek to 52 hours, although nighttime employees may be employed for up to 60 hours per week. Some categories of workers have a shorter workweek. As is the case with respect to minimum wage limitations, the law

specifically excludes agricultural workers. An employee in the nonagricultural sector is entitled to 1 rest day per week. There also are provisions for 21 days of annual leave and sick leave. The law also provides that the total hours worked (regular time plus overtime) in any 2-week period for night workers not exceed 144 hours; the limit is 120 hours for other workers. The Ministry of Labor is responsible for enforcing these regulations, and there were few reports of violations. Workers in some enterprises claimed that employers forced them to work extra hours without overtime pay. Foreign workers are covered by the same legislation and work rules as citizens.

The Factories Act sets forth detailed health and safety standards; however, a 1990 decree by the Minister of Finance excludes EPZ's from the Act's provisions (see Section 6.b.). The Ministry of Labor's Directorate of Occupational Health and Safety Services (DOHSS) have the authority to inspect factories and work sites; however, the DOHSS lacks statutory authority to inspect factories in the EPZ's. Labor and NGO's continued to criticize health and safety conditions in the EPZ's.

The 65 DOHSS health and safety inspectors may issue notices enjoining employers from practices or activities that involve a risk of serious personal injury. Such notices can be appealed to the Factories Appeals Court, a body of four members, one of whom must be a High Court judge. The number of factory inspections has increased significantly since 1992. The law stipulates that factories that employ at least 20 persons have a health and safety committee with representation from workers. However, according to the Government, less than half of even the very largest factories have instituted health and safety committees. Workers are not forced by law to remain in hazardous conditions; however, many would be reluctant to remove themselves because of the high unemployment problem and the resulting risk of loss of their job.

The law protects both legal and illegal foreign workers.

f. Trafficking in Persons.—Although there are no laws that specifically prohibit trafficking in persons, there are applicable laws against kidnaping and abduction that potentially could be used to prosecute traffickers. In January authorities arrested and deported six Sudanese on suspicion of running an operation to smuggle Kenyans to the Middle East for work. In previous years, there were unverified reports that citizens were trafficked to Saudi Arabia under the guise of employment opportunities, and that South Asians were trafficked into the country to work in sweatshops. In 1999 the People newspaper published an article about the experiences of several Kenyan women who had been misled into accepting jobs in the Middle East, only to work in what they described as “modern slavery.”

The Government does not have any programs that specifically target trafficking; however, several NGO's provide service to persons who may have been victims of trafficking.

LESOTHO

Lesotho is a constitutional monarchy with King Letsie III as Head of State. Under the Constitution, the King fills a ceremonial role, has no executive authority, and is proscribed from actively taking part in political initiatives. Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD) party, took office in June 1998 and is the Head of Government. In the May 1998 elections, the LCD won 79 seats in the expanded 80-member Parliament. The Basotho National Party (BNP) won the one remaining seat. More than 700 foreign and national election observers concluded that the election met international standards for a transparent, multiparty election; however, the Langa Commission, a group of election auditors from the Southern African Development Community (SADC), reported that while there was no evidence to substantiate charges of electoral fraud, mismanagement of polling data made it impossible to confirm that fraud did not occur. Opposition parties claimed that the election result was fraudulent and launched a prolonged and aggressive protest at the royal palace in Maseru in August 1998. Opposition leaders urged the King—who had staged a coup in 1994—to dissolve the newly elected Parliament and install a government of national unity on the basis of their claim that the LCD rigged the election. In September and October 1998, the armed opposition protesters used violence to destabilize the Government, disarm the police, intimidate workers and business owners, shut down government and business operations, and facilitate a junior officer rebellion in the army. The army rebels, who were armed, aligned themselves with the opposition protesters. This action resulted in a virtual coup and severely strained relations between the Head of State and the Government. The palace vigil and protests resulted in politically moti-

vated killings, injuries, violence, arson, and destruction. These events also precipitated intervention by a SADC military task force in September 1998 to quell the army mutiny and return society to a state of law and order. In the past, the judiciary had been subject at times to government and chieftainship influence; however, there were no reports of the use of such influence during the year.

The security forces consist of the Lesotho Defense Force (LDF), the Lesotho Police Service (LPS), and the National Security Service (NSS). The Prime Minister is the Minister of Defense, with direct authority over the LDF and the NSS. The police force is under the authority of the Minister of Home Affairs. The 1996 Lesotho Defense Act, the 1997 Regulations for Military Justice, and the 1996 and 1997 amendments to the Royal Lesotho Mounted Police Force Act were designed to bring these services under direct civilian control. However, the politicized armed services have a history of intervening in the country's politics and government. The LDF continues to be the subject of a national debate on the structure, size, and role of the armed forces. The NSS and the LPS also are undergoing comprehensive restructuring. There were allegations that members of the security forces on occasion committed human rights abuses.

Lesotho, which has a population of approximately 2.15 million, is a landlocked country surrounded by South Africa and almost entirely dependent on its sole neighbor for access to the outside world. Approximately 13 percent of the adult male work force works in mines in South Africa. Miners' remittances are 17.5 percent of the gross national product (GNP). Real GNP grew by 1.7 percent in 2000, and inflation was 6 percent. Per capita GNP rose 0.9 percent in local currency terms in 2000 to approximately \$500 (3,785 maloti). State-owned enterprises predominate in the agroindustrial and agribusiness sectors, but private sector activity dominates in the small manufacturing and construction sectors. The 1998 opposition protest and SADC intervention resulted in a wave of political violence and arson that destroyed nearly 80 percent of the commercial infrastructure in Maseru and other towns and villages. Thousands of jobs were lost, and many entrepreneurs went bankrupt. Hundreds of millions of dollars in losses occurred. In the past 3 years, most of the damage has been repaired or reconstructed, and economic growth has returned. Under the traditional chieftainship structure, land use and tenure is controlled by the traditional chiefs and formally owned by the Kingdom (i.e., "crown lands").

The Government generally respected many of the human rights of its citizens; however, there continued to be problems in some areas. There were unconfirmed allegations of torture by security forces, and credible reports that the police, at times, used excessive force against detainees. Prison conditions are poor, and lengthy pretrial detention is a problem. There are long delays in trials. Domestic violence was common, and women's rights continued to be restricted severely in some areas. Societal discrimination against persons with disabilities was common. Some worker rights were restricted. Child labor is a problem in traditional agriculture and the informal sector.

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 1998 opposition palace protest, violence between protesters and police, between antagonistic political factions, and between policemen and soldiers resulted in nine fatalities, including one police officer and eight civilians—four of whom were opposition supporters—and numerous injuries. These deaths resulted from gunshot wounds and fatal beatings sustained during enforcement actions and during violent clashes between political party supporters. Nine South African soldiers were killed while suppressing the September 1998 army mutiny. More than 50 LDF soldiers and 40 civilians allied with the opposition died in fighting with SADC troops. A total of 52 LDF personnel have been arrested and court-martialed for mutiny and high treason in connection with these events.

In 1999 the Government began investigating the 1994 palace coup and the alleged involvement of military personnel in the killing of the Deputy Prime Minister; 23 members of the LDF had been arrested and charged with involvement in the killing. Four of the soldiers were convicted in courts-martial for their role in the 1998 army mutiny. The trials for the killing of the Deputy Prime Minister were scheduled to resume in February 2002.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits such practices, and the Government generally

respects these provisions; however, there were credible reports that the police at times used excessive force against detainees.

Prison conditions are poor. Prison facilities are overcrowded and in disrepair. In 1998 Amnesty International representatives visited the LDF soldiers accused of mutiny being held in the maximum-security prison in Maseru and reported that conditions were poor. In 1999 the Judge Advocate ordered prison officials to improve conditions in the cells in which the soldiers were being held; conditions were improved as a result, and the Judge Advocate did not issue further orders. Women are housed separately from men, and juveniles are housed separately from adults. Rape in prison reportedly is not a problem. Pretrial detainees often are held with convicted prisoners.

Prison regulations provide for visiting committees that are made up of principal chiefs, church ministers, representatives of the business community, advocates of the High Court, and other citizens. These committees may visit any prison without the prior knowledge of the prison director, and generally are allowed to do so. The committee reports its findings to the prison director after every inspection. The International Committee of the Red Cross (ICRC), through its regional office in Botswana, visits prisons in the country twice a year to monitor prison conditions.

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

Pretrial detainees were a significant portion of the prison population. Because of serious backlogs of the court caseloads, the period of pretrial remand for some suspects can last months or even years.

In July 2000, a trial judge convicted 25 of the 33 RLMP members arrested in connection with a 1997 police mutiny on charges of sedition and contravention of the 1984 Internal Security Act (ISA) and sentenced them to prison for terms ranging from 1 to 3 years. In passing the sentences, the trial judge took into account the 41 months that the defendants had spent in prison prior to convictions, and their sentences were reduced accordingly. Eight of the convicted RLMP members were released due to lack of evidence. During the year, eight others also were charged and convicted for murder and kidnaping and received prison sentences ranging from 15 to 25 years.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in the past, magistrates appeared at times to be subject to government and chieftainship influence. There were no reports of such influence during the year.

The judiciary consists of the Court of Appeal (which meets semi-annually), the High Court, magistrates courts, and customary or traditional courts, which exist largely in rural areas to administer customary law.

The High Court also provides procedural and substantive advice and guidance on matters of law and procedure to military tribunals; however, it does not participate in arriving at judgments. Military tribunals operating under the 1996 Defense Act have jurisdiction over military cases only. Decisions by military tribunals can be appealed only to a special court-martial appeal court, which is composed of two judges from the High Court, one retired military officer with a legal background, and the registrar of the High Court.

Persons detained or arrested in criminal cases and defendants in civil cases have the right to legal counsel; however, there is no system to provide public defenders. The Ministry of Justice and the NGO community maintained a few legal aid clinics. The authorities generally respect court decisions and rulings. There is no trial by jury. Criminal trials normally are adjudicated by a single High Court judge who presides, with two assessors serving in an advisory capacity. In civil cases, judges normally hear cases alone. The law provides for granting bail, which the authorities grant regularly and generally fairly. There is a large case backlog, which leads to lengthy delays in trials.

In civil courts, women and men are accorded equal rights; however, in traditional and customary courts certain rights and privileges accorded to men are denied to women (see Section 5). When traditional law and custom are invoked in a court case, a male plaintiff can opt for customary judgments by a principal chief rather than a civil court, and the judgment is binding legally. This system greatly disadvantages women.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law does not protect fully citizens' privacy rights, but there were no reports that authorities infringed on citizens' privacy rights during the year. Although search warrants are required under normal circumstances, the ISA provided police with wide powers to stop and search persons and vehicles and to enter homes and other places with-

out a warrant. There were no prohibitions against monitoring telephone conversations until 1999, when some restrictions were implemented. There were allegations in 1999 and 2000 that security forces monitored the telephone conversations of citizens and foreigners, ostensibly on national security grounds; however, there were no such allegations during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. There are several independent newspapers—including one controlled by the Roman Catholic Church, one controlled by the Lesotho Evangelical Church, and four English-language weeklies—that routinely criticized the Government. The official state-owned or state-controlled media consist of one radio station, a 1½ hour daily newscast on a local television channel, and two weekly newspapers. All faithfully reflect official positions of the ruling party. There are four private radio stations, but no private local television station. South African and global satellite television and radio broadcasts are available widely.

There is a lack of free access to government information, which often is described as a limitation on the free press; however, there are no other barriers that affect press coverage of government activities.

Internet services were freely available from a number of private Internet service providers.

The Government does not restrict academic freedom. Although the Government owns and administers the country's only university, the academic staff represents the full political spectrum and is free to express its views.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice. A public meeting, rally, or march do not require prior police permission, only advance notification. Political party meetings and rallies were held regularly and without hindrance from the Government. In addition to the LCD, the Basotholand Congress Party (BCP), and the BNP, there were 14 smaller, registered political parties.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There is no state religion, and no evidence that the Government favors any particular religion. However, the majority of the members of the Government are Christians, which reflects the religious composition of the country.

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

The law provides for the granting asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1994 the Government allowed approximately 25 refugees from Somalia and Uganda registered with the U.N. High Commissioner for Refugees to study in the country. They were expected to return to their countries of first asylum after completing their studies, but had not done so by year's end. Other than these students, there is no resident refugee population. The Government has provided first asylum; however, the issue did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully; however, in 1998 and 1993–94, there were post-election problems. The 1998 crisis was similar to that of the 1993–94 post-electoral period. In both cases, opposition party members alleged electoral fraud, suborned army supporters, sought the King's involvement, and effectively overthrew the elected Government. However, in 1998 the King did not take an active role in the opposition campaign, as he did in 1994, and, based on the 1994 Memorandum of Understanding, Prime Minister Mosisili asked SADC to intervene militarily to stabilize the situation.

In the 1998 elections, the LCD won 79 of 80 parliamentary seats. The BNP won the other seat. International observers concluded that the elections were free and fair and reflected the will of the voters. Despite opposition coalition claims, the Langa Commission, composed of international observers from four southern African countries, reported no definitive findings of vote rigging or fraud; however, post-election management of electoral and polling station data was poor. The Commission stated that the documentation was in such disarray that it could not prove that

fraud had not occurred. This judgement encouraged the opposition to charge that errors short of fraud could have affected the results.

In October 1998, the LCD and the newly formed opposition alliance agreed to hold new elections within 2 years to resolve the ongoing political crisis. Local elections, scheduled to be held late in 1998, were postponed because of the 1998 crisis. Negotiations under SADC supervision resulted in the December 1998 establishment of the Interim Political Authority (IPA) with a mandate to prepare for new elections within 18 months (i.e., during the first half of 2000); however, the IPA made little progress in meeting its objectives. In February the IPA and the Parliament finally agreed to a mixed proportional electoral arrangement that was enacted by the required two-thirds majority in both houses of Parliament. This new system retains the existing 80 seats, which continue to be decided by a plurality voting system, but adds 40 proportionally decided seats, for a total of 120 seats in the lower house. The composition of the upper house was not affected by the legislation. The Independent Electoral Commission (IEC) is preparing for elections that are expected to occur sometime before June 2002. Countrywide voter registration was held between August 13 and September 30 to prepare an updated voters' roll. The Government welcomed independent observers during this process, which was carried out in an orderly, peaceful, and lawful manner. The March parliamentary elections were postponed by an agreement between all political parties, and the elections were scheduled for May 2002. Early in the year, the political parties were unable to agree on a new election law, including the composition of a new Parliament. In December those issues were resolved and Parliament passed a new electoral bill after lengthy and intense negotiations.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal impediments to women's participation in government or politics. There are 8 women in the 80-member National Assembly, and there are 7 women in the 33-member Senate. Two women are government ministers, one the Minister of Environment, Women, and Youth Affairs and the other the Minister of Health and Social Welfare. In 1999 the Parliament unanimously elected the first female Speaker of the National Assembly, who still continued to be the Speaker at year's end.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

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

The Constitution prohibits discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, birth, or other status, and the Government generally respected these prohibitions in practice; however, the Constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights are restricted severely under the traditional chieftainship system.

Women.—Domestic violence against women occurs frequently, and, although dependable statistics were not available, it was believed to be widespread. In Basotho tradition, a wife may return to her "maiden home" if physically abused by her husband. Under common law, wife beating is a criminal offense and defined as assault; however, few domestic violence cases were brought to trial. Beatings and violence against women perpetrated by husbands or other male relatives occurred frequently; however, increasingly it was considered socially unacceptable behavior. A 1998 national conference on the empowerment of women noted that of 100 cases of human rights abuses, 90 involved women who were victims of domestic violence, rape, or sexual harassment.

The law prohibits rape, which is punishable by a minimum sentence of 5 years' imprisonment, with no option for a fine. The law also prohibits sexual harassment; however, in most cases, it was difficult to prove. Prostitution is illegal; however, it was difficult to police or prosecute, and it was a problem.

Both law and custom under the traditional chieftainship system severely limited the rights of women in areas such as property rights, inheritance, and contracts. Women have the legal and customary right to make a will and sue for divorce; however, under customary law, a married woman was considered a minor during the lifetime of her husband. She cannot enter into legally binding contracts, whether for employment, commerce, or education, without her husband's consent. A woman mar-

ried under customary law has no standing in civil court and may not sue or be sued without her husband's permission. Government officials have criticized publicly this customary practice. The tradition of paying a bride price (lobola) is common. Polygyny was practiced by a very small percentage of the population.

Women's rights organizations have taken a leading role in educating women about their rights under customary and common law, highlighting the importance of women participating in the democratic process. In 1998 the Government created the Ministry of Environment, Gender, and Youth Affairs. The Ministry funded, with small financial grants and the use of facilities, efforts by women's groups to sensitize women and society in general to the status and rights of women.

Children.—The Government has not addressed adequately children's rights and welfare, although it has devoted substantial resources to primary and secondary education. Education is not compulsory even at the primary levels, and 25 percent of children do not attend school, particularly in rural areas where there are few schools, where children are involved in subsistence activities in support of their family's welfare, or where families cannot afford the costs associated with school attendance (for example, fees for the purchase of uniforms, books, and materials). The problem of school nonattendance affects boys disproportionately more than girls. In traditional rural Basotho society, livestock herding by young boys is a prerequisite to manhood in the community, and this frequently interferes with their school enrollment. The Government began implementation of a new program that provides free public education through the primary grades (1 through 6). The program commenced in all schools in the first grade during 2000, and it covered the costs of school fees, books, and one meal per day. Expansion of the program to the second grade occurred during the year, and the program is scheduled to expand to grade 3 in 2002.

There is no pattern of societal abuse against children. However, familial stress, poverty, the spread of HIV/AIDS, and divorce have led to a rise in child homelessness and abandonment, creating a growing number of street children.

Child prostitution is a problem. Young girls reportedly move to urban areas to work as prostitutes (see Section 6.d.).

Child labor is a problem (see Section 6.d.).

Persons with Disabilities.—Discrimination against persons with physical disabilities in employment, education, or provision of other government services is unlawful; however, societal discrimination is common. The Government has not legislated or mandated accessibility to public buildings for persons with disabilities.

Religious Minorities.—Christianity, specifically Roman Catholicism, is the predominant religion. Approximately 90 percent of the population are Christian, and 70 percent of the Christians are Catholic. Muslims, members of other non-Christian religions, and atheists constitute the remaining 10 percent. Christians are scattered throughout the country, while Muslims are found mainly in the northeastern part of the country.

There generally was mutual understanding and cooperation between Christians and Muslims. Although there were some tensions between Christians and Muslims in previous years, there were no reports of such tensions during the year.

National/Racial/Ethnic Minorities.—Most citizens speak a common language and share common historical and cultural traditions. Small numbers of Asians (primarily ethnic Chinese and Indians) and South African whites are active in the country's commercial life. Economic and racial tension between the Chinese business community and the Basotho remained a problem. In past years, civil unrest and riots targeted persons of Asian descent; however, there were no similar incidents reported during the year.

Section 6. Worker Rights

a. The Right of Association.—Under the law, workers have the right to join or form unions without prior government authorization. The Labor Code prohibits civil servants from joining or forming unions. The Government regards all work by civil servants as essential. The law prohibits public employees from becoming members of trade unions established under the Labor Code; however, the law allows them to form staff associations. At the request of the International Labor Organization (ILO), at year's end, the Government was reviewing the law in order to address concerns related to freedom of association without compromising the Government's responsibility to provide essential services.

Under the Labor Code, prepared with the assistance of the ILO, all trade union federations must register with the Government. There are 38 trade unions and employee organizations registered with the Registrar of Trade Unions. There are three small trade union federations that rarely cooperate with one another: the Lesotho Trade Union Congress; the Lesotho Federation of Democratic Unions; and the Con-

gress of Lesotho Trade Unions. Unions are not affiliated formally with or tied to political parties.

The labor and trade union movement was very weak and fragmented. There are several small unions in the public and industrial sectors, but there was no unified trade union congress. There were cases of unions competitively organizing small numbers of workers in the same sector.

Overall unionized workers represent only approximately 10 percent of the work force. Consequently efforts toward collective bargaining and tripartite policymaking were not amenable to strong trade union influences (see Section 6.b.). Approximately 13 percent of the male labor force works in the gold and coal mines of South Africa, and the majority of those who do not are engaged primarily in traditional agriculture. A majority of Basotho mine workers were members of the South African National Union of Mineworkers (NUM); however, as a foreign organization, the NUM is not allowed to engage in union activities in the country.

There was credible evidence that some employers prevented union organizers from access to factory premises to organize workers or to represent them in disputes with owners or managers. There were reports that some employers harassed union organizers, intimidated members, and frequently fired union activists. The Commission of Labor, which operates as part of the Labor Ministry, is charged with investigating allegations of labor law violations (see Section 6.e.).

The law provides for the right to strike; however, no legally authorized strike has occurred since independence in 1966. Because civil servants generally are not allowed to strike, all public sector industrial actions are, by definition, unauthorized. In the private sector, the Labor Code requires an escalating series of procedures to be followed by workers and employers before strike action is authorized. In past years, some small unions and their members have undertaken wildcat strikes or spontaneous industrial actions without following the procedures for dispute resolution; however, there were no reported strikes during the year. Legal protection for strikers from retribution has not been enforced always in cases of illegal strikes. There were no violent strike-related incidents during the year. In October the textile workers' union called for a general strike to force a larger increase in the minimum wage, even though they recently had negotiated an even greater increase in their members' pay (see Section 6.e.). The strike was called off after discussions with the employers' federation.

There were no instances of governmental restrictions on international affiliations or contacts by unions or their members.

b. The Right to Organize and Bargain Collectively.—In principle all legally recognized trade unions enjoy the right to organize and bargain collectively, and the Government generally respected these rights; however, some employers tried to restrict these rights in practice. Employers usually are cooperative; however, some employees are threatened with expulsion and loss of employment if they join unions. There was credible evidence that some employers in the textile and garment sector used blacklists to deny employment to workers who have been fired by another employer within that sector. There were reports that some employers harassed union organizers. Although there was some collective bargaining between unions and employers to set wage and benefit rates, employers generally continued to set wage rates through unilateral action. Employee grievances reportedly were handled promptly by the Labor Commission, and there were no significant backlogs of cases during the year.

The Labor Code was amended in May 2000 to establish a Directorate of Dispute Prevention and Resolution within the Ministry of Employment and Labor. The Directorate received funding and became fully operational during the year.

There are no export processing zones, and no industrial zones that legally are different from other parts of the country.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and there were no reports that such practices occurred. In June the Government conveyed its ratification of Convention 105 concerning the prohibition of forced or compulsory labor to the ILO.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment in commercial or industrial enterprises is 15 years, and legal minimum age for hazardous employment is 18 years; however, children under 14 years of age reportedly are employed in family-owned businesses. Young girls reportedly move to urban areas to work as domestic workers and prostitutes, while many urban street children work in the informal sector. Most of the jobs in which children find themselves are gender-specific: boys (as young as ages 4 and 5) are livestock herders; girls are domestic servants; boys carry packages for shoppers,

wash cars, and collect fares for minibus taxis; teenage girls (and a few boys) are involved in prostitution (see Section 5); and both boys and girls work as street vendors. Although there were allegations of child labor in the textile and garment sector, investigations by UNICEF, the ILO, and the Labor Commission found no evidence to support the charges.

There are statutory prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, and although enforcement of prohibitions was very lax in previous years, the Ministry of Labor and Employment's Inspectorate was staffed adequately and conducted quarterly inspections during the year. Children under 18 years of age may not be recruited for employment outside of the country. In traditional society, rigorous and occasionally dangerous working conditions for the country's young livestock, herdboys are considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. The emphasis on traditional socialization methods to the exclusion of formal education continues the cycle of poverty for most youth. Child labor laws cover all sectors except for the agricultural sector.

In June the Government conveyed its ratification to the ILO of ILO Convention 138, concerning the minimum age for admission to employment and ILO Convention 182 concerning the worst forms of child labor.

The Government prohibits forced and bonded labor by children, and such practices are not known to occur.

e. Acceptable Conditions of Work.—In general wages are low. A national minimum wage is determined annually by the Wage Advisory Board, a tripartite entity, consisting of Government, trade unions, and employers. The monthly minimum wage for unskilled laborers is \$73 (589 maloti), and \$127 (1,024 maloti) for heavy vehicle operators. Minimum wages for workers in lower skilled jobs were insufficient to ensure a decent standard of living for a worker and family. Most wage earners supplement their income through subsistence agriculture or remittances from relatives employed in South Africa. Many private employers paid more than minimum wages to attract and retain motivated employees. However, there also is reason to believe that some employers, especially in export sectors, treated the minimum wage as a maximum wage. This situation was made possible by the high levels of unemployment and underemployment, which provide a large pool of surplus unskilled labor that bid down wage rates and threatened job security for workers who made demands for better wages and conditions of work.

The Labor Code provides for basic worker rights, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid sick and public holidays; however, employers did not always respect these rights in practice. A survey undertaken in March revealed that most factories compelled workers to work on Saturdays, which are considered legally to be days of rest; however, by year's end, the practice of compelling Saturday employment largely had ceased.

There were allegations early in the year that some companies paid below minimum wage, enforced long hours sometimes by locking in workers, and deducted wages when employees were found talking or taking more than one break a day. Some employers allegedly refused sick-pay leave and engaged in unfair dismissal practices. By year's end, a combination of rulings by the Labor Commission and inspections by both buyers' representatives and the Labor Department had ended the complaints.

Although the Labor Court has only one judge, progress has been made in clearing the backlog; during the year, the court heard cases brought in 1999 and 2000. Postponements sought by the workers' legal representatives account for most of the delays. The Labor Commission is staffed adequately and handled most complaints within a 1-month period; it cooperated closely with the ILO in establishing inspection regimes. Labor inspectors generally conducted unannounced inspections in factories four times per year. The Labor Commission is authorized to order the reinstatement of wrongfully dismissed employees and the payment of back wages, but it does not have the authority to impose criminal fines.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury, and in practice employers generally follow these regulations. The law provides for a compensation system for industrial injuries and diseases arising out of and in the course of employment. The Labor Code also empowers the Minister of Labor to make regulations pertaining to work safety in specific areas. There are regulations in force concerning welding and cutting, noise, and spray painting. Regulations on construction and chemical safety are being promulgated. The Labor Code does not protect explicitly the right of workers to re-

move themselves from hazardous situations without prejudice to employment; however, Labor Code sections on safety in the workplace and dismissal implied that dismissal in such circumstances would be illegal. The Labor Code protects both legal and illegal foreign workers, unless the workers signed contracts that specify differently.

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.

There was a report that illegal immigrant smugglers, primarily from South and East Asia, continued to take advantage of the country's undersupervised borders to pass persons temporarily through the country to transportation hubs in South Africa for onward movement to Europe and North America. There was no clear evidence that these movements included women or children, or that these organizations were recruiting or transporting persons illegally for involuntary servitude, slavery, or forced or bonded labor. It was suspected that most of the persons who are moved by these criminal organizations were primarily economic immigrants seeking employment in other countries. There were no reports or evidence of forced or bonded labor or servitude in the country resulting from these activities.

The Government took no specific action to address trafficking in persons during the year.

LIBERIA

Liberia is a centralized republic, dominated by a strong presidency. The Constitution provides for three branches of government, but no effective system of checks and balances, and presidents traditionally have wielded extraordinary power. Charles G. Taylor, who is of both indigenous and Americo-Liberian ancestry, has led the Government since 1996, when forces under his command emerged dominant after a 7-year civil war. In 1997 Taylor won the presidential election, and his National Patriotic Party (NPP) won three-quarters of the seats in the legislature. The elections were administratively free and transparent, but were conducted in an atmosphere of intimidation, as most voters believed that Taylor's forces would have resumed fighting if he had lost. Most other leaders of the former warring factions subsequently left the country. The bicameral legislature exercises little independence from the executive branch. The judiciary is subject to political influence, economic pressure, and corruption.

The regular security forces include: The Armed Forces of Liberia (AFL); the Liberia National Police (LNP), which has primary responsibility for internal security; the Antiterrorist Unit (ATU), also called the Antiterrorist Brigade (ATB), composed of an elite special forces group; and the Special Security Service (SSS), a large, heavily armed executive protective force. The ATU absorbed Taylor's most experienced civil war fighters, including undisciplined and untrained loyalists. There also are numerous irregular security services attached to certain key ministries and parastatal corporations, the responsibilities of which appear to be defined poorly. The national army, which fought against Taylor's faction during the civil war, has yet to be downsized and restructured as required by the Abuja Peace Accords, due primarily to a lack of funding. In late 2000, a commission to downsize and restructure the army was established with funding allocated at approximately \$100,000 (5 million ld). Several thousand troops deployed in northern counties were fighting armed dissidents; however, there were few troops deployed to maintain security in other rural areas of the country. Fighting intensified during the year between the security forces and the Liberians United for Reconciliation and Democracy (LURD) rebels. President Taylor called up 15,000 former fighters from the faction he had led during the civil war to combat the growing rebel threat. In 2000 the Government revived the National Bureau of Investigation (NBI), which had become defunct during the civil war. Security forces frequently acted independently of government authority, particularly in rural areas. Members of the security forces committed numerous, serious human rights abuses.

Liberia, with a population of approximately 3,164,000, is a very poor country with a market-based economy that has yet to recover from the ravages of the civil war. Average per capita income is estimated at less than \$200 (10,000 ld). An estimated unemployment rate of 70 percent, a 30 percent literacy rate, the internal displacement of civilians in Lofa and Nimba counties, and the absence of infrastructure throughout the country continued to depress productive capacity, despite the country's rich natural resources and potential self-sufficiency in food. Government offi-

cials and former combatants continued to exploit the country's natural resources for personal benefit. Extortion is widespread in all levels of society.

The Government's human rights record remained poor, and there were numerous, serious abuses in many areas. The security forces committed many extrajudicial killings, and they were accused of disappearances of numerous persons. Security forces tortured, beat, and otherwise abused or humiliated citizens. The Government investigated some of the alleged abuses by the security forces; however, offenders rarely were charged or disciplined. Prison conditions remained harsh and sometimes life threatening. Security forces continued at times to use arbitrary arrest and detention, and lengthy pretrial detention remained common. The judicial system, hampered by political influence, economic pressure, inefficiency, corruption, and a lack of resources, was unable to ensure citizens' rights to due process and a fair trial. In some rural areas where the judiciary had not been reestablished, clan chieftains administered criminal justice through the traditional practice of trial-by-ordeal; authorities tacitly condoned this practice. Approximately 20 political prisoners remained in jail, although some were released during the year. Security forces violated citizens' privacy rights, conducted warrantless searches, harassment and illegal surveillance, and looted homes. The Government restricted freedom of speech and of the press; it detained, threatened, and intimidated journalists. Police forcibly dispersed one student demonstration. Security forces restricted freedom of movement, using roadblocks to extort money from travelers and displaced persons fleeing fighting, primarily in Lofa County. Security forces frequently harassed human rights monitors. Violence and discrimination against women remained problems. The welfare of children remained widely neglected, and female genital mutilation (FGM) continued to increase. Societal ethnic discrimination remained widespread, ethnic differences continued to generate violence and political tensions, and the Government continued to discriminate against indigenous ethnic groups that had opposed Taylor in the civil war, especially the Mandingo and the Krahn ethnic groups. Forced labor persisted in rural areas. Child labor remained widespread, and there were reports of forced child labor. Ritualistic killings also persisted.

Rebels fighting in the north also committed serious human rights abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Security forces continued to commit extrajudicial killings. Human rights organizations estimate that such killings numbered in the hundreds during the year. Many of the abuses were linked to ongoing violence in Lofa County between security forces and antigovernment dissidents who launched a series of crossborder incursions from Guinea. Fighting intensified during the year between the security forces and the LURD. No perpetrators were arrested or convicted for any of these killings.

In July officers of the Special Operations Division (SOD) of the police allegedly killed an immigration officer in Bong County while attempting to arrest him for extortion. In August three SOD officers were arrested and charged with involvement in the incident; they remained in detention at year's end.

In July the commander of the Kakata town police and another officer were arrested for murder and armed robbery following the ambush of a rubber plantation vehicle. No additional information was available at year's end.

In late October, members of the ATU reportedly detained and tortured two Nigerian men; both men died as a result of their injuries. On November 2, Deputy Minister of Labor Bedell Fahn and five members of the ATU were arrested, and they remained in detention awaiting trial at year's end; two ATU suspects remained at large at year's end. Fahn reportedly had accused the men of stealing the jewelry from his house.

On December 7 in Gbarnga, the police commander shot and killed a fourth grade boy; the police officer said the boy was a thief and announced the shooting publicly. Students rioted to protest the killing; on December 10, police killed two more students during a demonstration in front of the police station. The National Chief of Police ordered the arrest of the police commander who shot the fourth grade student. The Government reported that the police commander remained in detention at year's end; however, human rights NGO's were not granted access to the police commander and were unable to confirm his arrest by year's end.

There were credible reports that government forces as well as members of the Lorma ethnic group continued to harass, intimidate, and kill members of the Mandingo ethnic group in Lofa County. Human rights monitors reported that hundreds of Mandingos were killed during the year. In May Amnesty International reported that security forces, especially the ATU, committed widespread abuses, in-

cluding killings, torture, and rape, against civilians suspected of supporting armed dissidents in Lofa County (see Section 1.c.). Minister of Information Reginald Goodridge stated he was unaware of any abuses committed by security forces, and he asked Amnesty International to provide more information about the abuses committed by the armed dissidents (see Section 1.c.).

No action was known to have been taken against the police officers responsible for the killing of Nyanqui Luoh in 2000.

At year's end, the Government had not released a report on its November 1999 investigation of the reported killing of as many as 30 Mandingos in Lofa County in August 1999. There was no investigation into nor action taken in the May 1999 death of a security officer allegedly while in detention.

In August unknown persons killed the Chief Financial Officer of the Police Training Academy outside of Monrovia. Police officers were suspected of involvement; however, there was no reported action taken against the responsible persons by year's end.

On January 30, Defense Minister Daniel Chea reported that a Guinean helicopter gunship attacked Solumba, a northern border town, killing at least 10 persons.

There continued to be reports during the year of attacks by fighters based in Liberia on Guinean border towns, which caused numerous deaths. These attacks generally were perpetuated by a combination of government security forces, Revolutionary Front United (RUF) rebels from Sierra Leone, and some Guinean rebels; however, some attacks also were launched by armed Liberian dissidents based in Guinea. In January there was at least one attack reported on a Guinean town close to the Sierra Leonean border.

Rebel forces fighting the Government in Lofa County killed, tortured, and raped civilians. In April in Lofa County, armed dissidents killed Youth and Sports Minister Francois Massaquoi when they shot at his helicopter.

There were no further developments in the November 2000 attacks reportedly in northeastern Nimba, which resulted in numerous deaths; it was unclear whether the rebel incursion was from Guinea or Cote d'Ivoire.

There were no reported developments in the October 2000 case of 12 men arrested for the burning of a mosque and other buildings and the death of 4 persons in a property dispute in Nimba County; the 12 men reportedly remained in detention pending a trial at year's end.

Incidents of ritualistic killings, in which human body parts used in traditional rituals are removed from the victim, continued to be reported (see Section 5). The number of such killings is difficult to ascertain, since police often describe deaths as accidents even when body parts have been removed. Deaths that appear to be natural or accidental sometimes are rumored to have been the work of ritualistic killers (see Section 5). There were no reported developments in the case of two suspects charged with killing and mutilating a 10-year-old girl. A police investigation launched in August 1999 into alleged ritual killings in Harper resulted in the acquittal of one of four defendants; no information was available on the status of the three remaining defendants.

b. Disappearance.—Security forces were responsible for numerous disappearances.

For example, a human rights organization reported that security forces detained 24 persons from a truckload of internally displaced persons fleeing fighting in Lofa County in May. It was suspected they were transported to the Gbatala military base in Bong County; however, they have not been seen since.

The whereabouts of seven refugees who were arrested on their return from Guinea in June 2000 remained unknown at year's end. The authorities claimed they were members of an armed dissident faction based in Guinea and were plotting to overthrow the Government and charged them with treason. The men have not been seen since their arrest, and NGO's and relatives believe that they were killed.

Security forces produced suspects whom they had held without charge when the courts issued writs of habeas corpus on the applications of human rights organizations. Their disappearances often were the result of prolonged illegal detention at the Gbatala base (see Section 1.c.).

There were no indications by year's end that the Government carried out its promised investigation of the reported disappearance of Mandingos following the violence in Lofa County in 1999.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, government police and security forces frequently tortured, beat, and otherwise abused and humiliated citizens. In some cases, security forces produced suspects whom they had held without charge when the courts issued writs of habeas corpus on the applications of human rights organizations. Such detainees continued to charge that they were tortured while in detention, especially at a security training base in Gbatala. Victims and witnesses

reported beatings, torture, killings, and sexual abuse at the base. Despite calls by human rights organizations for the closure of the base, the base remained opened at year's end. A local NGO, the Catholic Affiliated Justice and Peace Commission, tried to investigate claims; however, the Government blocked their efforts and continued to deny them access to Gbatata. There also were continued reports of beatings and torture by both government security personnel and armed dissidents in Lofa County.

On several occasions, government security personnel harassed, assaulted, and arrested journalists (see Section 2.a.). According to Amnesty International, the security forces targeted and sometimes tortured critics of the Government, including students, journalists, and human rights activists.

Law enforcement personnel, including the security forces, were implicated in numerous reports of harassment, intimidation, and looting. According to Amnesty International, security forces tortured criminal suspects. In May and June, ATU personnel fired on vehicles at security checkpoints in Monrovia; at least one person was shot and injured (see Section 2.d.). In July in Monrovia, officers of the Police Special Operations Division beat and attempted to rob marketers; the National Director of Police intervened and apologized to the marketers. In July the commander of the Kakata town police and another officer were arrested for murder and armed robbery following the ambush of a rubber plantation vehicle. In August in separate incidents, police beat and flogged Congresswoman Ellen King and Senator Armah Jallah, two members of the legislature. Several policemen were arrested after the August incident; however, there was no further action reportedly taken against the policemen by year's end. In September in response to the high incidence of police abuse, the Government held special training seminars on officer conduct and public relations. Also in September, the ATU commander publicly demanded that ATU officers improve their behavior with civilians at checkpoints and stated that offenders would be punished; however, there was no subsequent improvement in police behavior at checkpoints, and no action was known to have been taken against any police officers responsible for such abuses.

In March police forcibly dispersed a student demonstration; numerous persons reportedly were beaten, flogged, or raped (see Section 2.a.). No action was known to have been taken against the responsible police officers by year's end. A panel appointed by university officials completed an investigation into the beatings; however, the panel's findings were not released publicly by year's end.

In late October in Monrovia, members of the ATU reportedly detained and tortured two Nigerian men suspected of stealing jewels from the Deputy Minister of Labor; both men died as a result of their injuries (see Section 1.a.). On November 2, Deputy Minister of Labor Bedell Fahn and five members of the ATU were arrested, and they remained in detention awaiting trial at year's end; two ATU suspects remained at large at year's end. Fahn reportedly had accused the men of stealing the jewelry from his house.

Paul Mulbah, director of the LNP, ordered that off-duty armed security men be removed from the streets and ordered police to shoot on sight any robbers resisting arrest; however, there were no reports of such incidents during the year.

There was no known action taken against the members of the security forces responsible for shooting, harassing, injuring, assaulting, or otherwise abusing the persons in the following cases from 2000: The June assault of a local embassy employee; the March beating of a local embassy security guard; the February assault of a foreign diplomat; and the February shooting of an LNP officer.

There were credible reports that government forces as well as members of the Lorma ethnic group continued to harass, intimidate, and, on occasion, kill members of the Mandingo ethnic group in Lofa County (see Section 1.a.). In May Amnesty International reported that security forces committed widespread abuses, including killings, torture, beatings, and rape against civilians suspected of supporting armed dissidents and other detainees in Lofa County (see Section 1.a.).

There continued to be reports that rival security personnel clashed violently during the year. For example, in June security officers shot at each other at the port of Monrovia.

Security force personnel in rural areas generally were paid and provisioned inadequately and often extorted money and goods. There were many credible reports that security forces harassed returning refugees and displaced persons, especially in the border areas.

The international community publicly criticized the Government's support for the RUF rebels in Sierra Leone.

Clan chieftains continued to use the traditional practice of trial-by-ordeal to resolve criminal cases in rural areas. The Supreme Court ruled that trial-by-ordeal—commonly the placement of a heated metal object on a suspect's body in an attempt

to determine whether the defendant is telling the truth—is unconstitutional; however, the practice continued under an executive order. A local human rights organization sponsored a conference in March 2000 to urge that trial-by-ordeal be abolished throughout the country; however, no further action was taken.

Prison conditions remained harsh and in some cases life threatening. There were credible reports of unofficial detention facilities, including one at the Executive Mansion, in which detainees were held without charge and in some cases tortured. The Government did not provide detainees or prisoners with adequate food or medical care. Cells at Monrovia Central Prison are overcrowded, mostly with detainees awaiting trial. Only approximately 10 percent of the total prison population has been convicted of criminal offenses. Convicted prisoners and detainees awaiting trial are not held in separate facilities. Similar conditions exist in the Barclay Training Center military stockade. In some counties, the structure that serves as a jail is a container with bars at one end. In May 2000, the wives of 13 Krahn political prisoners held at Monrovia's Central Prison publicly complained about denial of medical care and other abuse of the detainees (see Section 1.e.). There also were reports that local officials forced convicted prisoners to work for them.

Women, who constituted approximately 5 percent of the prison population, were held in separate cells. Their conditions were comparable to those of the male prisoners and detainees. There were no separate facilities for juvenile offenders. Women and particularly juveniles were subject to abuse by guards or other inmates.

In a number of cases, human rights groups and interested individuals achieved the release of detainees and prisoners. However, for the most part, these cases tended to be nonpolitical in nature.

The Government generally permits the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC); however, visits to unofficial detention centers often are denied. However, in June the Government allowed members of the U.N. Security Council Expert Panel on Liberia to visit Gbatata base, where victims have been detained and tortured; the Panel did not publish its findings by year's end. The ICRC is allowed to visit persons held in prison facilities and police detention centers without third parties present and to make regular repeat visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces continued at times to arrest and detain persons arbitrarily. The Constitution provides for the rights of the accused, including warrants for arrests and the right of detainees either to be charged or released within 48 hours. Although the Government generally adheres to these standards, warrants were not always based on sufficient evidence, and detainees, especially those without the means to hire a lawyer, often were held for more than 48 hours without charge. In some cases, persons were detained secretly at unofficial detention centers including one at the Executive Mansion (see Section 1.c.).

The Constitution provides for the right of a person who is charged to receive an expeditious trial; however, lengthy pretrial and prearrest detention remained a serious problem. In some cases, the length of the pretrial detention equaled or exceeded the length of sentence for the crime in question. For example, a Ministry of Defense intelligence director, who was arrested and charged with espionage in October 2000, and Auditor General Raleigh Seekie, who was arrested and charged with treason in August 2000, remained in detention at year's end. Police searched Seekie's home and office for subversive documents, arms, and ammunition, but found no incriminating evidence; however, Seekie still was charged with aiding armed dissidents and trying to overthrow the Government. Five detained soldiers awaiting court-martial for desertion during the September 1998 incident have been incarcerated in the stockade since November 1998. Their court-martials still are pending; should they be convicted, the maximum sentence would be 6 months' imprisonment.

The police only have limited logistics and forensic capabilities and cannot adequately investigate many crimes, including murder cases. When the courts release known criminals for lack of evidence, police officers often arrest them again them on false charges.

In late September, Liberian Bar Association President Emmanuel Wureh was detained for contempt of Congress for insulting a House member during House Speaker Nuyndeuuh Morkonmana's corruption hearing. In October he was released from custody following a 1-week boycott of the courts by lawyers. In October National Bar Association Vice President Marcus Jones and Montserrado County Bar President Ishmael Campbell also were detained for contempt of Congress after describing the arrest of Wureh as unconstitutional. On December 24, President Taylor ordered their discharge and they were released.

Security forces arrested and detained a number of journalists and human rights activists during the year (see Section 2.a.). For example, in February the Government arrested and charged with espionage four reporters of the News newspaper for reporting on the purchases of military helicopter spare parts. In response to local and international pressure, the Government released the journalists in March and no trial occurred. On September 13, the Government arrested and detained for 6 days human rights activist Thomas Ade-Bayer after he criticized the ATU. In an effort to induce the activist to surrender to authorities, the police first detained his wife and 3-year-old child. The activist was released without charge after his lawyer filed a writ of habeas corpus.

Government security forces and the LURD detained, tortured, and killed hundreds of civilians during the year (see Section 1.a.).

The Government did not use forced exile; however, as a result of frequent harassment and threats by the security forces, a number of student activists, opposition figures, and human rights activists fled the country due to fear for their personal safety or that of their families (see Sections 2.a. and 5). In April former Deputy Minister of Information and Presidential Media Advisor J. Milton Teahjay fled the country after he publicly criticized the activities of companies that had been granted concessions by the Government. In May Alphonse Nimene, the leader of the University of Liberia Student Union, and several others also fled the country. In the early part of the year, following the 2000 attack on their office by former civil war combatants, Conmany Wesseh, a prominent NGO Director, and Amos Sawyer, former president of the interim national government in the 1990's, both fled the country; many believe the combatants were acting on orders from the Government or ruling party (see Sections 1.f. and 4). Human rights activist James Torh and Muslim organization leader Lartin Konneh remained outside the country at year's end (see Sections 1.e. and 5). In 2000 President Taylor publicly alleged that some of these opposition figures had gone abroad to conspire in the overthrow of his Government. However, in August the Government announced formally that it had dropped treason, sedition, and terrorism charges against exiled political opponents, including a number of former armed faction leaders of the civil war era, as part of its national reconciliation efforts. In September Ellen Johnson-Sirleaf, the exiled leader of the Unity Party, who was charged with treason in 2000, visited the country without harm (see Section 3).

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, judges are subjected to political, social, familial, and financial pressures, leading to the corruption of the judiciary. Some judges and magistrates are not lawyers. The judiciary has determined that it is not feasible to retire all judicial personnel who are not legally trained, but intends to replace those currently sitting with lawyers as they retire. By statute members of the bar must be graduates of a law school and pass the bar examination. The executive branch continued to exert undue influence on the judiciary. For example, in June the Supreme Court issued an injunction against the Government's plan to monopolize cargo services at the Port of Monrovia; however, the Government disregarded the injunction.

The judiciary is divided into four levels, with the Supreme Court at the apex. All levels of the court system in Monrovia, including the Supreme Court, functioned sporadically. The Government's efforts to revitalize the court system outside of Monrovia continued to be hindered by a lack of trained personnel, a lack of infrastructure, and inadequate funding. Although judges were assigned throughout the country, in some cases they were unable to hold court due to lack of supplies and equipment. Traditional forms of justice administered by clan chieftains remained prevalent in some localities (see Section 1.c.).

Under the Constitution, defendants have due process rights that conform to internationally accepted standards; however, in practice these rights are not observed always. Defendants have the right to a public trial and timely consultation with an attorney; however, there is no effective system to provide public defenders, especially in rural areas. Some NGO's provide legal services to indigents and others who have no free representation.

Courts regularly received bribes or other illegal gifts out of damages that they awarded in civil cases. Defense attorneys often suggested that their clients pay a gratuity to appease judges, prosecutors, and police officers to secure favorable rulings. In 2000 the Chief Justice of the Supreme Court stated publicly that delays in salary payments to judicial personnel contributed to corruption in the judiciary.

There were long delays in deciding cases involving juveniles.

Human rights organizations reported that 24 political prisoners, including AFL personnel, were sentenced for treason in 1999; however, this number reportedly includes a few political detainees who have not yet been convicted of a crime (see Section 1.d.). In July the Government conferred executive clemency on 3 of 13 ethnic

Krahn AFL prisoners, who were convicted in 1999 of treason and sentenced to 20-year sentences. Former presidential adviser Bai Gbala, former senator James Chelley, and former Deputy Justice Minister David Gbala then were released from custody; the cases of the 10 remaining prisoners were under review at year's end. In response to an appeal of the 1999 treason convictions of 13 ethnic Krahn AFL members, the Government demanded in 1999 that their sentences be changed from 10 years' imprisonment to death. In December 2000, 10 years was added to their sentences for a total of 20 years' imprisonment. The Government permits access to political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of privacy and the sanctity of the home; however, authorities regularly infringed on these rights. The Constitution provides that the police must obtain a warrant, or have a reasonable belief that a crime is in progress, or is about to be committed, before entering a private dwelling. In practice police and paramilitary officers frequently entered private homes and churches without warrants to carry out arrests and investigations. Police also raided the offices of a newspaper during the year (see Section 2.a.).

The security forces harassed and threatened perceived opposition figures and their families by conducting illegal surveillance. In some cases, they entered the homes of opposition figures, usually at night. In March the director of a human rights NGO and an opposition party leader both declared publicly that security forces had threatened to kill them (see Section 1.d.). Some journalists and human rights activists resided in the homes of friends or relatives at times due to fear that the security forces might follow through with their threats against them. Incidents of harassment and threats increased with the continuing violence in Lofa County. In rural areas, particularly in remote parts of Lofa County, armed security forces illegally entered homes, most often to steal food, money, or other property (see Section 1.c.). There were reports that government security forces and rebels forcibly conscripted men and boys to fight in the conflict in Lofa County (see Section 1.a.). Several student leaders remained under surveillance at year's end.

On November 30, ATU members forcibly entered and looted a private residence in Monrovia. Two ATU members reportedly were found with stolen items from the residence; they were arrested and remained in custody at year's end.

On at least one occasion during the year, the Government arrested family members in order to persuade a suspect to turn himself in (see Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Security agents threatened, detained, and assaulted journalists and intimidated many journalists into practicing self-censorship.

On September 13, the Government arrested and briefly detained human rights activist Thomas Ade-Bayor after he criticized the ATU (see Section 1.d.).

In September the Government deployed police across the country to arrest anyone found selling or buying photographs of Usama Bin Ladin.

The trial of human rights activist James Torh on charges of sedition for criticizing President Taylor, which began in January 2000, continued during the year. Decisions made on motions during his trial indicated that an impartial judgement was not possible and, fearing for his safety, Torh fled the country in March 2000. Muslim organization leader Lartin Konneh, charged with treason for calling on Muslim government officials to resign their positions, also fled the country in 2000. In August the charges against Torh and Konneh were dropped as part of a general amnesty that President Taylor announced for exiles; however, they remained abroad.

In Monrovia eight newspapers were published during the year, although some published very irregularly. Two are independent dailies and five generally appeared once or more a week; they vary in their political balance. The Public Affairs Bureau of the Ministry of Information, Culture, and Tourism publishes one newspaper, and the communications network owned by the President publishes one weekly newspaper. The ruling party also publishes a newspaper.

With some notable exceptions, government officials reluctantly are tolerant of the press; however, they frequently rebuked the media publicly for what they considered negative reporting of events. In April the Minister of Information, Culture, and Tourism publicly urged journalists to portray the country in a positive light; however, there were no reports that the Government acted against journalists who did not do so. The Government also announced the creation of a media advisory committee to reduce tensions between the Government and the press; however, there were no reports that tensions were reduced following its creation. In May the Government announced new requirements for foreign journalists, arguing that the

international media were carrying out a propaganda campaign against the country. The requirements included a minimum 72-hour advance notice of intent to enter the country and a 24-hour waiting period for accreditation after arrival. The Government also ordered local journalists to clear with the Ministry reporting on fighting in the border areas.

Reporting that criticized the Government brought threats of violence, closure, or directives from powerful government figures to advertisers that they should discontinue business with that media outlet.

Management of the one printing facility capable of producing newspapers is subject to pressure from the Government. To meet costs of production, the typical newspaper's eight pages include two or three pages of advertisements or paid announcements, further reducing the amount of news reported. Some articles included are the result of "cadeaux," gifts or money that supplement reporters' meager salaries. The Press Union of Liberia, an independent association of journalists, attempted to open its own printing press; however, the Government did not issue a license and negotiations continued during the year.

In general journalists are outspoken and even provocative; however, journalists also practice self-censorship, especially in regard to information about the President and his immediate family members and particularly after being threatened or harassed.

Newspaper availability fluctuated during the year. The Government in February closed four newspapers because of delinquent tax payments. All reopened by year's end after paying their tax arrears. In July the News newspaper shut down for 2 weeks reportedly because its management feared a raid by police in response to critical reporting on the Government.

Security personnel sometimes interpreted criticism as a license to harass, threaten, arrest, and even assault targeted persons; the Government often required journalists it had arrested to apologize in writing prior to releasing them.

On February 21, the Government arrested and charged with espionage four local journalists for publishing a story on government purchases of helicopter spare parts in 2000 (see Section 1.d.). The four were denied bail; however, after 1 month in detention and before their trial started, the Government released them after receiving written apologies.

In May police raided the offices of the Analyst newspaper, detained for 2 weeks a computer technician, and sought to detain Hassan Bility, the Managing Editor, for alleged contacts with an exiled faction leader. Bility remained in hiding for several weeks until the authorities stated that they had found no evidence of such contacts.

On August 20, the police arrested and detained for 2 days Sam Dean, the Managing Editor of the Monrovia Guardian newspaper, after the publication of an article regarding LNP Director Mulbah's summons to appear for congressional testimony. On August 22, Dean was released after apologizing in writing to Mulbah.

In July journalist Alphonso Toweh charged that police at the port of Monrovia flogged him when he tried to report on the sinking of a cargo ship in the harbor.

On November 20, Wilson Tarpeh, the chairman of The News newspaper, was arrested and detained for 4 days.

Due to the high price of newspapers, the high rate of illiteracy (estimated at 75 percent), high transportation costs, and the poor state of roads elsewhere in the country, newspaper distribution generally is limited to the Monrovia area. As a result, radio is the primary means of mass communication. There are four principal FM stations in Monrovia: Star Radio; two private commercial stations (DC-101); and Radio Veritas, which operated under the Catholic Archdiocese. Star Radio remained closed during the year. There also is the state-run national station (ELBC), and FM and short-wave stations operated by President Taylor's private Liberia Communications Network (LCN). Throughout most of the year, the President's radio station was the only station with a short-wave frequency strong enough to reach all parts of the country. ELBC acquired short-wave equipment in August and planned to begin broadcasting in September; however, by year's end, it had not begun broadcasting on that frequency in spite of the Government's promises. There is a French broadcast through the national radio facility, a religious station (with limited short-wave capacity), and a growing number of small local stations in cities around the country. Unlike in the previous year, there are no religious stations outside Monrovia. Media practitioners believe that the ruling party funds many of these stations.

In March the Government moved to shut down the short-wave broadcasts of Radio Veritas, citing "illegal operation." The Ministry of Posts and Telecommunications claimed that Radio Veritas applied for and was refused a short-wave license, while the management of Radio Veritas claimed to have documents from the Ministry that

granted the station a short-wave license. On September 18, a Monrovia civil court dismissed a suit filed by Radio Veritas against the Government over the denial of the station's short-wave license. Radio Veritas continued to broadcast on the FM band during the year.

Call-in radio talk shows are popular and frequently a forum for both government and opposition viewpoints; however, they sometimes resulted in threats generally from the Government, party leaders, and security agents to the radio hosts and station managers. Interviews with prominent persons are broadcast frequently. In February the ECOM fined the opposition New Democratic Alternative for Liberia Movement (New Deal) \$114 (5,000 ld) for appearing on a radio call-in show, during which it supported the imposition of sanctions against the country. In September the police detained a leading radio talk show host and suspended the station's broadcast for several hours when some callers voiced sentiments contrary to the Government's official policy of sympathy for the September 11 terrorist attacks in the U.S. The talk show host was released the next day.

Due to the economic situation in the country and the dependence on generators requiring expensive fuel purchases, most stations limited broadcasting hours and in some cases ceased operation for short periods.

Television is limited to those who can purchase sets, the generators, and fuel to provide electricity. For those persons and businesses with satellite capability, the Cable News Network is available. There are two television stations: the LCN owned by President Taylor, and the Ducor Broadcasting Corporation, which is privately owned but assisted by President Taylor's generator.

Several new Internet cafes opened in Monrovia; however, access was limited by relatively high fees. The Government continued to charge that its opponents used the Internet to wage a propaganda war; however, in August the Minister of Information stated that the Government would use the Internet to promote a positive image of the country. Many observers believe that the Government blocked the operation of potential Internet service providers (ISPs). In October 2000, another ISP began operating; the head of the ruling party is the chairman of its board of directors.

Because of the ties between the provider and the Government, some potential patrons believed that their use of the Internet was monitored by government security personnel and chose not to use it.

The Government generally respects academic freedom at the University of Liberia; however, in March at the Monrovia campus, police and ATU officers forcibly dispersed what the Government stated was an unauthorized demonstration in support of four detained journalists (see Section 1.d.). Approximately 40 students were beaten and some reportedly were raped (see Section 1.c.). The university administration suspended the leaders of the university student union for 1 year and banned student political activity until the end of July. In May the president of the student union and several others fled the country because of concern for their safety (see Section 1.d.). More than 15 student leaders from the University went into exile following the Justice Minister's public claim that rebel collaborators operated from their campus. Students occasionally protested the lack of resources, which they blamed more on central government appropriation practices than on the university administration.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice; however there were some exceptions. In May the Government allowed journalists and supporters to march in Monrovia to commemorate World Press Freedom Day.

In 2000 President Taylor warned that while the Government would tolerate different views, it would not tolerate anarchic demonstrations in the streets.

In March police forcibly dispersed a planned student demonstration (see Sections 1.c. and 2.a.).

The Constitution provides for the right of association, and the Government generally respects this right in practice. The Government's Electoral Commission (ECOM) threatened several times during the year to take action against the Collaborating Political Parties (CPP), an association of opposition parties, arguing that the Constitution barred such "coalitions" except during official election campaigns; however, the ECOM did not take any action by year's end.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there were some exceptions.

There is no established state religion. However, government ceremonies invariably open and close with prayer and may include the singing of a hymn. The prayers and hymns are usually Christian but occasionally are Muslim. In March President

Taylor sponsored the travel of more than 100 pilgrims to Mecca. Some non-Muslims criticized this action as a waste of scarce resources.

All organizations, including religious groups, must register their articles of incorporation with the Government, along with a statement of the purpose of the organization; however, traditional indigenous religious groups are not required to register, and generally do not register. Registration is routine, and there have been no reports that the registration process is burdensome or discriminatory in its administration.

The law prohibits religious discrimination; however, Islamic leaders complained of discrimination against Muslims. Although there are some Muslims in senior government positions, many Muslims believe that they are bypassed for desirable jobs. Many Muslim business proprietors believe that the Government's decision to enforce an old statute prohibiting business on Sunday discriminated against them. Most Mandingos, and hence most Muslims, allied with factions that opposed Taylor during the civil war and still belong to opposition parties.

Two FM radio stations, one operated by the Roman Catholic archdiocese (Radio Veritas), the other an evangelical station, broadcast Christian-oriented religious programming from Monrovia to the capital and the surrounding area (see Section 2.a.). There are no Islamic-oriented radio stations in the country due to the lack of financial resources in the northern and western counties, where the Islamic population is concentrated.

Government forces have been accused of serious human rights abuses against suspected rebels and sympathizers in fighting in Lofa County during the year. The Government contends that the insurgents largely are Mandingo Muslims of the ULIMO-K faction that fought against President Charles Taylor's forces during the civil war. The Government has not taken actions openly against Muslims in Lofa County; however, its inaction over reports of abuses in Lofa County contributed to ethnic tension between Muslim and non-Muslim ethnic groups in that area of the country.

In 2000 Muslim activist Lartin Konneh was arrested on charges of treason after he called upon Muslims to resign their government jobs in protest of the Government's inaction since the burning of five mosques in Lofa County in 2000 (see Section 1.e.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government restricted them in practice. Security forces maintained checkpoints where travelers routinely were subjected to arbitrary searches and petty extortion. Security forces were also accused of beating and robbing internally displaced persons (IDP's) fleeing fighting in Lofa County. Security forces also extorted money from returning refugees. In February and October, units of the ATB, citing security concerns, set up temporary checkpoints that interdicted traffic and visitors to a foreign embassy in Monrovia; at year's end, the checkpoints remained in operation.

On June 17, a local embassy employee was shot and injured at a checkpoint; he received medical treatment abroad.

In 2000 ostensibly in order to curtail the illegal use of national travel documents, President Taylor ordered that passport applicants be cleared by the National Security Agency (NSA). Opposition parties and human rights organizations criticized this directive, arguing that it violated the constitutional right of freedom of travel. Reportedly this executive order was not enforced during the year. In 2000 the Government announced that it would no longer accept Economic Community of West African States (ECOWAS) safe conduct documents as valid travel documents for entering the country; however, reportedly this was not enforced.

As a result of the civil war, there were nearly 157,000 IDP's in approximately 36 camps in 1997. International agencies and the Liberia Refugee Repatriation and Resettlement Commission (LRRRC) have been able to resettle approximately 126,000 displaced persons since 1998. In October the fighting in northern Lofa County further increased the number of displaced persons. There were an estimated 30,000 IDP's in the country at year's end. International and local NGO's had limited funding and resources to assist these IDP's. The U.N. High Commission for Refugees (UNHCR) reported that, at year's end, there were approximately 81,000 Liberian refugees in Guinea, 120,000 in Cote d'Ivoire, 10,000 in Ghana, 7,000 in Sierra Leone, and 2,000 in Nigeria.

The law provides for the granting of refugee and asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum to nearly 86,000 refugees, the vast majority of whom were from Sierra Leone. The Government generally cooperated with the Office of the UNHCR and other humanitarian organizations in assisting refugees.

In January in response to mounting international pressure, the Government announced that it would expel former RUF leader Sam Bockarie and his followers from the country, where they had taken refuge early in December 1999. President Taylor denied that the Government was training the RUF fighters or that it has been supplying them with arms. In March the Government announced that Bockarie had departed the country; however, Bockarie's actual whereabouts remained unknown and it was believed widely that hundreds of RUF personnel remained part of the Government's security forces.

The whereabouts of seven returning refugees arrested in June 2000 by security personnel remained unknown (see Section 1.b.).

In 1999 after a series of raids and attacks by security forces and dissidents bases in Guinea, a group of Sierra Leonean refugees migrated south from northern Lofa County towards another established refugee camp in Sinje. The Government cooperated with the UNHCR's efforts to assist the migration to the new location. International donors remained unwilling to send any further assistance to Lofa County, and the international and domestic NGO's are reluctant to resume operations there because of security concerns. The Government and the UNHCR established a second refugee camp in Sinje, a location easily accessible from Monrovia, to accommodate the refugees from Lofa County. At year's end, approximately 34,000 refugees from Sierra Leone remained in refugee camps in the country. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for the right to vote in free and fair elections, and citizens exercised this right in 1997 in elections that international observers deemed administratively free and transparent; however, the elections were conducted in an atmosphere of intimidation, as most voters believed that military forces loyal to Charles Taylor would have resumed the civil war if Taylor lost the election. Since the legislative elections were held on the basis of proportional representation, Taylor's National Patriotic Party won control of the legislature by the same 75 percent majority that he received in the popular vote for the presidency. The 1997 legislative and presidential elections were held under a special election law in accordance with the terms of the Abuja Peace Process.

The legislature did not exercise genuine independence from the executive branch. There were 16 opposition parties, most of which had little popular support outside of the capital, and opposition legislators, who held only one-quarter of the seats in the House of Representatives and in the Senate, generally were more passive than members of the ruling NPP. Congressional committees failed to develop expertise in their respective areas of responsibility. No major legislation was enacted during the year. In September the House of Representatives suspended its Speaker, pending investigation of corruption charges against him by another representative. The Speaker admitted wrongdoing and resigned; however, in October he was reinstated. The House also charged the Speaker's lawyer with contempt, which resulted in his detention (see Section 1.d.).

Constitutionally the Senate must approve presidential nominees; however, in April the executive branch confirmed a new Deputy Minister of Rural Development for Community Services even though the Senate had rejected her.

In August the Government announced the dropping of treason, sedition and terrorism charges against exiled political opponents, including Ellen Johnson-Sirleaf, Alhaji Kromah, and Roosevelt Johnson (see Section 1.d.).

The State is highly centralized. The President appoints the superintendents (governors) of the 15 counties; the Government created 2 new counties during the year. Municipalities and chieftaincies are supposed to elect their own officials, but elections, postponed in 1998 due to lack of funds and disorganization, were not held by year's end for the same reason. Local governments at all levels have no independent revenue base and rely entirely on the central Government for funds. Education, health services, and public works are provided by the central Government. Local officials serve mainly to lobby the central Government.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no restrictions on the participation of women in politics, and several women held ranking positions in the Government. Five of the 26 senators and 5 of the 64 members of the House of Representatives are women. Of the 20 cabinet positions, 4 are held by women, including the Minister for Gender and Development, a position created in April. A woman serves as Chief Justice of the Supreme Court, and another chairs the National Reconciliation Commission. There are no women's caucuses, but the ruling party has a women's organization.

The percentage of Muslims in government and politics does not correspond to their percentage of the population; one cabinet minister is a Muslim.

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

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases; however, members of the security forces often harassed domestic democracy and human rights activists. For example, in March the director of a domestic human rights NGO reported receiving threats after his organization issued a report critical of the Government's human rights record. In June President Taylor stated that he may force some NGO's to leave the country, charging that some NGO's, under the guise of providing food relief for IDP's from Lofa County, were conducting intelligence operations; however, there were no reports that he forced any NGO's to leave the country during the year. In September the Government arrested activist Thomas Ade-Bayer when he criticized the ATU (see Section 1.d.).

Domestic human rights organizations are underfunded and understaffed, and their personnel lacked adequate training. There are three coalitions of human rights groups: The National Human Rights Center of Liberia has eight member organizations; eight other groups comprise the Network of Human Rights Chapters; and four belong to the Federation of Human Rights Organizations. All of these organizations sought to increase public discussion of human rights problems.

Some human rights groups paid regular visits to detainees at police headquarters and prisoners at the Monrovia Central Prison (see Section 1.c.). Several domestic human rights organizations have established branches outside of the capital and perform similar monitoring functions there. No discernible pattern of government interference with these activities emerged.

There were no further developments in the prosecution of eight former civil war combatants who were arrested after the November 2000 ransacking of the offices of the Center for Democratic Empowerment (CEDE) and the beating of former interim president and human rights defender Amos Sawyer and the organization's executive director, Conmany Wesseh. Both Sawyer and Wessen left the country during the year (see Section 1.d.).

The Government permits international NGO's and human rights organizations to operate in the country, and a few international organizations did so during the year. However, the Government strongly criticized Amnesty International's findings of widespread abuses by security forces fighting dissidents in Lofa County. In November the Carter Center, an international democracy and human rights organization, requested a formal invitation to return to the country; however, the NGO did not receive a formal invitation by year's end. In November 2000, the Carter Center terminated its programs in the country and stated in a letter to President Taylor that it was leaving the country because of conditions in the country and the Government's poor human rights record.

The Government's Human Rights Commission remained inactive throughout the year. It received no funding from the Government, and the Senate again failed to confirm the appointments of three of its five commissioners. The chairman of the Commission fled the country in August 1999. In July commission members publicly called for the Government to provide funding and approve the appointment of independent commissioners.

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

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion; however, discrimination exists. There are no laws against gender discrimination, ethnic discrimination, or female genital mutilation (FGM). Differences involving ethnic groups, notably the Krahn and Mandingo ethnic groups, continued to contribute to serious political violence and abuses.

Women.—Domestic violence against women is extensive; however, it was not addressed seriously as a problem by the Government, the courts, or the media. Several NGO's in Monrovia and Buchanan continued programs to treat abused women and girls and increase awareness of their rights.

FGM, which is condemned widely by international public health experts as damaging to both physical and psychological health, traditionally was performed on young girls in northern, western, and central ethnic groups, particularly in rural areas. Prior to the onset of the civil war in 1989, approximately 50 percent of women in rural areas between the ages of 8 and 18 were subjected to FGM. A local organization, Human Rights Watch Women and Children, which does not receive

government funding, launched a campaign during the year to eradicate FGM. The Association of Female Lawyers in Liberia (AFELL) also has spoken out against FGM.

Social structures and traditional institutions, such as the secret societies that often performed FGM as an initiation rite, were undermined by the war. While many experts believe that the incidence of FGM dropped to as low as 10 percent by the end of the war, traditional societies are reestablishing themselves throughout the country, and the increase in the incidence of FGM continued. The most extreme form of FGM, infibulation, reportedly is not practiced. The Government has taken no action against FGM.

The status of women varies by region, ethnic group, and religion. Before the outbreak of the civil war, women held one-fourth of the professional and technical jobs in Monrovia. On the whole, women have not recovered from the setbacks caused by the civil war, when most schools were closed, and they could not carry out their traditional roles in the production, allocation, and sale of food.

Women married under civil law can inherit land and property; however, women married under traditional laws are considered the properties of their husbands and are not entitled to inherit from their husbands or retain custody of their children if their husbands die. Women's organizations continued to press for legislation on behalf of inheritance rights in traditional marriages. There continued to be few programs to help former combatants reintegrate into society, and there were none specifically to benefit former female combatants. However, several women's organizations advanced family welfare issues, helped promote political reconciliation, and assisted in rehabilitating both former female combatants and women who were victims of the civil war. The Liberian chapter of the Mano River Women's Peace Network visited neighboring countries during the year to promote regional peace and stability.

Throughout the year, professional women's groups—including lawyers, market women, and businesswomen—remained vocal about their concerns regarding government corruption, the economy, security abuses, rape, domestic violence, and children's rights. Government officials often responded negatively to public criticism. There were credible reports of harassment and possible surveillance of outspoken critics (see Section 1.f.). In March the Government created the Ministry for Gender and Development, whose mandate included the promotion of the well-being of women and girls.

Children.—The Government generally was unable to provide for the education and health of children, although it continued its nationwide anti-polio vaccination campaign during the year. Due to the poor condition of government schools, many children, particularly in Monrovia, who attended school went to private institutions. Since many private schools still need to be refurbished due to wartime damage, school fees were increased significantly, thereby making education unattainable for many school-age children. In both public and private schools, families of children often were asked to provide their own books, pencils, and paper. At the end of 2000, 741,816 out of an estimated 1.5 million school age children were enrolled in primary and secondary schools, less than half of whom were girls. Expenditures on education were estimated at \$6.3 million (247 million ld). In 1995 the literacy rate for boys was 53.9 percent for boys and 22.4 percent for girls.

Young persons were victimized seriously during the civil war. An estimated 50,000 children were killed; many more were injured, orphaned, or abandoned. Approximately 100 underfunded orphanages operate in and around Monrovia; however, many orphans live outside these institutions. The National Military Families Association of Liberia (NAMFA) tries to provide for orphaned military children; it has registered 650 street children. These institutions do not receive any government funding, but rely on public donations. Nearly all youths witnessed terrible atrocities, and some committed atrocities themselves. Approximately 21 percent (4,306) of the combatants who disarmed under the provisions of the Abuja Peace Accords were child soldiers under the age of 17. Many youths remain traumatized, and some still are addicted to drugs. The number of street children in Monrovia and the number of abandoned infants increased significantly following disarmament. NGO's and UNICEF continued retraining and rehabilitation programs for a limited number of former child fighters; however, these children were vulnerable to being recruited in subregional conflicts, since most had no other means of support. The armed forces continued to recruit forcibly underage soldiers.

FGM is performed primarily on girls (see Section 5, Women).

Child advocacy groups reported forced child labor in the rural areas of the country (see Section 6.c.).

A well-known 17-year-old child rights activist, who fled the country in January 2000 to escape persistent harassment of himself, his family, teachers, and high

school classmates by security personnel, remained in self-imposed exile at year's end.

Persons with Disabilities.—As a result of the civil war, a large number of persons have permanent disabilities, in addition to those disabled by accident or illness. It is illegal to discriminate against persons with disabilities; however, in practice they do not enjoy equal access to public buildings or government services. No laws mandate accessibility to public buildings or services. Persons with disabilities face discrimination, particularly in rural areas. Deformed babies often are abandoned. Some NGO's provide services to persons with disabilities.

Religious Minorities.—Some tensions exist between the major religious communities. The law prohibits religious discrimination; however, Islamic leaders complained of societal discrimination against Muslims. The private sector in urban areas, particularly in the capital, gives preference to Christianity in civic ceremonies and observances, and discrimination against followers of other organized religions spills over into areas of individual opportunity and employment. There is an inter-faith council that brings together leaders of the Christian and Islamic faiths.

Tensions continued in Lofa County between the predominantly Muslim Mandingo ethnic group and the Lorma ethnic group. By year's end, the Government had not yet released a report on the burning of five mosques in Lofa County in January 2000.

Ritual killings, in which body parts used in traditional indigenous rituals are removed from the victim, continued to occur. The number of such killings is difficult to ascertain, since police often describe deaths as accidents even when body parts have been removed. Deaths that appear to be natural or accidental sometimes are rumored to be the work of ritual killers. Little reliable information is readily available about traditions associated with ritual killings. It is believed that practitioners of traditional indigenous religions among the Grebo and Krahn ethnic groups concentrated in the southeastern counties most commonly engage in ritual killings. The victims are usually members of the religious group performing the ritual. Body parts of a member whom the group believes to be powerful are believed to be the most effective ritually. Body parts most frequently removed include the heart, liver, and genitals. The rituals involved have been reported in some cases to entail eating body parts, and the underlying religious beliefs may be related to incidents during the civil war in which faction leaders sometimes ate (and in which one faction leader had himself filmed eating) body parts of former leaders of rival factions. Removal of body parts for use in traditional rituals is believed to be the motive for ritual killings, rather than an abuse incidental to killings committed for other motives. Ritual murders for the purpose of obtaining body parts traditionally were committed by religious group members called "heart men." However, since the civil war, common criminals inured to killing also may sell body parts. In August 1999, the Government sent a high-level delegation of the National Police to the southeastern counties to investigate reports of ritual killings. There were no reports released from this investigation. In July the Government deployed units of the ATU to Maryland County to help stem a wave of ritual killings, and the reported incidence of ritualistic killings had decreased by year's end.

National/Racial/Ethnic Minorities.—Although the Constitution bans ethnic discrimination, it also provides that only "persons who are Negroes or of Negro descent" may be citizens or own land. Many persons of Lebanese and Asian descent who were born or have lived most of their lives in the country are denied full rights as a result of this racial distinction.

The country is ethnically diverse. The population is made up of 16 indigenous ethnic groups. The Americo-Liberian minority—descendants of freed slaves from the United States and the Caribbean—dominated the government and the public sector through the True Whig party until 1980. The indigenous ethnic groups generally speak distinct primary languages, and they are concentrated regionally. No ethnic group constitutes a majority of the population.

Many members of the predominantly Muslim Mandingo minority encountered hostility when they sought to return, after the end of the civil war, to their villages in Lofa, Bong, and Nimba counties. Many Mandingos were unable to reoccupy their homes, which had been taken over by squatters. Members of the Lorma, Gio, and Mano minorities generally held all Mandingos responsible for atrocities committed by the ULIMO-Mandingo faction during the civil war. The lack of competent security forces and a fully functioning judiciary in these areas prevented many Mandingos from seeking redress. Mandingo citizens faced growing discrimination, arbitrary arrests, and violence based on their ethnicity (see Sections 1.a. and 1.c.).

The continuing cross-border violence in Lofa County exacerbated ethnic tensions between the Mandingos and the Lormas (see Section 1.a.).

Recent tension with the Guinean Government aggravated unrest in Nimba between the Manos and Mandingos; however, there were no new reports of tension between Manos and Mandingos during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers, except members of the military and police, have the right to associate in trade unions, and workers are allowed to join unions in practice. The Constitution also provides that unions are prohibited from engaging in partisan political activity. However, government interference in union activities, especially union elections and leaderships struggles, was common both before and during the civil war.

Although most economic activity was interrupted by the war, unions proliferated. There are approximately 30 functioning unions organized loosely under two umbrella groups—the Federation of Liberian Trade Unions and the Congress of Liberian Trade Unions—with the common objective of protecting the rights of their 60,000 members, who largely were unemployed. The actual power that the unions exercise was extremely limited. Since the country's work force is largely illiterate, economic activities beyond the subsistence level were very limited, and the labor laws tend to favor management.

During the year, the Government strictly enforced the union registration requirements that fell into disuse during the war.

Labor laws provide for the right to strike. A decree passed by the People's Redemption Council in 1984 outlawed strikes, but it was not enforced during the year. Due to the destruction of the economy and the estimated 85 percent unemployment rate, strikes were infrequent.

On January 29 in Monrovia, taxi and commercial drivers staged a peaceful 1-day strike to protest rising gasoline prices.

Labor unions traditionally have been affiliated with international labor groups such as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—With the exception of civil servants, workers (including employees of public corporations and autonomous agencies) have the right to organize and bargain collectively. In the past, agreements were negotiated freely between workers and their employers without government interference; however, these rights were largely moot during the year because of the lack of economic activity.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, this prohibition was ignored widely in many parts of the country, such as rural areas where farmers were pressured into providing free labor on "community projects" that often benefited only local leaders. There were allegations that large logging companies in the southeast forcibly recruited workers. There also were reports that local officials forced convicted prisoners to work for them. There were reports during the year that local government officials forced persons to work without compensation on President Taylor's farm.

The Constitution prohibits forced and bonded labor by children; however, there were reports that it occurred (see Section 5). Some former combatants, including some in the security forces, were accused of forcing children to work in the mining industry. In 1999 a child rights advocacy group released a report on forced child labor in the southeastern counties. The advocacy group's report and that of another prominent human rights group contradicted an earlier government report that failed to find any conclusive evidence of forced child labor. Subsequently legislators from three counties sued the child rights advocacy group for defaming the counties' reputations. At year's end, the case still was pending.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16 during school hours in the wage sector, but enforcement traditionally is lax. The Ministry of Labor did not make any inspections during the year and lacks the resources to carry out its mandate. Throughout rural areas—particularly where there were no schools—small children continued to assist their parents as vendors in local markets or on the streets, to take care of younger brothers and sisters, and to work on family subsistence farms.

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

The Constitution prohibits forced and bonded labor by children; however, there were reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—The law provides for a minimum wage, paid leave, severance benefits, and safety standards, but enforcement was targeted solely against profitable firms that generally observed these standards. Due to the coun-

try's continued economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions. The Ministry of Labor did not have the resources to monitor compliance with labor laws.

The law requires a minimum wage of approximately \$0.25 (10 ld) per hour not exceeding 8 hours per day, excluding benefits, for unskilled laborers. The law requires that agricultural workers be paid \$1.50 (60 ld) for an 8-hour day, excluding benefits. Skilled labor has no minimum fixed wage, but industrial workers usually received three or four times the wage paid to agricultural workers. The much-sought-after minimum wage jobs provided a minimal standard of living for a worker and family; however, there were very few such jobs. Families dependent on minimum wage incomes also engage in subsistence farming, small-scale marketing, petty extortion, and begging. By mid-year the Government owed civil servants 9 months worth of salary arrears; however, in June the Ministry of Finance began paying the arrears.

The law provides for a 48-hour, 6-day regular workweek with a 30-minute rest period per 5 hours of work. The 6-day workweek may extend to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours.

There are government-established health and safety standards, enforced in theory by the Ministry of Labor. Even under the law, workers do not have a specific right to remove themselves from dangerous situations without risking loss of employment.

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

MADAGASCAR

Madagascar held its second presidential election under the 1992 Constitution in 1996, following the impeachment of then-President Albert Zafy earlier that year. The election was accepted widely as free and fair, and the winner, former Second Republic President Didier Ratsiraka, took office in February 1997. Since 1997 Ratsiraka and his party, the Association for the Rebirth of Madagascar (AREMA), have consolidated power and greatly weakened the previously strong non-AREMA parties. Although power remains formally divided between the President, his Prime Minister, the Cabinet, and a bicameral legislature (Senate and National Assembly), the 1998 revision of the Constitution significantly strengthened the presidency, weakened the National Assembly, and gave the President the power to name one-third of the Senators. Indirect Senate elections held in March were considered to be generally free and fair, with mayors and provincial councils electing two-thirds of the new Senators, nearly all from AREMA. In December presidential elections were held; however, the results were disputed, and a winner was not named by year's end. Most of the institutions provided for in the revised Constitution, including autonomous provincial governments, were established during the year; however, their organization and funding were unclear at year's end. The judiciary is subject to executive influence.

The State Secretary of the Ministry of Interior for Public Security and the national police, which are under the State Secretary, are responsible for law and order in urban areas. The Ministry of Armed Forces oversees the army, the air force, the navy, and the gendarmerie. The gendarmerie has primary responsibility for security except in major cities and is assisted in some areas by regular army units in operations against bandit gangs and cattle thieves. After a number of years of decline, the military force has stabilized at approximately 22,000 troops, including the gendarmerie. Village-level law enforcement groups enforce local traditional laws called "dina," particularly in areas where the Government's presence is weak. There continued to be occasional reports that police, gendarmes, and dina authorities committed human rights abuses.

Madagascar is a very poor country with a population of approximately 15.5 million. The economy relies heavily on agriculture. Shrimp is the leading export. Agricultural exports grew 5.2 percent with vanilla, coffee, cloves, and pepper registering increases. Textiles were another major export. The smuggling of vanilla, gold, and precious stones, and cattle rustling continued to be major concerns. Overall economic performance improved, but nearly three-fourths of the population live in poverty. Living standards are low, with the annual per capita gross domestic product estimated at \$264 (approximately 1.8 million FMG). Foreign assistance remains a major source of national income. Inflation dropped from 14.4 percent in 1999 to 8.7 percent in 2000. Unemployment and underemployment, especially among youth, remained high, although there was significant job growth in Antananarivo during the

year. The Government made some progress on economic reform, including privatization.

The Government generally respected citizens' human rights in several areas; however, a number of problems remained. There were occasional reports that police or other security forces abused prisoners or detainees. Prison conditions were harsh and life threatening. In some prisons, women experienced physical abuse, including rape. Arbitrary arrest and detention remained problems. Suspects often were held for periods that exceeded the maximum sentence for the alleged offenses and lengthy pretrial detention remained a serious problem. The Government continued a major effort to reduce the number of preventive detainees. Dina authorities imposed summary justice in rural areas where the Government's presence was weak. Overall, government efforts to bring dina authorities under closer regulation and scrutiny continued to show results. At times the Government pressured the media to curb its coverage of certain events and topics and prevented the broadcast of a religious service on the government-controlled radio station. Journalists practiced self-censorship. There was virtually no political violence during the year. Women continued to face some societal discrimination. Child labor remained a problem. Workers' rights were limited in the export processing zones (EPZ's). Some prisoners were used as forced labor. There were reports of trafficking in women and girls.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, harsh prison conditions and the authorities' failure to provide adequate food and medical treatment contributed to an undetermined number of deaths in custody (see Section 1.c.).

Village dina authorities continued to mete out summary justice, but unlike in previous years, no executions were reported.

b. Disappearance.—There were no reports of politically motivated disappearances; however, several persons, mainly of Indian and Pakistani origin, were kidnaped by criminals, ostensibly to extort ransoms from their families. Government authorities have not been effective in responding to these cases. Early in the year in Antananarivo, a girl was kidnaped and later released; her parents reportedly did not wish to press charges, and no action was taken. In August there was an attempted kidnaping in the Ivandry section of Antananarivo, which ended when the victim resisted and was killed. No suspects were identified. The manager of a large automotive company in Antananarivo was kidnaped in February and later released; no suspects were identified. During the year, the Government opened an investigation into a 1999 kidnaping and a court hearing was held late in the year; a trial of the suspects was pending at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the inviolability of the person; however, there were occasional reports that police or other security forces abused prisoners or detainees. There were reports that gendarmes intimidated persons, abused their authority, and unlawful seized property. For example, in December 2000, gendarmes reportedly beat and detained a farmer in Ambinany, Fianarantsoa province. He was not charged with a crime; however, the gendarmes reportedly demanded that he give them either \$150 (approximately 1 million FMG) or ownership of his rice fields in exchange for release from the Ambatofinandrahana jail.

Village dina authorities continued to mete out summary judgments; however, unlike in the previous year, there were no reports that dina authorities used torture to extract confessions.

Prison conditions remain harsh and life threatening. Prisoners' diets are inadequate, and family members must augment daily rations. Prisoners without relatives nearby sometimes go for days without food. Prison cells average less than 1 square yard of space per inmate. The authorities do not provide adequate medical care. The prison population, which numbered 19,962 at year's end, suffers from medical problems that are treated rarely or inadequately. Malnutrition, infections, malaria, and tuberculosis are common among prisoners. These conditions have caused an unknown number of deaths. Prisoners were used as forced labor in some instances (see Section 6.c.). Pretrial detainees are not held separately from convicted prisoners.

Women in prisons were abused, as were children who sometimes were confined with them. Gender segregation was not absolute, and there were reports of rapes committed by other prisoners.

The Government permits prison visits by the International Committee of the Red Cross, religious and nongovernmental organizations (NGO's), lawyers, and investigative journalists. A local Catholic NGO sporadically was denied access to some prison facilities during the first half of the year, ostensibly in reaction to the NGO's advocacy on behalf of prisoners in late 2000 and a negative press report on prison conditions. However, since July the Government has allowed the NGO access and strongly reinforced the rights of others to visit prisons. In a July 16 note addressed to all prison officials, the Minister of Justice urged them and their employees to support and expand their collaboration with NGO's working in prisons within the framework of the law.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for due process for accused persons; however, arbitrary arrest and detention remain problems. In practice the authorities do not always observe legal safeguards against arbitrary arrest and detention. In particular, lengthy investigative detention of suspects resulted in the denial of due process. However, as the result of international pressure, many long-term detainees were released.

By law a criminal suspect must be charged, bound over, or released within 3 days of arrest. An arrest warrant may be obtained but is not always required. Defendants in ordinary criminal cases have the right to be informed of the charges against them, must be charged formally within the specified time permitted, and must be allowed access to an attorney.

Court-appointed counsel is provided for indigents accused of crimes that carry a minimum 5-year jail sentence. An attorney or the accused may request bail immediately after arrest, after being charged formally, or during the appeals process; however, bail rarely is granted in the case of violent crimes.

Although the law allows detainees to sue the Government for damages in cases of unlawful detention, no such suits were reported. By law persons accused of subversive activity may be detained incommunicado and are subject to indefinite detention if it is considered necessary by the Government; however, this law was not invoked during the year.

Approximately two-thirds of 19,962 persons held in custody were in pretrial detention. Despite existing legal safeguards, investigative detention often exceeds 1 year, and 3 or 4 years' detention is common, even for crimes for which the maximum penalty may be 2 years or less. Approximately 2,000 detainees have been in custody for 5 or more years, and another 1,491 have been detained for between 2 and 5 years. Poor record keeping, a lack of resources, and poor to nonexistent access to parts of the country make it difficult to identify long-term pretrial detainees. The Ministry of Justice continued a program to reduce excessive pretrial detention through case reviews and expedited judgments. More than 655 detainees were tried in 2000 compared with more than 2,497 detainees tried in 1999; an indeterminate number of others were freed. The Ministry stated in 2000 that its goal was to bring the remaining long-term detainees to trial by the end of the year; however, the backlog remained at year's end.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The revised Constitution provides for an autonomous judiciary; however, implementing legislation was not passed by year's end. The High Constitutional Court is subject to the President's influence.

The judiciary has three levels of jurisdiction: Local courts for civil and criminal cases carrying limited fines and sentences; the Court of Appeals, which includes a criminal court for cases carrying sentences of 5 years or more; and the Supreme Court. The judiciary also includes courts designed to handle specific kinds of cases such as cattle theft. The High Constitutional Court is an autonomous court that undertakes technical reviews of laws, decrees, and ordinances, and certifies election results. New decentralized courts were not established by year's end.

The judiciary remained under the control of the Ministry of Justice, and reports of corruption in the judiciary persisted. Although efforts were underway to address the problem, a large backlog of cases remained, which contributed to excessive investigative detention (see Section 1.d.). The Ministry of Justice implemented some measures to increase transparency in judicial proceedings, including posting signs outside courthouse offices specifying procedures, regulations, costs, and timelines, in addition to opening a comment and complaint log in all courts.

Trials are public, and defendants have the right to an attorney, to be present at the trial, to confront witnesses, and to present evidence. Defendants enjoy a presumption of innocence under the Penal Code. The law is based on the Napoleonic code.

In 2000 an opposition deputy, Jean-Eugene Voninahitsy, who also was the Vice President of the National Assembly, was arrested on charges of defaming the President and writing bad checks. The highly publicized case led to public demonstra-

tions and calls for greater political and judicial transparency (see Section 2.b.). On December 27, the deputy was sentenced to 6 months in prison ostensibly on check fraud charges, and fellow deputies discussed his case with French parliamentarians and international human rights NGO's in France. The Deputy's subsequent requests for presidential amnesty were denied; as a result, he is ineligible to run for office.

The right of traditional village institutions to protect property and public order is codified in the Constitution as well as in earlier laws. Civil disputes within and between villages sometimes are addressed by local traditional laws called dina. Dina also are established in some urban areas. In practice, dina address criminal cases due to the isolation of many rural areas, a rise in crime, and the ineffectiveness of the police and the judiciary outside major urban centers. Punishments based on dina were at times severe (see Section 1.a.). There also were problems with due process in the administration of dina punishments.

Decisions based on dina are not subject to codified safeguards for the accused, but in some instances, they may be challenged at the appeals court level. Some cases also have been referred to the Office of the Mediator, which investigates and may seek redress from formal judicial authorities. An interministerial committee, established to improve the surveillance of dina authorities and assure their adherence to the law, was disbanded after it drafted and submitted a dina to the National Assembly in 1999.

The Government continued to combat crime and insecurity in isolated rural regions by supplementing the gendarmerie—traditionally responsible for law and order in rural areas—with army units.

Military courts are integrated into the civil judicial system and differ only in the kinds of cases tried, in the inclusion of military officers on jury panels, and that they only try military defendants. Defendants in military cases, as in civil law, enjoy an appeals process that reexamines points of law rather than the facts of the case. A civilian magistrate, usually joined on the bench by a panel of military officers, presides over military trials.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice; however, there were reports that gendarmes seized property unlawfully. For example, during the year, there were reports that some gendarmes illegally seized cattle.

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 pressures the media to curb its coverage of certain events and issues. Opposition politicians rarely are given access to state-run media. In addition journalists practice self-censorship. There are no state-owned newspapers; however, there are four national daily newspapers, which are owned privately, and many other privately owned national and local news publications, which publish less frequently. There were reports of intimidation of journalists and their antigovernment sources. The number of privately owned radio and television stations increased from less than 150 radio stations in 2000 to more than 175 at year's end; however, they are prevented by federal regulations from providing nationwide coverage. Since January the local branch of the Kimbanguist church has been prevented from broadcasting its religious service on government-controlled Radio Madagascar (see Section 2.c.).

A national journalists' association reported that six reporters and editors received threatening phone calls from unidentified persons between July and August. The association also reported that a private provincial radio station was prevented by local authorities from reporting on a university student strike.

The Government does not restrict academic freedom; however, faculty unions saw the temporary appointments of university rectors by the Government as attempts to interfere with higher education.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respects these rights in practice. In previous years, local authorities denied requests by political opposition groups to assemble or march in specified locations; during the year, public political gatherings—including protests following the arrest and trial of opposition deputy Jean-Eugene Voninahitsy (see Section 1.e.)—were authorized in highly visible downtown locations for the first time in several years. There were demonstrations in Antananarivo protesting the arrest of Voninahitsy. After an initial confrontation between the security forces and demonstrators, including university students and some opposition deputies, during which the demonstrators unsuccessfully requested the release of the deputy, the demonstration ended peacefully. An

association of homosexuals was refused the right to organize an awareness raising campaign against HIV/AIDS.

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

Religious groups must register and obtain authorization from the Ministry of Interior. According to a press report published in September, one group was refused registration during the year.

Numerous independent evangelical groups operate freely in all regions of the country, some using their own local media facilities; however, since January the local branch of the Kimbanguist church, whose membership is less than 5,000, has been prevented from broadcasting its religious service on government-controlled Radio Madagascar. This restriction appears to be politically motivated, and apparently is based on the pastor's support for the leader of an opposition party and the political, rather than religious, content of his broadcasts.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, the fear of crime effectively restricts travel in some areas, especially at night.

The country is a signatory to the 1951 U.N. Convention Relating to the Status of Refugees, although the Government has not signed the 1967 Protocol to the Convention. The law does not provide for the granting of asylum or refugee status; however, the Government cooperates closely with the U.N. High Commissioner for Refugees in processing the small number of refugees or asylum seekers in the country. The issue of provision of first asylum never has arisen. There were no reports of the forced return of persons to a country where they fear persecution.

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

Citizens have the right to change their government through direct universal suffrage by secret ballot. Presidential elections were held on December 16. The election was generally peaceful and nonviolent; however, there were significant numbers of voters whose names did not appear on the voting lists. Some voters were unable to obtain the special documents that would have permitted them to vote. Antananarivo Mayor Marc Ravalomanana won the most votes, and President Ratsiraka received the second largest number; however, the results were disputed, and the winner of the election was not determined by year's end. A runoff election in early 2002 appeared likely.

The elections since the 1998 revision of the Constitution have seen the growing dominance of the President and his political party, AREMA. Indirect Senate elections held in March were considered to be generally free and fair, with mayors and provincial councils electing two-thirds of the new senators, nearly all from AREMA. The indirect gubernatorial elections held in June were delayed in two provinces due to opposition party boycotts of the process; all six elected governors were members of AREMA. In November 1999, communal elections were held in which AREMA won more than 40 percent of the mayoral races. Other parties criticized the elections as poorly organized and fraudulent; a lack of transparency made it difficult to assess reliably the extent of abuses. In May 1998, the National Assembly's 150 members were elected to 5-year terms. The elections generally were accepted as free and fair; however, there were a number of credible complaints of electoral fraud. There have been persistent calls by civic groups and opposition parties for reform and revision of electoral lists.

Under the Constitution, the President has primary responsibility for national defense and foreign policy, while the Prime Minister is the head of government and responsible for domestic policy. The President appoints the Prime Minister. The Constitution permits the President to dissolve the National Assembly for cause. The 1998 revised Constitution retains the possibility of censure of the President by a two-thirds majority of the National Assembly and Senate. The law defining the powers of autonomous provincial governments allows the Senate to be convened, with representatives from the provinces. However, concerns remain about whether the central Government will provide the necessary resources to support the establishment of the provincial councils, which were established in June. Furthermore, although the Senate was established officially on May 8, there still is confusion regarding the specific responsibilities of the provincial governments.

In anticipation of the presidential elections, the Government passed numerous contested decrees regarding campaign activities and promotional materials. The Government's decrees prohibited references to commercial products or entities in campaign materials, and packaging on consumer products also was not permitted to carry political messages or symbols. The decrees were believed to target three op-

position businessmen, who ran for president and were associated with specific consumer products or lines of products.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal impediments to women's participation in government or politics. The Government of 31 ministers and state secretaries includes 3 women. Less than 7 percent of National Assembly deputies (10 of 150) are women, and 15 of 90 Senators are women.

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

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views.

The Government is open to visits by international human rights groups and to domestic and international election observers. Domestic election observers from local NGO's were active in the country during the year (see Section 3).

The Constitution provides for an independent office to promote and protect human rights. In 1994 the National Assembly assigned that role to the Office of the Mediator, which relies on moral suasion to correct abuses. The office publishes annual reports on its activities and distributes brochures to educate citizens on their rights and responsibilities. Its reports have outlined the rights of women and children and focused public attention on the potential for human rights violations under dina laws (see Section 1.e.). In 2000 the Government created an additional body called the National Commission on Human Rights. This commission has undertaken public awareness raising campaigns and workshops to reinforce relationships with NGO's active in human rights.

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

The Constitution prohibits all forms of discrimination and outlaws groups that advocate ethnic or religious segregation. No specific government institutions are designated to enforce these antidiscrimination provisions.

Women.—Domestic violence against women is not widespread. Police and legal authorities intervene when physical abuse is reported. The law against rape is the only law that addresses specifically violence against women. Spouses can be tried for nonrape abuses, generally under civil law.

The law neither prohibits nor condones prostitution; however, the law prohibits the incitement of minors to debauchery. The Government criticizes sexual tourism; however, while it attempts to investigate allegations of exploitation, a lack of resources hampers effective action. There were reports that women and girls were trafficked for prostitution (see Section 6.f.).

Under the law, wives have an equal voice in selecting the location of a married couple's residence, and they generally receive an equitable share of common property on divorce. Widows with children inherit half of joint marital property. A tradition known as "the customary third" occasionally is observed in some areas. Under this custom, the wife has a right to only one-third of a couple's joint holdings. However, a widow receives a pension, while a widower does not.

In urban areas, where many women manage or own businesses or hold management positions in state industries, there is relatively little societal discrimination against women. According to one government official, women own 30 percent of the formal sector companies and 53 percent of the informal sector companies. However, discrimination against women in rural areas remained a problem. A number of NGO's focus on the civic education of women and girls, publicizing and explaining their legal protections.

Children.—The Ministry of Health, the Ministry of Education, and the Ministry of Population and the Condition of Women and Children are responsible for children's welfare; however, official expenditures on children's welfare are low and not sufficient to maintain adequate public services.

The Government provides free education through the secondary or vocational level, and it is compulsory through the age of 14. Although figures vary depending upon the source, approximately 65 percent of primary school-age children are enrolled in school. Nearly one in three children between the ages of 7 and 14 years is employed; however, only 29 percent of working children go to school: rural children drop out to help on family farms, and urban children work as domestics (see Section 6.d.).

There is no societal pattern of abuse of children, although child labor continues to be a pervasive problem. Children sometimes are imprisoned with adults (see Section 1.c.).

Persons with Disabilities.—There is no systematic discrimination against persons with disabilities in employment, education, or in the provision of other state services. There is no law mandating access to buildings for persons with disabilities. In April the Government issued an implementing decree for a law, passed by the National Assembly in 1998, to define the rights of persons with disabilities. Following the decree, government ministers participated in the activities organized by associations for persons with disabilities, such as seminars, conferences, social, and sports activities. A local NGO is preparing a guide to the rights of persons with disabilities with foreign government assistance.

National/Racial/Ethnic Minorities.—The Malagasy, who are of mixed Malayo-Polynesian, African, and Arab heritage, include 18 distinct groups differing in regional and ancestral affiliation. Although there are some linguistic differences, nearly all speak a dialect of the Malagasy language. None of these groups constitutes a majority of the population. There are significant minorities of Chinese and Indo-Pakistani heritage, as well as a large number of resident French nationals.

A long history of military conquest and political consolidation raised the political and economic status of highland ethnic groups of Asian origin above that of coastal groups of African ancestry. Centralized administration and economic planning since independence has reinforced the concentration of economic and political power in the central highlands, where the capital is located. These policies feed enduring tension between coastal and highland inhabitants. Ethnicity, caste, and regional solidarity often are factors in hiring practices.

An Indo-Pakistani community has resided in the country since the early part of the 20th century. Traditionally engaged in commerce, this community now numbers approximately 20,000. Relatively few of these individuals have made successful claims to Malagasy citizenship, which legally is acquired through a native-born Malagasy mother. Indo-Pakistani merchants are mistrusted widely. In previous years, their shops have been looted during civil disturbances; however, there were no reports of such looting during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide workers in the public and private sectors with the legal right to establish and join labor unions of their choosing without prior authorization; however, essential service workers, including police and military personnel, may not form unions. Unions are required to register with the Government, and registration is granted routinely. Approximately 80 percent of the labor force of 5 million is engaged in agriculture. Union members account for only approximately 5 percent of the total labor force. Although all workers have the right to form and join unions, the right of association is exercised rarely in the EPZ's.

There are a number of trade union federations, many of which are affiliated formally with political parties. Neither public nor private sector unions have played a major political or economic role in recent years. The Government exercises very limited control over organized labor, but most workers perceive unions as politically affiliated organizations.

The Labor Code and the Constitution include the right to strike. This right extends to EPZ's, where strikes occurred during the year even in the absence of organized unions. Workers in essential services have a recognized but restricted right to strike, although in practice short strikes took place without reprisal. The code requires workers to exhaust conciliation, mediation, and arbitration procedures before striking; however, these requirements have not deterred significantly any strikes.

During the year, short and generally nondisruptive strikes took place among university teachers in Tulear, Fianarantsoa, and Antananarivo over compensation and administrative matters.

The International Labor Organization (ILO) has noted a number of instances in which the Government has failed to bring law and regulation into conformity with existing conventions or otherwise submit texts for ILO review, including those addressing forced labor, freedom of association, safeguarding of machinery, hygiene in commerce and offices, and weight limits. In most instances, these failures indicated legislative and bureaucratic inaction rather than abuses.

Unions freely join and participate in international bodies and may form federations or confederations.

b. The Right to Organize and Bargain Collectively.—Both the Labor Code and the Constitution provide for the right to bargain collectively. The code states that collective bargaining may be undertaken between management and labor on the initiative of either party; however, collective bargaining agreements are rare in practice and, where they exist, do not provide necessarily for acceptable conditions of work (see

Section 6.e.). The Government often is involved in the bargaining process, in part because of the large percentage of public employees who are union members.

The Labor Code prohibits discrimination by employers against labor organizers, union members, and unions. In the event of antiunion activity, unions or their members may file suit against the employer in civil court. Labor laws apply uniformly throughout the country; however, the Government's enforcement of labor laws and regulations is hampered by a lack of staff and financial resources. Approximately 35 inspectors from the Ministry of Labor visit industrial work sites with some regularity, but most often only those located near the capital.

There are reports that union members working in EPZ's are mistreated and sometimes fired. Workers have recourse through the Ministry of Civil Service, Labor, and Social Laws' Office of Work for dismissals and the Office of Social Protection for mistreatment. There are many EPZ's which are, in practice, firms operating under special import and export rules. Such firms are required to follow all pertinent labor laws and regulations, including minimum wage laws; however, the Government allegedly does not enforce its labor laws adequately in the EPZ's due to inadequate resources. The EPZ's generally use worker representation councils whose members are elected by the employees but are not necessarily union representatives. These representatives frequently are perceived to be subject to pressure from management and to lack autonomy.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code explicitly prohibits forced or compulsory labor; however, the Government does not respect this prohibition in practice. There were reports of prisoners being illegally “hired out” by prison officials to private enterprises. There also apparently has been systematic use of detainees and prisoners as personal servants by a substantial number of magistrates, judiciary officials, and local government figures. Some prison officials or judicial authorities have falsified records to ensure a supply of unpaid labor for themselves or other government officials. Workers frequently are forced to work overtime above the legal limits (see Section 6.e.).

The Government prohibits forced and bonded labor by children, and it does not occur in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code defines a child as any person under the age of 18 years. The legal minimum age of employment is 15 years, and work by individuals under the age of 18 is prohibited at sites where there is apparent and imminent danger to health, safety, or morals. Night work also is forbidden for individuals below the age of 18. The Government enforces child labor laws in the small formal economic sector through inspectors of the Ministry of Civil Service, Labor, and Social Laws; however, because inspectors only cover wage earners, the enforcement of child labor laws in the informal sector is pursued through the courts. Nevertheless, child labor continued to be a pervasive problem, nearly one in three children ages 7 to 14 works. In the large agricultural sector, young children work with parents on family farms at much younger ages. In urban areas, many children work as petty traders, casual transport workers, and beggars.

Since 1997 the Government has participated in an international program with the ILO to eliminate child labor. In February President Ratsiraka signed ILO Convention 182 against the worst forms of child labor.

The age of sexual consent is 14, and although the law does not criminalize prostitution, it forbids “inciting to debauchery” of anyone under the age of 21 (see Section 5). The Labor Ministry in conjunction with the ILO conducted a national survey of child prostitution and trafficking in 2000 (see Section 6.f).

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code and implementing legislation prescribe working conditions and wages, which are enforced by the Ministry of Civil Service, Labor, and Social Laws. The law makes separate provisions for agricultural and nonagricultural labor.

The Government sets the minimum wage of approximately \$25 (FMG 182,000) per month for the nonagricultural private sector. This wage does not provide a decent standard of living for a worker and family and must be supplemented by subsistence agriculture, petty trade, support from relatives, or employment of other family members. Although most employees know what the legal minimum wage rates are, such rates are not respected always in practice. High unemployment and widespread poverty lead workers to accept wages at lower levels.

The standard legal workweek in nonagricultural and service industries is 40 hours, and 42½ hours in agriculture (see Section 6.c.). At least one consecutive 24-hour rest period each workweek is mandated. Although labor legislation limits workers to 20 hours of overtime per week (60 hours in total), in practice, employees

frequently are forced to stay on the work site even when ill or until production targets are met. In some instances, this overtime is unrecorded and unpaid.

The Labor Code sets rules and standards for worker safety and worksite sanitation. An administrative decree forbids women and minors from work that could endanger their health, safety, or morals (see Section 6.d.). Ministry of Civil Service, Labor, and Social Laws officials monitor labor conditions; however, they usually are able to cover only the capital region effectively. If violators do not remedy cited violations within the time allowed, they may be sanctioned legally or assessed administrative penalties. There were no sanctions issued by year's end. In some sectors, safety equipment is not used due to the expense of protective clothing and other safety devices. There have been no published reports on occupational health hazards or accident trends. There is no explicit right for workers to leave dangerous workplaces without jeopardizing their employment. The Labor Code applies to all workers; however, foreign workers must have a valid visa to be protected.

f. Trafficking in Persons.—The law prohibits trafficking and, since 2000, pedophilia and sex tourism. In recent years, there have been a few credible reports that women and girls were trafficked to the nearby islands of Reunion and Mauritius for prostitution; however, the number of such cases is unknown. In March a couple in France was arrested in connection with an alleged case of modern slavery involving their 21-year-old Malagasy maid. No local arrests or convictions have been made in connection with trafficking. While the Government has expressed concern about trafficking, it lacks the resources to address it effectively.

MALAWI

President Bakili Muluzi of the United Democratic Front (UDF) party leads the Republic of Malawi, which on June 15, 1999, held its second democratic presidential and parliamentary elections since independence in 1964. Independent observers concluded that the elections were free and substantially fair; however, there was limited opposition access to media and problems in voter registration, and the opposition lost appeals of the results in the courts. The seven parliamentary by-elections held since 1999 have been marred by violence, allegations of vote fraud, and contested results. Constitutional power is shared between a popularly elected president and the 193-member National Assembly. The UDF has 96 seats in the National Assembly; the Malawi Congress Party (MCP) has 61 seats; Alliance for Democracy (AFORD) has 30 seats; and there are 6 independent members. There is no clear-cut ideological difference among the three political parties. The Government respects the constitutional provisions for an independent judiciary; however, the judicial system is inefficient and lacks resources.

The National Police, headed by the Inspector General of Police under the Ministry of Home Affairs, are responsible for internal security. The police occasionally called on the army for support. There continued to be credible allegations that the police committed human rights abuses.

The country is very poor, with a narrow economic base characterized by a small and highly concentrated industrial sector, low levels of foreign and domestic investment, and few mineral resources. There is little industry and mining. The country's population is estimated to be 10,386,000. Agriculture dominates the economy, contributing nearly half of its gross national product and employs more than 80 percent of the labor force. Tobacco, tea, and sugar generated more than 70 percent of export earnings, with tobacco providing the largest share (approximately 60 percent). The country is landlocked, but improved rail service to the Mozambican deepwater port of Nacala, subsequent to the December 1999 privatization of Malawi Railways, lowered somewhat the share of transport costs for the country's imports. The Government continues to move forward with its multisector privatization program and endorsed private sector participation in infrastructure. Wealth remained concentrated in the hands of a small elite. Annual per capita income was approximately \$180 (MK 11,800). Average annual inflation was 30 percent in 2000, down from 44.9 percent in 1999.

The Government generally respected the human rights of its citizens in many areas; however, its record in other areas was poor, and serious problems remained. There were extrajudicial killings, including deaths of detainees while in, or shortly after release from, police custody. The police are known to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects. Prison conditions remained harsh and life threatening and resulted in a large number of deaths. Arbitrary arrest and detention are common, and lengthy pretrial detention is a serious problem. An inefficient, understaffed, and underfunded judicial system limited the

ability of defendants to receive a timely, and in some cases, fair trial. Security forces at times infringed on some privacy rights. The print media were able to report freely; however, there were a few exceptions, and there was some self-censorship. The seven private radio stations experienced relative freedom in broadcasting international news and entertainment programming; however, the Government continued to control news coverage and editorial content at the state-owned Malawi Broadcasting Corporation's (MBC) two radio stations. At times police used force against demonstrators. Violence against women is common, and women continued to experience severe societal discrimination. The Government took steps in its economic development programs to assist disadvantaged women. Abuse of children remained a problem. Child labor, including instances of forced child labor, also was a problem. There were reports of trafficking in persons. Mob violence triggered by anger over high levels of common crime resulted in mob executions of alleged criminals.

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, there were extrajudicial killings, including deaths of detainees while in, or shortly after release from, police custody. These deaths involved possible use of excessive force or possible negligence. Unlike in the previous year, there were no confirmed reports that prison officials beat to death any prisoner. A large number of prisoners died largely due to harsh prison conditions (see Section 1.c.). Inquests into deaths while in custody are not routine.

On November 27, Evison Matafale, a popular reggae star, died while in police custody. Matafale was in poor health, and it is believed that he died of natural causes; however, there were allegations of police negligence and use of force. An investigation was ongoing at year's end.

On December 11, police forcibly dispersed a student demonstration and shot and killed a student demonstrator (see Section 2.b.). An investigation was ongoing at year's end.

In 2000 prison guards beat a prisoner to death; seven prison guards were charged in the killing. On March 20, the High Court sentenced five guards to 18 years in jail; the case against two others was discontinued due to insufficient evidence.

In August 1999, police shot and killed a former Eritrean detainee and injured six others in a confrontation in Lilongwe. No action is likely to be taken against the police (see Section 2.d.).

Frustrated by inadequate law enforcement and rising crime, angry mobs sometimes resorted to vigilante justice in beating, stoning, or burning suspected criminals to death. In March in the town of Mulanje, an angry mob beat to death a man charged with armed robbery following his release by authorities.

Serial killings, which occurred during a 3-month period in 2000, brought international attention to the country. During the course of the investigations in February and March 2000, police detained and held approximately 25 suspects. One of the suspects died while in police custody, allegedly due to police abuse. In May 2000, the Director of Public Prosecutions charged 4 suspects with the killings and scheduled 19 suspects for release. Realizing the potential for mob justice or independent acts of violence against the released suspects, police and prosecutors mounted a public information campaign, including town meetings. The 19 suspects were released in June 2000 and were able to return to their communities without incident. In September 2000, the Director of Public Prosecutions dropped the charges against one of the four charged suspects; in October 2000, two of the suspects were sentenced to death, and one was acquitted. The two sentenced to death appealed the conviction. In October the Supreme Court of Appeals dropped all charges against one suspect, but the Court upheld the conviction against the second suspect. Although the one remaining suspect in custody was sentenced to death, the death penalty has not been implemented; the President stated publicly that it would not be used while he is in office.

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

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police continued to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects. The Inspectorate of Prisons is an investigative body mandated by the Constitution, and the findings of its 2000 report are considered indicative of prison conditions by domestic and international nongovernmental organizations (NGO's). The report notes that techniques used by police included beatings, physical assault, and the use of wire instead of handcuffs to restrain prisoners and to force confessions. Police some-

times hide these abuses by keeping prisoners in police custody until wounds heal before turning them over to the prison system for remand. The mistreatment partly is due to the mistaken belief of many police officers that the law requires them to present a case (not just charges) to the court within 48 hours of arrest. Lack of financial resources for appropriate equipment, facilities, and training also contributed to mistreatment.

Police forcibly dispersed two demonstrations during the year (see Sections 1.d. and 2.b.). Police used tear gas, rubber bullets, and live ammunition, which resulted in injuries; one demonstrator was shot and killed.

Police continued efforts to improve investigative skills and to introduce the concept of victims' rights through workshops and other training exercises, particularly in the areas of sexual abuse and domestic violence (see Section 5). While higher-ranking officials demonstrated familiarity with new standards for the humane treatment of prisoners, their subordinates commonly employed unacceptable techniques. The Government continued to seek community involvement in its comprehensive reform of the police. In 1999 Parliament created a community service alternative for some offenders. Four cities have begun pilot community service programs.

There was no known action taken against members of the police who used excessive force when dispersing demonstrations in May and June 2000.

Prison conditions remained harsh and life threatening. The Inspectorate of Prisons was compiling a report on prison conditions during the year; however, it was not completed by year's end. Overcrowding, inadequate nutrition, substandard sanitation, and poor health facilities remained serious problems. Unlike in the previous year, there were no confirmed reports that prison officials beat any prisoner to death.

According to the 2000 Inspectorate of Prisons report, 140 persons died in prison in 1998. Most of the deaths resulted from disease, including tuberculosis and HIV/AIDS. In 1999 213 prisoners died at Zomba central prison. Although women are not kept in separate facilities, they are segregated within the prison compound and tended by female guards. Although four prisons are supposed to have separate facilities for juveniles, the separation is inadequate in practice. In the other prisons, juveniles are incarcerated with adults. The law requires pretrial detainees to be held separately from convicted prisoners; however, many prisons cannot comply with this law due to lack of space and inadequate facilities.

The Inspectorate of Prisons, domestic NGO's, and international NGO's are permitted to make visits to monitor prison conditions without government interference. NGO's report good collaboration with prison authorities. During the year, the Prison Reform Committee, with representatives of approximately 20 NGO's and the Office of the Inspectorate of Prisons visited many of the prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution grants the accused the rights to challenge the legality of detention, to have access to legal counsel, and to be released on bail or informed of charges by a court of law within 48 hours; however, these rights seldom are respected in practice. The use of temporary remand warrants is widespread and used to circumvent the 48-hour rule. Police often resort to beatings to obtain information deemed necessary to their cases (see Section 1.c.). In cases where the court determines that a defendant cannot afford to supply his own counsel, legal services are provided by the Government. With few persons able to afford legal counsel, the country's seven public defenders were not sufficient to represent all indigent detainees in a timely manner. Bail frequently is granted to reduce prison overcrowding. Its use often bears only a tenuous relationship to the merits of an individual's situation. At year's end, there were 7,920 inmates, 5,491 were convicted prisoners, and 2,401 were pretrial detainees. Only 19 juveniles were in detention. Police are accused of arbitrary arrests due to political motives.

Following the dispersal by police of a rally on January 15, police arrested the Mayor of Blantyre and three senior police officials (see Section 2.b.). On February 5, the High Court of Blantyre sentenced the Mayor and the police officials to an 18-month suspended sentence.

In 2000 police detained approximately 25 suspects in connection with a series of murders (see Section 1.a.).

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, the judicial system is inefficient and is handicapped by serious weaknesses, including poor record keeping, a shortage of attorneys and trained personnel, a heavy caseload, and a lack of resources.

The Constitution provides for a High Court, a Supreme Court of Appeal, and subordinate magistrate courts. The Chief Justice is appointed by the President and confirmed by the National Assembly. The President appoints other justices, following

a recommendation by the Judicial Service Commission. All justices are appointed until the age of 65 and may be removed only for reasons of incompetence or misbehavior, as determined by the President and a majority of the Parliament.

On November 2, members of the UDF ruling party submitted motions in the National Assembly to impeach three High Court justices on allegations of judicial misconduct and incompetence. The National Assembly curtailed the Judicial Service Commission investigation into the cases and voted in favor of removal of the three justices on November 14. On December 10, the President dropped all charges against one justice and ordered the Judicial Service Commission to reconvene to complete its assessment of the allegations against the remaining two justices. No further action was taken by year's end.

By law defendants have the right to a public trial but not to a trial by jury; however, in murder cases, the High Court used juries of 12 persons from the defendant's home district. Defendants also are entitled to an attorney, the right to present and challenge evidence and witnesses, and the right of appeal. However, the judiciary's budgetary and administrative problems effectively denied expeditious trials for most defendants. In 2000 the Department of Public Prosecutions, under the Ministry of Justice, hired 12 paralegals to help reduce the case backlog and assist the very small staff of 10 prosecuting attorneys. The paralegals are to serve as lay prosecutors and to prosecute minor cases in the magistrate courts.

Since 1999 the High Court conducted training for 169 lay magistrates. Traditional court judges, absorbed into the magistrate court system, also receive some training in court procedure and the body of law that they administer. In 1999 the High Court began a 2-month refresher-training program for traditional court judges; however, the program did not continue after 1999. In August High Court judges attended a weeklong workshop on human rights and conflict resolution.

In 2000 Parliament passed the Courts Amendment Bill that was aimed at increasing the civil jurisdiction of magistrates, simplifying small claims procedures, and giving magistrate courts jurisdiction over customary marriages. Since the law was implemented, more cases are handled by magistrate courts than in the past had been referred to the High Court.

Juvenile offenders have special rights under the Constitution, including the right to be separated in custody from adults, to be treated in a manner that recognizes their age and the possibility for rehabilitation, and to be exempt from the punishment of life imprisonment without the possibility of release. However, the protection they are accorded in principle often is denied in practice, and many juvenile offenders are incarcerated with adults (see Section 1.c.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice; however, army and police forces, in carrying out sweeps for illegal weapons, did not always obtain search warrants as required by law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were some exceptions. Limited self-censorship exists, in part due to habits that evolved during the country's 30-year single party political system, which ended in 1994.

In December a prominent businessman who is a member of "Concerned Citizens of Malawi" was arrested on charges of sedition. He reportedly wrote more than 100 letters criticizing government policy, the President's alleged shortcomings, and deteriorating democratic standards in the country. At year's end, the case was pending in the High Court.

A broad spectrum of political and ideological opinion is presented in the country's two dozen newspapers, usually without government interference. However, the Government continued to threaten and harass members of the media. Unlike in the previous year, police did not confiscate the cameras of any photographers.

In May a journalist, a printer, and four newspaper vendors were arrested for distributing an edition of *The Dispatch* newspaper, which contained articles that the Government stated would "cause public fear and alarm." The paper reported on a plot to impeach President Muluzi and allegations of government corruption made by the opposition. The six were released on bail, and the case was pending at year's end. *The Dispatch* newspaper was not published after the arrests.

In December police threatened two journalists for their coverage of police action against street vendors in Limbe. Police officers demanded that the journalists either surrender their camera or give up the digital camera diskettes with the photo-

graphs. A senior police official intervened, and the journalists were permitted to leave with their camera and diskettes.

The editor of the main opposition newspaper, *The Daily Times*, was suspended in 2000 by the editor-in-chief and subsequently replaced by an acting editor more inclined to refrain from publishing articles critical of the Government. In November a new editor was hired for the newspaper, and he has printed nonpartisan articles critical of the Government.

The state-owned Malawi Broadcasting Corporation (MBC) dominates the radio market with its two stations, transmitting in major population centers throughout the country. News coverage and editorial content clearly are progovernment. In 2000 four employees of MBC allegedly were suspended due to insufficient loyalty to the ruling party. The Office of the Ombudsman began an investigation of the incident; however, the High Court ruled that the Ombudsman had no jurisdiction on labor related matters. The Ombudsman appealed to the Supreme Court in September; however, the case still was pending at year's end.

There are seven private radio stations; all broadcasting on FM frequencies. There are two commercial stations broadcasting in Blantyre. There is a rural community radio station run by local women with the help of the Malawi Media Women's Association. In May the Malawi Institute of Journalism opened a private training-commercial radio station. Three religious stations broadcast in the capital and other major cities. MBC-TV is the country's sole television broadcaster.

The MBC consistently denied opposition candidates equal access to the media during the 1999 presidential and parliamentary election campaigns and the 2000 local government campaigns in violation of the law. In contrast slogans and songs of the ruling UDF party advertising upcoming political rallies are broadcast throughout the year. The Government began limited television broadcasting in 2000 with editorial control similar to that on MBC radio.

In 1999 the Government established the Malawi Communication Regulatory Authority (MACRA), an independent regulatory body, to issue broadcasting licenses for radio, television, and Internet service providers (ISP). The Government split the state-owned Malawi Posts and Telecommunication Corporation (MPTC) into the Malawi Posts Corporation (MPC) and the Malawi Telecommunications Limited (MTL) in preparation for the privatization of MTL. There are two cellular telephone service providers and seven ISPs. Between February and October 2000, MACRA issued licenses to an additional nine ISPs, but only seven commenced operations by the end of 2000. During the year, two additional ISPs were issued licenses.

The Government does not restrict academic freedom. In March the support staff at the University of Malawi went on strike because of wages (see Section 6.a.). In December police forcibly dispersed a student demonstration at Chancellor College in Zomba (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, there were instances in which police limited this right.

Authorities routinely granted official permits, which are required by law for large meetings. However, on January 15, in Blantyre police broke up a rally by an opposition political group, the National Democratic Alliance. Police fired tear gas and rubber bullets at the crowd, but no serious injuries were reported (see Section 1.d.). The mayor and three senior police officials were charged with contempt of court as a previous court order had been issued authorizing the rally to take place.

On December 11, police used tear gas in an attempt to disperse a student demonstration at Chancellor College. The police subsequently fired automatic weapons in the air to control the crowd. One student protestor was shot in the chest and later died in the hospital; a bystander also was hospitalized after a bullet grazed his neck. In late December, a joint commission of police and college representatives convened to investigate the incident; the results of the investigations were not released by year's end.

No action was taken against police responsible for using excessive force to disperse demonstrations in May and July 2000.

The Constitution provides for freedom of association, and the Government respects this right in practice. The Government requires organizations, including political parties, to register with the Registrar General in the Ministry of Justice. There were no reports that any groups were denied registration during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There are no separate requirements for the recognition of religions, but religious groups must register with the Government. There were no reports that the Government refused to register any religious group during the year.

Some opposition politicians and clerics have raised Islam as a political issue. Citing the President's adherence to Islam, his contact with Islamic countries such as Libya and Sudan, and the building of new mosques, some opposition politicians and clerics have accused the UDF of attempting to "Islamicize" the country. An attempt by the Government in 2000 to replace "Bible Knowledge" in the school curriculum with the more universal "Moral and Religious Education" course has met with widespread criticism from Christian leaders. In 2000 when the President suspended the introduction of the new curriculum and returned "Bible Knowledge" to the curriculum, Muslim leaders rebuked him. Consultations between government and religious leaders resulted in a compromise; both courses were offered as optional subjects in schools during the year.

Foreign missionaries experienced occasional delays in renewing employment permits, despite the Government's revision of its policy and procedures on temporary employment permits in 1997; however, this appeared to be the result of bureaucratic inefficiency rather than a deliberate government policy against foreign missionaries. Missionaries and charitable workers pay lower fees for employment permits than do other professionals.

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

Following a strike by hospital workers in September, the strike's leaders were restricted from traveling outside the country pending prosecution on charges of endangering patients (see Section 6.a.).

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, there are long delays in the process. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in providing protection and assistance to refugees. According to the UNHCR, the country hosted more than 5,500 refugees, primarily from the Democratic Republic of the Congo, Rwanda, and Burundi, at the country's refugee center in Dowa. The World Food Program estimated the refugee population to be 4,300 refugees. The majority of refugees reside at the Dzaleka camp, and the UNHCR estimates that approximately 200 new refugees arrived each month. Although the Government grants refugee status, the law does not accept refugees for permanent resettlement and does not permit them to work or study; however, while no legal framework exists, the Government has allowed refugees to seek both employment and educational opportunities. UNHCR, NGO's, and the Government collaborated to provide children in refugee camps with access to education. A new school was completed at the Dowa refugee camp during the year.

The country has provided first asylum to numerous refugees, including more than 1 million Mozambicans in the late 1980's and early 1990's. The country continues to provide first asylum to new refugees as required. Asylum applicants are granted hearings to make their case for asylum status. The Government denied asylum to many of the Rwandans and Congolese who either had requested asylum in another country or had the opportunity to do so.

In 1999 the Government denied the UNHCR access to a group of 25 Eritrean detainees with fraudulent visas. Police killed one detainee and forcibly returned the remaining detainees to Ethiopia (see Section 1.a.).

Unlike in previous years, there were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens 18 years of age and older. International election observers found the 1999 presidential and parliamentary elections to be free and substantially fair; however, the electoral process was flawed, as opposition access to the broadcast media was limited; there were voter registration problems in some areas of the country; and the Electoral Commission at times displayed bias in favor of the ruling party. President Muluzi was reelected to serve a second 5-year term, defeating Gwanda Chakuamba, the joint presidential candidate of the two leading opposition parties, the MCP and AFORD. The opposition challenged the outcome of the presidential vote, and in May 2000, the High Court ruled in favor of the President. In October 2000, the Supreme Court of Appeal upheld the High Court ruling in favor of the President.

President Muluzi, First Vice President Justin Malewezi, and a 35-member cabinet exercise executive authority. The second vice-presidency remains vacant. The execu-

tive exerts considerable influence over the legislature; the legislature follows the parliamentary system, and consequently a number of cabinet ministers also sit as Members of Parliament (M.P.'s). Although the Government and opposition have never reached agreement on the applicability of the 1997 High Court ruling that cabinet ministers cannot simultaneously sit as M.P.'s, the issue is not a topic of debate.

Local government elections to select councilors and mayors, as mandated under the law, were held in November 2000, and were conducted in an open and transparent manner according to local and international observers; however, they were marked by low voter turnout, allegations of voter and candidate intimidation, and unequal access to the media. The ruling UDF won more than 70 percent of the seats; opposition parties and some NGO's criticized the Government for manipulating the process.

Although the Government does not prevent the operation of opposition political parties, the parties continue to allege that the Government uses bribery and other inducements to encourage opposition party divisions and defections of key personnel to the ruling party.

The percentages of women and minorities in government and politics do not correspond to their percentages of the population; however, there are no laws that restrict the participation of women or minorities in the political process. Eight of the 35 cabinet members are women; women hold 17 of the 193 seats in the National Assembly. A citizen of European origin, several persons of mixed racial ethnicity, and an Asian are sitting members of the National Assembly.

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

A wide variety of domestic and international human rights groups operated without government restriction, training civic educators, advocating changes to existing laws and cultural practices, and investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views.

In 1999 the international human rights organization, Article 19, released a report that claimed that President Muluzi, senior government officials, and UDF leaders refused to support investigations or the creation of a proposed independent commission of inquiry into human rights abuses during the Banda regime because they feared that they would be implicated.

The Ombudsman is mandated by the Constitution to investigate and take legal action against government officials responsible for human rights violations and other abuses. The Ombudsman's freedom of action is circumscribed by legislation that requires a warrant and a 3-day waiting period to gain access to certain government records. The activities of the Ombudsman are subject to judicial review, and in a 2000 case involving MBC employees allegedly dismissed on political grounds, the Supreme Court upheld a constitutional provision that granted the Ombudsman discretionary authority to investigate any and all cases where it is alleged that a person has suffered injustices, except when there is a judicial remedy available (see Section 2.a.).

The Constitution provides for a National Compensation Tribunal (NCT) to adjudicate claims of criminal and civil liability against the former government. As of September, the NCT had registered more than 17,600 claims, of which 550 have been fully compensated and 5,800 have been awarded interim compensation payments. The NCT's constitutional mandate did not allow it to register new claimants after December 31; however, it intended to continue processing outstanding claims. The NCT's lack of funds limits its ability to settle claims.

The constitutionally mandated Human Rights Commission (HRC) is charged to monitor, audit, and promote human rights provided for under the Constitution, and to carry out investigations regarding violations of any human rights. The Human Rights Commissioners have met more than 17 times since February 1999. Despite limited resources, in September the HRC issued its 2000 Human Rights Report, which described 172 complaints of human rights violations such as overcrowding and poor sanitation in prisons, lack of proper medical attention to sick prisoners, political violence during the Kasungu by-elections, long periods of pretrial detention, and the lack of opposition access to the media during elections. The Government has refuted publicly the report's findings. The HRC also has demonstrated its independence from the Government. For example, in 2000 the HRC released a statement criticizing a presidential decree to round up commercial sex workers, describing the decree as unconstitutional and gender biased in its targeting of women.

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

The Constitution specifically provides for equal rights for women; forbids discrimination based on language, culture, or religion; and provides for equality and recognition before the law for every citizen; however, in practice the capacity of government institutions to assure equal rights for all citizens is limited.

Women.—Domestic violence, especially wife beating, is common. Society has begun to take the problem of violence against women seriously. The press published frequent accounts of rape and abuse, and the judiciary continued to impose heavier penalties on those convicted of rape. However, domestic violence seldom is discussed openly by women, reportedly even among themselves, and in part due to the lack of resources. In April an NGO in Lilongwe established the country's first confidential shelter for women who are victims of physical or sexual abuse. Between April and December, 72 women sought protection at the shelter. Police do not normally intervene in domestic disputes.

Press coverage of domestic violence increased substantially following a November conference sponsored by NGO's in cooperation with the Ministry of Gender, Youth, and Community Service called "Sixteen Days of Activism." Subsequent workshops were sponsored by NGO's to inform local tribal leaders and journalists on the importance of legislation against domestic violence with a specific focus on spousal rape.

There is anecdotal evidence that a few small ethnic groups practice female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health.

Under the Constitution, women have the right to full and equal protection by law and may not be discriminated against on the basis of sex or marital status; however, in practice discrimination against women is pervasive, and women do not have opportunities equal to those available to men. Women have significantly lower levels of literacy, education, formal and nontraditional employment opportunities, and access to resources to increase agricultural productivity. The literacy rate among women between the ages of 15 and 45 is less than 37 percent. Male literacy in the same age group is approximately 45 percent.

Women often have less access to legal and financial assistance, and wives often are victims of discriminatory inheritance practices in which the majority of the estate is taken unlawfully by the deceased husband's family. Women usually are at a disadvantage in marriage, family, and property rights, but they have begun to speak out against abuse and discrimination. Households headed by women are represented disproportionately in the lowest quarter of income distribution. In a country where 85 percent of the population is rural, the majority of farmers are women; 70 percent of the rural female population farm full time. Typically women work more hours than men to complete the same farm tasks because they rarely have comparable tools and equipment, and they remain responsible for all household tasks. Women have limited access to agricultural extension services, training, and credit. Some progress has been made in all of these areas with gender training for agricultural extension workers and the gradual introduction of rural credit programs for women. The participation of women in the limited formal labor market is particularly constrained; they constitute less than 5 percent of managerial and administrative staff.

The Law Commission has undertaken a review of legislation that discriminates against women and has proposed legislation to bring the law into compliance with new constitutional standards. Based on the Law Commission's recommendations, Parliament raised the minimum level of child support, increased widows' rights, and passed the Employment Act, which includes a provision granting women the right to maternity leave. However, only individuals who utilized the formal legal system benefited from these legal protections.

In 2000 women joined the army for the first time in noncombat positions as a result of a 1994 revision in the government directive that previously had prohibited women from military service. The Government commissioned a female officer in August, and 49 female recruits joined the armed services. During the year, there were new recruit classes of women, who are now serving both as officers and as enlisted personnel in the armed forces. The Government continued to study the possibility of allowing women to serve in combat roles at year's end.

The Government addresses women's concerns through the Ministry of Gender, Youth, and Community Services.

Children.—The Constitution provides for equal treatment of children under the law, and during the year, the Government continued a high rate of spending on children's health and welfare. The Government provides free primary education for all children, although education is not compulsory. Girls drop out of school more frequently than boys do, and in the final year of primary school, only approximately

25 percent of students are girls. Despite recent significant gains in girls' access to education, large gaps remain between girls' and boys' achievement levels. Girls, especially in rural areas, historically have been unable to complete even a primary education, and are therefore at a serious disadvantage in finding employment. Accepted economic and social practice hampers the ability of women and girls to gain an education. However, there have been signs of improvement in education for girls. In 1999, the last year for which data is available, girls entered primary school in the same proportion as boys, although only 39 percent of secondary school entrants were female.

Well over half of the country's children live in poverty, mostly in rural areas. Children in rural households headed by women are among the poorest. Only one-third of children have easy access to safe drinking water. Infant mortality is high, and child malnutrition is a serious problem. A few charitable organizations attempted to reduce the number of child beggars in urban areas and find alternative care for them. The problem of street children worsened as the number of orphans whose parents died from HIV/AIDS increased. According to the National Statistic Office's Demographic and Health Survey of 2000, only 60 percent of children under age 15 currently live with both of their biological parents; 23 percent of children under age 15 live with only one parent, while 16 percent are orphans. HIV/AIDS is expected to result in an estimated 364,450 orphans, or 73 percent of all orphans, in the country by 2005. Extended family members normally care for such children and other orphans.

There are societal patterns of abuse of children. FGM is performed on girls (see Section 5, Women). The media also have begun to report on the sexual abuse of children, especially in relation to traditional practices of initiation. While rites to initiate girls into their future adult roles still are secret, information suggests that abusive practices are widespread and quite damaging. Although the age of sexual consent is 14, there is no age specified for the protection of minors from sexual exploitation, child prostitution, or child pornography. The belief that children are unlikely to be HIV positive and the widespread belief that sexual intercourse with virgins can cleanse an individual of sexually transmitted diseases, including HIV/AIDS, contributes to the sexual abuse of minors. Child prostitution occurs, but it is not considered a serious problem.

Child labor, including instances of forced child labor, is a problem (see Sections 6.c. and 6.d.).

Persons with Disabilities.—The Government has not mandated accessibility to buildings and services for persons with disabilities, but one of the national goals in the Constitution is to support persons with disabilities through greater access to public places, fair opportunities in employment, and full participation in all spheres of society. There are both public and privately supported schools and training centers, which assist persons with disabilities. There also are several self-supporting businesses run by and for persons with disabilities. The Minister of State responsible for persons with disabilities is a cabinet-level position, which was held by a person with disabilities.

In December the Ministry responsible for persons with disabilities held a consultative workshop with representatives from NGO's and U.N. agencies to create a taskforce for the formulation of a new National Disability Policy (NDP). There never has been a review of the 1971 Handicapped Persons Act since its enactment, and the taskforce is charged with the development of a new NDP that addresses issues of equal opportunity and access for persons with disabilities.

Religious Minorities.—There are generally amicable relations between the various religious communities, and unlike in the previous year, there were no reports of clashes between Muslims and Christians.

National/Racial/Ethnic Minorities.—Citizens of African heritage are members of indigenous tribes and are not discriminated against by the Government or society. There is no legal discrimination against citizens of Asian heritage, although societal and economic tensions exist between the communities of African and Asian origin.

Section 6. Worker Rights

a. The Right of Association.—The law governs labor-management relations. Workers have the legal right to form and join trade unions; however, union membership is low due to the small percentage of the work force in the formal sector, the lack of awareness of worker rights and benefits, and a resistance on the part of many employees to join unions. Army personnel and police may not belong to trade unions, but other civil servants are allowed to form unions. Union leaders estimate that 15 percent of the formal sector workforce belong to unions; however, accurate statistics on the numbers of union members are not available. Trade union rights have existed for 8 years, and labor relations still are evolving. Employers, labor

unions, and the Government lack sufficient knowledge of their legitimate roles in labor relations and disputes, which limits the effectiveness in the implementation and enforcement of the law.

Unions must register with the Registrar of Trade Unions and Employers' Organizations in the Ministry of Labor and Vocational Training (MOLVT). At year's end, 22 unions were registered. There are no unusually difficult registration procedures. Unions are independent of the Government, parties, and other political forces.

The law allows members of a registered union to strike or go through a formal mediation process overseen by the MOLVT. A registered union must attempt to resolve the issue through mediation. A strike can only occur after all dispute settlement procedures established in a collective agreement (an understanding, not necessarily signed, reached by both parties to attempt mediation) and conciliation procedures have failed. The law requires a notice in writing to the employer and the MOLVT at least 7 days before a strike. The law also forbids the temporary replacement of labor and allows peaceful picketing during strikes. Members of a registered union in "essential services" only have a limited right to strike. Essential services are specified as services whose interruption would endanger the life, health, or personal safety of the whole or part of the population; they are determined by the Industrial Relations Court (IRC) upon application by the Minister of Labor. The law provides similar procedures for lockouts. Laws do not prohibit specifically retaliation against strikers. There is no prohibition on actions against unions that are not registered legally. Arbitration rulings are enforceable legally. However, due to the lack of funding and 2-year case backlog, the IRC cannot monitor cases and enforce the laws in practice adequately.

In March the support staff at the University of Malawi went on strike because they argued that the 40 percent wage increase that was approved by university management was insufficient. The University initially refused to negotiate with the strikers and asked the High Court to declare the strike illegal. The High Court refused to hear the case stating that the IRC had jurisdiction. The University did not refile the case with the IRC; however, the University negotiated the acceptance of the 40 percent increase with the leaders of the support staff by year's end.

In September medical workers from Queen Elizabeth Central Hospital in Blantyre went on strike after the hospital failed to grant salary increases that it promised to begin in July. The hospital negotiated an initial settlement for a risk premium increase, but the case still was pending Ministry of Labor approval at year's end. Due to the limited right to strike for essential services unions, the 28 leaders of the strike were suspended and restricted from travel outside the country pending prosecution for endangering the health and welfare of patients. Their cases were awaiting action at year's end.

In October teachers began a series of sporadic strikes and nonwork actions because of the differences between rural and urban salaries and benefits (see Section 6.e.). Although there were indications of progress, no formal settlement was announced by year's end. There were reports that up to 50,000 teachers participated in the strikes in the rural areas.

Unions may form or join federations and have the right to affiliate with and participate in international workers' organizations, with the permission of the Government. There are no restrictions on the number of union federations. There are two federations in the country: The Malawi Congress of Trade Unions (MCTU), with 19 affiliates; and the Congress of Malawi Trade Unions (COMATU), with 3 affiliates.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. The law requires that at least 20 percent of employees (excluding senior managerial staff) belong to a union before such a union can engage in collective bargaining at the enterprise level. The law requires at least 15 percent union membership for collective bargaining at the sector level. The law provides for the establishment of industrial councils in the absence of collective agreements for sector-level bargaining. Industrial council functions include wage negotiation, dispute resolution, and industry-specific labor policy development. The law is not implemented effectively in practice due to the lack of sufficient knowledge of the law by employers, trade unions, and government officials (see Section 6.a.). Collective agreements are binding legally, and both parties must deposit them with the Registrar of Trade Unions.

The law prohibits antiunion discrimination by employers and requires that employers reinstate workers dismissed because of union activities.

At year's end, 20 firms held licenses to operate under export processing zone (EPZ) status, and all were operational. The full range of labor regulations applies to the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, there are allegations that some large agricultural estates engage in the practice.

The Government does not prohibit specifically forced and bonded labor by children, and one local NGO reported that in urban areas, it is not uncommon to find young girls working outside of their family as domestic servants, receiving little or no wages, and existing in a state of indentured servitude (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution defines children as persons under 16 years of age, and the law prohibits the employment of persons less than 14 years of age. It also prohibits the employment of children less than 18 years of age in work that is hazardous, harmful, or interferes with their education. Significant child labor in agricultural work and domestic service occurs largely as a result of extreme poverty and long-standing cultural traditions. Budgetary constraints largely preclude minimum work age and child labor law enforcement by police and MOLVT inspectors. There is significant child labor on tobacco and tea farms, subsistence farms, and in domestic service. There is no special legal restriction on children's work hours.

In 2000 the Ministry of Labor began a 12-month International Labor Organization (ILO) funded study to establish the magnitude of child labor and to use the results as a basis for drafting an action plan to implement ILO Convention 182 on the worst forms of child labor. During the year, the MOLVT conducted a pilot study and trained evaluators for the full study, which is scheduled to begin in April 2002.

The law does not prohibit forced and bonded labor by children specifically, and there was at least one report that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work.—The MOLVT sets separate urban and rural minimum wage rates based on recommendations of the Tripartite Wage Advisory Board (TWAB) composed of representatives of labor, government, and the private sector. However, the TWAB has encountered problems due to inefficient organizational structure and inadequate funding, which hindered timely and accurate revision of the wage rate recommendations. The urban minimum wage amounts to approximately \$0.89 (MK 55) per day; in all other areas, it is roughly \$0.66 (MK 40.70) per day. Although minimum wage rates were raised in December 2000, they do not provide a worker and family with a decent standard of living. Wage earners tend to supplement their incomes through farming activities. The MOLVT lacks the resources to enforce the minimum wage effectively. However, the minimum wage largely is irrelevant for the great majority of citizens, who earn their livelihood outside the formal wage sector.

The maximum legal workweek is 48 hours, with a mandatory weekly 24-hour rest period. The laws require payment for overtime work and prohibit compulsory overtime. In practice employers frequently violate statutory time restrictions.

The law includes extensive occupational health and safety standards. Enforcement of these standards by the MOLVT is erratic. Workers—particularly in industrial jobs—often work without basic safety clothing and equipment. Workers dismissed for filing complaints about workplace conditions have the right to file a complaint at the labor office or sue the employer for wrongful dismissal. Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment. However, given the low level of education of most workers and the high level of unemployment, they are unlikely to exercise this right.

Mechanisms for protecting internationally recognized worker rights are weak. There are serious manpower shortages at the Ministry of Labor; as a result, there are almost no labor standards inspections.

The law protects foreign workers in correct legal status. Illegal foreign workers are subject to deportation.

According to the Government “policy statement and new guidelines” for the issuance and renewal of employment permits (the temporary employment permit or “TEP”), foreign investors may employ foreign personnel in areas where there is a shortage of “suitable and qualified” citizens. The guidelines also mandated that processing times for TEP applications shall not exceed 40 working days. Although the TEP program appears to function smoothly, the press has reported delays in application processing for at least one major company.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons specifically; however, the Penal Code contains several provisions relating to prostitution and indecency that could be used to prosecute traffickers, and there are indications, although not well documented, that some trafficking of women and girls does occur. It is believed that Malawian women are trafficked to South Africa. For example, in March a local newspaper reported that several young women were stranded in brothels in South Africa after being lured by false job offers. Despite a number of press reports, there was no indication of any police investigation of trafficking cases

during the year. In 1999 a Malawian woman was tried and acquitted of luring three young women to the Netherlands and subsequently forcing them into prostitution.

The extent of the trafficking problem is undocumented, and neither the Government nor NGO's have viewed it as a problem; however, during the year, increasing media and NGO attention was devoted to the problem. The police and the Ministry of Gender, Youth, and Community Services handle any cases that arise.

In October a bill was introduced in the National Assembly, which proposed 14-year sentences for anyone convicted of promoting, managing, or transporting any person into or out of the country with the purpose of engaging that person in prostitution. The National Assembly is expected to vote on this bill during the 2002 session.

There is no government funding for NGO services to victims of trafficking, and there is no training for government officials on how to provide assistance to trafficking victims.

MALI

Mali is a constitutional democracy that continued to implement a decentralized form of government. President Alpha Oumar Konare was reelected to a second 5-year term in 1997. A collective of 12 opposition parties boycotted the 1997 presidential and legislative elections, which were flawed administratively but considered generally free and without evident fraud. The opposition parties claimed that the elections were unconstitutional because the Government failed to carry out annual updates of electoral lists; however, some opposition candidates chose to participate by running as independents. The ruling Alliance for Democracy in Mali (ADEMA), led by President Konare, dominates the National Assembly, which includes representatives of opposition parties. The Constitution provides for an independent judiciary; however, in practice the Government continued to exert influence on the judiciary.

Security forces are composed of the army, air force, Gendarmerie, the National Guard, and the police. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which security forces acted independently of government authority. The army and air force are under the control of the civilian Minister of the Armed Forces and Veterans, as are the Gendarmerie and the National Guard. The police are under the Ministry of Security and Civil Protection. The police and gendarmes share responsibility for internal security; the police are in charge of urban areas only. Some members of the security forces committed human rights abuses.

Mali is a very poor country with a market-based economy, and its population is approximately 11 million. Most of the work force is employed in the agricultural sector, particularly farming and animal husbandry. The country's principal exports are cotton, livestock, and gold. There is a very small industrial sector, largely based on the manufacture of textiles, beverages, and processed food products. The gross national product was approximately \$250 (181,250 CFA francs) per capita, which provides most of the population with a low standard of living. The economy depends heavily upon foreign assistance. Desertification, deforestation, soil degradation, and social limitations, including a current estimated literacy rate of approximately 30 percent (48 percent for men and 12 percent for women) and a high population growth rate (2.8 percent), contributed to poverty. Poor infrastructure, minimal foreign investment, administrative inefficiency, and corruption also were important factors in limiting economic growth.

The Government generally respected its citizens' human rights; however, problems remained in several areas. In 2000 security forces reportedly tortured and killed two suspects in custody. After nearly 2 years, the Government has not released the results of an investigation into the incident. Prison conditions remained poor. Occasionally police arbitrarily arrest and detain persons. Prolonged pretrial detention is a problem. The judicial system's large case backlog resulted in long periods of pretrial detention and lengthy delays in trials. The judiciary continued to be subject to executive influence, and there were reports of corruption in the courts. The Government generally respects freedom of speech; however, in June the mayor of Bamako was convicted of defamation. Domestic violence against women was widespread. Discrimination against women persisted, and social and cultural factors continued to limit sharply economic and educational opportunities for most women. Female genital mutilation (FGM) is widespread, although educational campaigns against FGM are underway. Child labor is frequent in agriculture and domestic areas. Children were trafficked into forced labor in Cote d'Ivoire; the Government

returned a number of these children to their families during the year. Hereditary servitude relationships continued to link different ethnic groups.

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; however, in 2000 there were reports that security forces committed extrajudicial killings. Following the 2000 killings of 3 tourists in Kidal, the Government questioned at least 40 persons and detained 9 in connection with the killings. Three suspects reportedly died while being transported to jail; there were reports that soldiers tortured and killed two of the suspects (see Section 1.c.). Three other suspects remained in detention at year's end (see Section 1.d.). In 2000 the Government initiated an investigation into the incident, but it had not released the results by year's end. No action was taken against the soldiers accused of the torture and killing of the two suspects by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, in 2000 there were reports that soldiers tortured and killed two suspects arrested in connection with the February 2000 murder of three tourists (see Section 1.a.). No action was taken against the soldiers accused of the torture and killing of the two suspects by year's end. There were no new reports of torture by security forces during the year.

In June in Bamako, a bus driver fell or jumped to his death from a bridge while being pursued by the police. Bus drivers blamed the police for the death and rioted; they attacked police officers and destroyed police shelters and traffic lights. After the rioting, police and city officials met with representatives from the "umbrella" national union. The drivers agreed to use union funds to pay for repairs to traffic lights and other public facilities damaged in the riots; by year's end, most of the police shelters and traffic lights had been repaired.

Some police and gendarmes extorted bribes at vehicle checkpoints (see Section 2.d.).

On January 3 in Tarkint, armed men attacked the Gendarmerie Headquarters, took four gendarmes hostage, and stole four vehicles, some firearms, and ammunition; two gendarmes were injured in the attack. There were unconfirmed reports that the assailants belonged to the group led by ex-Tuareg rebel Ibrahim Bahanga. In June Bahanga and the Government signed a peace agreement, and no additional incidents were reported during the year.

Prison conditions are poor. Prisons continued to be overcrowded, medical facilities were inadequate, and food supplies were limited. A new prison facility for women and juveniles was built in Bamako during the year. The new prison has allowed for some separation of prison populations in Bamako; however, the situation remains unchanged outside the capital, where men and women are housed in the same building but in separate cells. In Bamako juvenile offenders usually are held in the same prison as adult offenders, but they are kept in separate cells. There were no reports that women or juveniles were abused by other inmates or by guards. Pretrial detainees are held in the same compound as convicted prisoners.

The Government permits prison visits by human rights monitors. Several organizations, including the Malian Association of Human Rights, the Malian Association of Women Jurists, and other nongovernmental organizations (NGO's) have visited prisoners and are working with women and juvenile prisoners to improve their conditions. The International Committee of the Red Cross (ICRC) continued to visit imprisoned leading members of the former government.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, on occasion police arrest and detain persons arbitrarily.

Judicial warrants are required for arrest. The normal procedure is for the complainant to deliver the warrant, which stipulates when the person is to appear at the police station. In some cases, the police will serve a warrant. This normally is done at the request of a relative or if there is a bribe. Frequently in cases where money is involved, the arrested person will agree to resolve the case at the police precinct; and the police will receive a portion of the recovered money.

The Constitution provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice detainees are not always charged within the 48-hour period.

Limited rights of bail or the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion the authorities released defendants on their own recognizance.

In October the police arrested and detained 36 Pakistani preachers for allegedly entering the country illegally. One of the men was charged with possession of false passports and remained in custody at year's end. The others were released and allowed to leave the country; however, it was unclear whether they had departed.

In February 2000, security forces questioned at least 40 persons and arrested 9 suspects in connection with the murder of 3 tourists. According to reports, soldiers tortured and killed two of the suspects (see Sections 1.a. and 1.c.); three of the suspects remained in detention at year's end. The Government issued warrants for murder, but the investigation continued at year's end.

Administrative backlogs and insufficient lawyers, judges, and courts often caused lengthy delays in bringing persons to trial. In extreme cases, individuals have remained in prison for several years before coming to trial. Local lawyers have estimated that approximately half of prison inmates are pretrial detainees. This conclusion was confirmed in March 1999 during the Judiciary Forum seminar.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch continued to exert influence over the judicial system. The Ministry of Justice appoints and has the power to suspend judges; it supervises both law enforcement and judicial functions. The President heads the Superior Judicial Council, which oversees judicial activity. Domestic human rights groups alleged that there were instances of bribery and influence peddling in the courts. In 2000 the Government launched a campaign against corruption that led to the detention of many senior civil servants, businessmen, and political leaders from all parties. At year's end, they still were detained and under investigation.

The Supreme Court has both judicial and administrative powers. The Constitution established a separate Constitutional Court that oversees issues of constitutionality and acts as an election arbiter. The Constitution also provides for the convening of a High Court of Justice with the power to try senior government officials in cases of treason.

Except in the case of minors, trials are public, and defendants have the right to be present and have an attorney of their choice. Defendants are presumed innocent and have the right to confront witnesses and to appeal decisions to the Supreme Court. Court-appointed attorneys are provided for the indigent without charge. The village chief in consultation with the elders decides the majority of disputes in rural areas. If these decisions are challenged in court, only those found to have legal merit are upheld.

In 1997 former President Traore, his wife Mariam, and former customs director Abdramane Douah Sissoko, who were placed under detention following the fall of the Traore regime in 1991, were charged with "economic crimes," including "abuse of a position of power" and "illicit enrichment." Five other senior officials of the Traore regime also were tried in 1997 on similar charges. Traore, his wife Mariam, and Sissoko were convicted and sentenced to death in January 1999; these sentences also were commuted in 1999, and they are serving life sentences. In August 2000, Traore and his wife were released in order to travel to Algiers for medical treatment; they returned after they received treatment, and they remained in prison at year's end. Early in the year, charges were dismissed against the five other senior officials of the Traore regime, and they were released from prison. On May 2, President Konare pardoned Sissoko, who was the last of the senior officials from the Traore regime still in prison.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects this right in practice. Police searches are infrequent and require judicial warrants. However, security forces maintain physical and technical surveillance of individuals and groups believed to be threats to internal security, including surveillance of telephone and written correspondence of individuals deemed by a magistrate to be a threat to national security. There were no reports of such government surveillance during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. However, in June the mayor of Bamako was convicted of defamation and sentenced to 3 months in prison for suggesting that the country's judges were corrupt; the Chairman of the National Broadcasting Company also was charged with defamation

because he allowed the comments to be broadcast. The complaint against the judge and broadcaster was withdrawn after members of the bar association, former judges, women's and Islamic groups, and traditional griots appealed to the Secretary General of the Judges Association. The case was closed following negotiations between the judges association, the mayor, and the broadcaster.

The Superior Council of Communication's (CSC) primary function is to regulate the media, both protecting and controlling journalists. The Committee of Equal Access to State Media is activated during election campaigns. Mandated by the Constitution, it oversees equal access to the government-controlled media for all political parties.

There are more than 30 private newspapers and journals in French, Arabic, and local languages throughout the country, and there are as many as 20 newspapers in Bamako. There are 10 or more daily newspapers and many others are biweeklies; 6 are privately owned, of which 1, *Les Echos*, is allied with the ruling party, and 1 is government-controlled (*L'Essor*). All newspapers must be registered with the Ministry of Communications; however, registration is not complicated and can be completed quickly.

The Minister of Territorial Administration and Security can prohibit religious publications that he concludes defame another religion; however, there were no reports of instances in which publications were prohibited.

The Government controls the only television station and 1 of more than 100 radio stations; however, all present a wide range of views, including those critical of the Government, the President, the Prime Minister, and other politicians. The relative expense of newspapers and television, coupled with a low literacy rate, made radio the most prevalent medium of mass information and communication. There are as many as 15 private radio stations in Bamako, and there are approximately 115 additional stations throughout the country. In addition to commercial radio stations, private or community radio broadcasters included those run by associations and others directed toward smaller villages (the latter two radio services enjoy special tax advantages).

A number of foreign broadcasters operated in Bamako either through local media or a chosen affiliate. These included Radio France Internationale, African No. 1, and the British Broadcasting Corporation (BBC); all have frequency modulation (FM) frequencies. Voice of America has a local FM affiliate.

Domestic reception and distribution of foreign satellite and cable television is permitted and fairly widespread, especially in Bamako. There are no private television stations that broadcast domestically produced programs. The legal framework for private television has been in place since 1992; however, the Government still is developing the fee schedules. The Government made no progress toward private television licensing during the year.

The Government does not censor print, broadcast, or electronic media, which frequently offered editorials critical of both the Government and the opposition. Laws passed in 1993 regulate the press and provide for substantial criminal penalties, including imprisonment, for libel and for public injury to the Head of State, other officials, and foreign diplomats; these laws leave injury undefined and subject to judicial interpretation. However, the Government never has prosecuted journalists on criminal libel charges. No journalists were arrested on libel charges during the year. In August 2000, the National Assembly approved a proposal to eliminate imprisonment as a punishment for libel charges; however, at year's end, the proposal had not been implemented as law.

Eight domestic servers provide access to the Internet. Licenses to operate Internet servers are granted freely and are not prohibitively expensive.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respects these rights in practice. The law requires groups that wish to hold public meetings to obtain the mayor's permission; however, such permission was granted routinely during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There is no state religion; the Constitution defines the country as a secular state and allows for religious practices that do not pose a threat to social stability and peace.

The Government requires that all public associations, including religious associations, register with the Government. However, registration confers no tax preference and no other legal benefits, and failure to register is not penalized in practice. The registration process is routine and is not burdensome. Traditional indigenous religions are not required to register.

The Minister of Territorial Administration and Security can prohibit religious publications that he concludes defame another religion; however, there were no reports of instances in which publications were prohibited.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. Police routinely stop and check both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. Some police and gendarmes used the occasion to extort bribes.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A national committee in charge of refugees operates with institutional assistance from the office of the U.N. High Commissioner for Refugees (UNHCR). The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum for refugees.

According to both UNHCR and government estimates, there were approximately 11,000 Mauritanian refugees, mostly Fulani herders, living in the Kayes region in the western part of the country at year's end. However, the UNHCR, the Government of Mauritania, and the Government never have agreed on recognition of the refugee status of these persons, who have lived in the country for nearly a decade; members of these pastoralist border groups historically make cross-border migrations. Mauritanians may register for refugee status, although few actually do.

The country hosted approximately 1,900 urban refugees as of year's end; four-fifths are from Sierra Leone and 90 percent are in Bamako. The Government has a transit center located 120 miles from Bamako, where it hosts approximately 100 of the most vulnerable refugee and asylum applicants. The center has a capacity of approximately 300 persons and could be expanded to hold 900.

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

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

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

Under the Constitution, the President is Chief of State and Commander in Chief of the armed forces and is elected for a term of 5 years with a limit of two terms. The President appoints the Prime Minister. Additionally, the President appoints other members of the Government and sets limits on their powers. He names civil servants (national directors, regional government delegates, and others) and high military officers as mandated by the Constitution. The President also promulgates laws within 15 days, following transmission to the Government of a final adopted text. He can veto and return legislation to the National Assembly for reconsideration. There is no provision for the National Assembly to override a presidential veto. The President may submit any question of national interest to a referendum after consultation with the Constitutional Court. He exercises the power of pardon and can grant amnesty. The President may dissolve the National Assembly and call for new elections, although not in the year following legislative elections. Theoretically he can declare a state of emergency and rule by decree, although President Konare has never done so.

In 1997 citizens elected President Alpha Oumar Konare to a second 5-year term by secret ballot in elections that were open to all and free of evident fraud and manipulation. However, there were reports of irregularities, such as persons voting in place of persons who had died; underage persons voting; and persons registered to vote in more than one area. Konare won 96 percent of the vote, but voter turnout was reportedly 20 to 25 percent; most opposition parties boycotted the election, citing flaws in the voter registration system. The opposition contended that the Government failed to carry out constitutionally mandated annual electoral list revisions and that, therefore, the elections should be declared invalid. A new census was conducted in late 2000. The Government and opposition parties reviewed and revised the electoral lists during the year, and new electoral lists were scheduled for release in early 2002.

National Assembly members were elected in 1992 and 1997. The Constitutional Court cancelled the results of the initial 1997 legislative elections, citing flaws in the electoral process. These elections were repeated later in 1997, and the results were implemented. Citing problems in the voter registration process, a collective of 18 opposition parties boycotted these elections, which, although administratively flawed, were considered by most independent observers to be generally free and

without evident fraud. ADEMA holds 95 of 147 seats in the National Assembly, Rally for Mali holds 35, and opposition parties hold the remaining 17 seats.

Governing authority is shared by elected mayors in the 701 communes (including the 19 cities), and appointed officials (“commissaires du gouvernement”) who are the representatives of the central Government in the District of Bamako, the regions, and the cercles (districts roughly equivalent to counties). Local governments benefit from central government subsidies, but they also are able to collect local taxes to support their operations. Decentralization still is a controversial issue. The process has changed traditional power relationships between government and the governed and has relieved formerly powerful civil servants of their authority. The new administrators often are inexperienced and undereducated. Despite governmental pressure to move ahead with decentralization, the nonparliamentary opposition says that the Government is moving too fast and should implement the process step by step as administrators lack adequate funding to govern effectively.

After local elections in 1998 held to choose council members (who oversee the activities of mayors in the communes and suggest procedures and policies) for the 19 urban communities, the long-awaited rural elections were carried out in May and June 1999. Several opposition parties that had boycotted earlier elections participated in the rural elections with considerable success.

All political parties agreed to participate in and to prepare for elections scheduled for 2002. The process of amending the Constitution, the electoral law, and other texts began during a National Political Forum in January 2000 that involved political parties, civil society, and the Government. In August 2000, the National Assembly approved changes to the Constitution and approved changes to the electoral law. The constitutional amendments and the revised electoral law must be approved by referendum. In November the Government postponed indefinitely the referendum, which had been scheduled for December 23, due to increasing criticism and opposition from civil society and opposition parties and a failure to achieve an acceptable consensus. The referendum was not rescheduled by year’s end.

The percentage of women and minorities in government or politics does not correspond to their percentage of the population; however, there are no restrictions, legal or otherwise, on voting by women or minorities. A total of 18 women hold seats in the 147-member National Assembly, compared with 3 elected in 1992. There are 6 female cabinet members of a total of 20. Members of historically marginalized pastoralist ethnic minorities, including the Fulani and the Tuaregs, occupy seats in both the Cabinet and National Assembly. The President of the Assembly is Fulani (see Section 5).

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

Several independent domestic human rights organizations—including the Malian Association for Human Rights (AMDH), a smaller Malian League of Human Rights, and a local chapter of Amnesty International—generally operate without government interference, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. The ICRC has offices in Bamako, Tombouctou, and Gao.

Since 1994 the Government has held an annual Democracy and Human Rights Forum in December to which it has invited citizens to voice discontent and grievances against the Government publicly in the presence of the media and international human rights observers. The events are well attended by local citizens from all walks of life, and discussion is free and open. Each year before the Forum, the Government publishes a report to assess implementation of the Forum’s recommendations. Held on December 10, the Democracy Forum convened to review the previous year’s work and to make recommendations to the Government. The topics for discussion included women’s rights, access to government services, and judicial reform. The Forum called on the Government to make these issues a priority in the coming year.

In 2000 the President appointed a special anticorruption prosecutor, Amadou Ousmane Toure, to pursue corruption at all levels, regardless of who is implicated.

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

The Constitution prohibits discrimination based on social origin, color, language, sex, or race, and the Government respects these provisions in practice; however, social and cultural factors give men a dominant role.

Women.—Domestic violence against women, including spousal abuse, is tolerated and common; however, no statistics were available on the extent of the problem. As-

sault in marriage is a crime; however, police were reluctant to enforce laws against domestic violence.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is common, especially in rural areas, and is performed on girls at an early age. According to domestic NGO's, approximately 95 percent of adult women have undergone FGM. The practice was widespread among most regions and ethnic groups, is not subject to class boundaries, and is not religiously based. There are no laws against FGM, and the Government has not proposed legislation prohibiting FGM. The Government is pursuing a program of public awareness rather than legal prosecution of women involved in the practice. It supported educational efforts to eliminate the practice through seminars and conferences and provides media access to proponents of its elimination. The National Committee Against Violence Towards Women links all the NGO's active in preventing FGM. Throughout the year, various NGO's campaigned against FGM. In 1999 the Government instituted a two-phased plan to eliminate all forms of FGM by 2008. The first phase, scheduled for 1999–2004, is intended to be one of education and dissemination of information. There has been some public dissemination of information in urban areas, but the program has developed slowly.

Women have very limited access to legal services. They are particularly vulnerable in cases of divorce, child custody, and inheritance rights, as well as in the general protection of civil rights.

Despite legislation giving women equal rights regarding property, traditional practice and ignorance of the law prevent women from taking full advantage of the law. Prospective spouses choose between polygynous and monogamous marriages; both parties must consent to the marriage. However, when no preference is specified in the marriage certificate, judges assume that the marriage is polygynous. A community property marriage must be specified in the marriage contract. Traditional practice discriminates against women in inheritance matters. For example, men inherit most of the family wealth, and women receive a much smaller portion of estates.

Women's access to employment in the professions and government, and to economic and educational opportunities, traditionally has been limited. A 1995–96 national demographic and health survey found that 81 percent of women (compared with 69.3 percent of men) between the ages of 15 and 49 received no education. A 1998 report indicated that the national literacy rate was 12 percent for women more than 15 years of age. Women constitute approximately 15 percent of the labor force. The Government, the country's major employer, paid women the same as men for similar work. Women often live under harsh conditions, especially in rural areas, where they perform difficult farm work and do most of the childrearing.

Women have equal access to military service, and there are approximately 2,500 women and 8,000 men in the armed forces. Service in the armed forces is not obligatory; there is alternative national service available to both men and women.

In 1996 the Government launched a 4-year national plan of action for the promotion of women. The plan, financed by national, regional, and local community budgets, sought to reduce inequalities between men and women in six target areas, including education, health, and legal rights. Despite its initial 4-year mandate, the plan was not close to completion, and it was not extended officially by year's end. During the year, the Ministry for the Promotion of Women, Children, and the Family was working on a second 4-year action plan that would continue programs started during the first action plan.

There are numerous active women's groups that promoted the rights of women and children.

Children.—Education is free and, in principle, open to all, although the majority of students leave school by the age of 12. Students must provide their own uniforms and school supplies to attend public schools. While primary school is compulsory, only 56 percent of children receive a basic education (46 percent for girls) because there is a low degree of adherence to the requirement for compulsory education, a lack of primary schools, poverty, cultural tendencies to place less emphasis on education for girls, and the fact that most of the population live in rural areas. Literacy rates among girls remained significantly lower than for boys.

There is no constitutional or legal provision to protect the interests and rights of children, and there is no juvenile court system. However, the Social Services Department investigates and intervenes in cases of reported child abuse or neglect. According to local human rights organizations, reported cases are rare; however, statistics are unreliable.

FGM is performed commonly on young girls (see Section 5, Women).

There were credible reports that children were sold and trafficked into forced labor in Cote d'Ivoire (see Sections 6.c. and 6.f.).

Child labor is a problem (see Section 6.d.).

Persons with Disabilities.—There is no specific legislation protecting the rights of persons with physical or mental disabilities or mandating accessibility. The Government does not discriminate against persons with physical disabilities in regard to employment, education, and other state services; however, the Government has not made provision for persons with disabilities in these areas. There is no societal discrimination against persons with disabilities; however, in view of the high unemployment rate, persons with physical disabilities often are unable to find work.

National/Racial/Ethnic Minorities.—The population is ethnically, culturally, and regionally diverse. Major ethnic-cultural groups include the following: The Mande, concentrated in the southwest, constituting approximately half the population and including the Bambara and Malinke ethnic groups; the Voltaic, concentrated in the south and comprising the Bobo and Senoufo groups; the Sudanic, concentrated in the central regions and comprising the Sarakole, Songhai, Dogon, and Bozo groups; and the pastoralists, comprising the Tuaregs and Moors of the northeast and northwest, respectively, and the Peul (or Fulani) who are dispersed from widely east to west across the southern third of the country.

No single ethnic group predominates in either the private sector or the public sector. All three presidents since independence have been affiliated with the Bambara group, which accounts for roughly half of the country's population, but no ethnic group holds disproportionate numbers of government positions or predominates in the military or civil service. Political parties, by and large, do not have readily identifiable ethnic bases, but some reflect regional constituencies.

Longstanding tensions between the marginalized Moor and Tuareg pastoralist groups and the more populous nonpastoralist groups have been a leading source of political instability and violence, including the Tuareg rebellions of the early 1990's. On February 24, a group led by former army officer Ibrahim Bahanga, who was among the Tuareg rebels incorporated into the army after the rebellion in the 1990's, attacked the Gendarmerie and kidnaped 10 soldiers. The soldiers were released after the rebels signed an agreement with the Government in June. Unlike in previous years, there were no reports of violent incidents between ethnic groups during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code specifically provide for the freedom of workers to form or join unions and protect freedom of association. Only the military, the Gendarmerie, and the National Guard are excluded from forming unions. Virtually all salaried employees are organized. Workers have established independent unions for teachers, magistrates, health workers, and senior civil servants, and most are affiliated with the National Union of Malian Workers (UNTM) confederation. The UNTM has maintained its autonomy from the Government. There are two major labor federations, the UNTM and the Syndicated Confederation of Malian Workers (CSTM).

The Constitution provides for the right to strike, although there are restrictions in some areas. For example, civil servants and workers in state-owned enterprises must give 2 weeks' notice of a planned strike and must enter into mediation and negotiations with the employer and a third party, usually the Ministry of Labor. The Labor Code prohibits retribution against strikers, and the Government respects this requirement in practice.

During the year, the Government negotiated with all labor unions a social pact intended to encourage more discussions between workers and employers, thus lessening the risk of strikes; however, during the year, railroad and cotton parastatal workers went on strike. Both strikes were mediated, and the parties signed agreements for better working conditions. In March National Police officers participated in a 3-day national strike to protest low pay rates, unsafe working conditions, and low housing allowances.

In June in Bamako, bus drivers attacked the police following the death of a bus driver; the drivers agreed to use union funds to pay for repairs to traffic lights and other public facilities damaged in the riots (see Section 1.c.).

The International Labor Organization (ILO) requested that the Government amend Section 229 of the 1992 Labor Code to restrict the Minister of Labor's authority to impose arbitration to end strikes that were liable to cause an acute national crisis. The Government noted in its report to the ILO that it was undertaking an in-depth, tripartite discussion on Section 229 to make the legislation fully consistent with the principles of freedom of association; at year's end, the review was ongoing.

Unions are free to associate with and participate in international bodies. The union representing salaried employees regularly participated in programs sponsored by French labor unions. Other unions have participated in various programs sponsored by international unions.

b. The Right to Organize and Bargain Collectively.—The growth of independent unions has led to more direct bargaining between these unions and their employers. However, wages and salaries for workers belonging to the UNTM unions are set by tripartite negotiations between the Ministry of Labor, labor unions, and representatives of the federation of employers of the sector to which the wages apply. Civil service salary levels are pegged nationally to an index established by the Government. These negotiations usually set the pattern for unions outside the UNTM. The Ministry of Labor acts as a mediator in labor disputes.

Neither the Constitution nor the Labor Code addresses the question of antiunion discrimination, but there have been no reports or complaints of antiunion behavior or activities. If the parties cannot come to agreement, the dispute goes to the Labor Court for decision.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, there were reports that such practices occurred.

The law prohibits the contractual use of persons without their consent; penalties include a fine and hard labor. The penalties increase significantly if a minor, defined as someone under 15 years of age, is involved.

There were some reports that the de facto slavery long reported to have existed in northern salt mining communities has evolved to wage labor in recent years; however, reliable current evidence about labor conditions in those remote facilities remained unavailable. Hereditary servitude relationships link different ethnic groups, particularly in the north. For example, there is a hereditary service relationship between members of the Bellah ethnic group and other Tuareg populations.

The law prohibits forced and bonded labor by children; however, organized traffickers sold Malian children into forced labor in Cote d'Ivoire (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code has specific policies that pertain to child labor; however, these regulations often are ignored in practice. The Labor Code permits children between the ages of 12 and 14 to work up to 2 hours per day during school vacations with parental approval. Children between the ages of 14 and 16 may work up to 4½ hours per day with the permission of a labor inspector, but not during nights, holidays, or Sundays. Children between the ages of 16 and 18 may work in jobs that physically are not demanding; boys may work up to 8 hours per day and girls up to 6 hours per day.

The Labor Code has no effect on the vast number of children who work in rural areas, helping with family farms and herds, and on those who work in the informal sector, for example, as street vendors. These children are not protected by laws against unjust compensation, excessive hours, or capricious discharge.

Child labor predominates in the agricultural sector and, to a lesser degree, in craft and trade apprenticeships, and cottage industries. Apprenticeship, often in a family member's or a parent's vocation, begins at an early age, especially for children unable to attend school.

The authorities enforce the Labor Code provisions through the use of labor inspectors from the Ministry of Employment, Public Service, and Labor who conduct surprise inspections and complaint-based inspections; however, resource limitations restricted the frequency and effectiveness of oversight by the Labor Inspection Service, and the Service operated only in the modern sector.

The Programme National de Lutte contre le Travail des Enfants au Mali, led by the International Program for the Elimination of Child Labor (IPEC)-Mali, was responsible for investigating abusive forms of child labor. IPEC relied on labor inspectors appointed by the Government in Bamako and in regional offices in the country. IPEC also was assisted by NGO's combating child labor and government regional offices in charge of the promotion of women and children. Government resources include inspectors, NGO's, and IPEC funding. There was no predetermined number of inspections per year; however, investigations were held when information was provided by NGO's or the media that there was an instance of abusive child labor.

The law prohibits forced or bonded child labor; however, children were sold into forced labor abroad by organized traffickers, and apprenticeship begins at an early age (see Section 6.f.). There were reports that children were kidnaped, sold into de facto slavery, and made to work on coffee and cocoa plantations in Cote d'Ivoire. Some children were sold into forced labor by their parents; reportedly the children were beaten if they tried to escape. In August the Government introduced travel passes for children to try to prevent their being taken abroad to work illegally; how-

ever, the measures have been criticized for leading to the arrest of innocent travelers.

e. Acceptable Conditions of Work.—The Labor Code specifies conditions of employment, including hours, wages, and social security; however, in practice many employers either ignore or do not comply completely with the regulations. The national minimum wage rate, set in 1994, is approximately \$40 (29,000 CFA francs) per month. Workers must be paid overtime for additional hours. The minimum wage does not provide a decent standard of living for a worker and family. The minimum wage is supplemented by a required package of benefits, including social security and health care. While this total package could provide a minimum standard of living for one person, in practice most wage earners support large extended families and must supplement their income by subsistence farming or work in the informal sector.

The normal legal workweek is 40 hours (45 hours for agricultural employees), with a requirement for at least one 24-hour rest period. The Social Security Code provides a broad range of legal protection against hazards in the workplace, and workers' groups have brought pressure on employers to respect parts of the regulations, particularly those affecting personal hygiene. However, with high unemployment, workers often are reluctant to report violations of occupational safety regulations. The Labor Inspection Service of the Ministry of Labor oversees these standards but limits enforcement to the modern, formal sector. It was not effective in investigating and enforcing workers' safety and was funded insufficiently for its responsibilities. Workers have the right to remove themselves from dangerous work situations and request an investigation by the Social Security Department, which is responsible for recommending remedial action where deemed necessary.

The law protects legal and illegal foreign workers. Persons illegally in the country are not allowed to work; however, if they are given a job, they have the same protections as legal workers.

f. Trafficking in Persons.—On June 29, Parliament approved a law that would make child trafficking punishable by 5 to 20 years in prison. There also are laws that prohibit the contractual use of persons without their consent; however, children are trafficked for forced labor in Cote d'Ivoire. An estimated 15,000 Malian children between the ages of 9 and 12 have been sold into forced labor on cotton, coffee, and cocoa farms in northern Cote d'Ivoire over the past few years; an even greater number have been pressed into domestic service. Organized networks of traffickers deceive the children and their families into believing that they will be given paid jobs outside of their villages. They then are sold to plantation owners for sums ranging between \$20 and \$40 (14,500 and 29,000 CFA francs). The children reportedly are forced to work 12 hours per day without pay, and often they are abused physically.

Penalties for violations of the law prohibiting forced contractual labor include a fine or hard labor. Penalties increase if a minor is involved; however, these penalties were not applied during the year. The problem of trafficking is handled by both the Ministry for the Promotion of Women, Children, and the Family and the Ministry of Employment, Public Services, and Labor. Both ministries in coordination with the Ministry of Foreign Affairs and the Ministry of Territorial Administration have developed a program to identify and rehabilitate victims, educate the population, and strengthen the legal system with regard to the movement and trafficking of minors. Welcome centers have been set up in Mopti, Sikasso, and Bamako to assist child trafficking victims in returning to their families. During the year, the Ministry of Labor selected a coordinator, Almoustapha Toure, who specifically will handle child trafficking issues, as opposed to general child labor issues.

The Government took some steps to halt child trafficking and repatriate children to the country from Cote d'Ivoire; however, there was no estimate of the number of children in Cote d'Ivoire. During the year, more than 300 children were returned to their families from Cote d'Ivoire. This figure represents the number of children who were assisted at the Malian welcome centers; children who returned home without first going through a welcome center were not counted. In August 2000, the Government of Mali and the Government of Cote d'Ivoire signed a treaty to cooperate in combating trafficking. During the year, approximately 10 traffickers were arrested in Sikasso. Some of the traffickers were citizens, but others were from other countries in the region. At year's end, they were in detention awaiting trial.

MAURITANIA

Mauritania is a highly centralized Islamic Republic dominated by a strong presidency. The Constitution provides for a civilian government composed of a dominant

executive branch, a senate, and a national assembly. President Maaouya Ould Sid'Ahmed Taya has governed since 1984, first as head of a military junta, and since 1992 as head of an elected civilian government. Taya was reelected President with more than 90 percent of the vote in 1997 elections widely regarded as fraudulent. The next presidential elections are scheduled for 2003. In October 15 political parties presented candidates for simultaneous elections for the 81-member National Assembly and more than 3,000 municipal posts nationwide. The introduction of hard-to-falsify voter identification cards and published, revised voter lists led to elections considered generally fair and transparent. Opposition parties made significant gains, particularly in urban areas, winning 11 National Assembly seats and 15 percent of the municipal posts. The Constitution provides for an independent judiciary; however, the judiciary is subject to significant pressure from the executive through its ability to influence judges.

The Government maintains order with regular armed forces, the National Guard, the Gendarmerie, and the police. The Ministry of Defense directs the armed forces and Gendarmerie; the Ministry of Interior directs the National Guard and police. The armed forces are responsible for national defense. The National Guard performs police functions throughout the country in areas in which city police are not present. The Gendarmerie is a specialized paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. Security forces are under the full control of the Government and are responsible to it. Some members of the security forces committed human rights abuses.

The country, which has an estimated population of 2.5 million, has a market-oriented economy based on fishing, mining, subsistence farming, herding, and a small commercial sector. Fish and iron ore are the country's main export-earners. Drought, desertification, and insect infestation have contributed to rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. In February 2000, the country qualified for debt relief under the Highly Indebted Poor Countries initiative and in December 2000, published a Poverty Reduction Strategy Paper, which sets important targets for private sector development and improved access to education and health care for all segments of society in all parts of the country. The concentration of much of the country's wealth in the hands of a small elite, including the President's tribe and related Moor tribes, as well as a lack of transparency and accountability in certain areas of governance, impedes economic growth. Annual per capita national income is estimated at \$380 (97,000 ouguiya). The country receives foreign assistance from bilateral and multilateral sources.

The Government's human rights record remained generally poor, and problems remained in several areas. Democratic institutions remain rudimentary, and the Government circumscribes citizens' ability to change their government. In 2000 the Government dissolved the major opposition party, the Union of Democratic Forces (UFD). Security forces shot and killed one person during the year. Police used excessive force, beat, or otherwise abused detainees, and used arbitrary arrest and detention and illegal searches; however, reports of police abuses continued to decrease during the year. The Government failed to bring to justice most officials who committed abuses. Prison conditions remained harsh and unhealthy; however, the new men's prison completed in 2000 in Nouakchott reduced overcrowding and improved sanitary conditions. Pretrial detention continued; however, the length of pretrial detentions was shorter due to improved organization of the courts. The Government continued its program of judicial reform and training; however, the executive continued to exercise significant pressure on the judiciary, and in practice the right to a fair trial was not always realized. At times the Government restricted freedom of speech and of the press. While the Government tolerates a critical independent press, it continued to censor individual editions. The Government restricted freedom of assembly, and used excessive force in July to prevent a student meeting. The Government limited the freedoms of association and religion. The Government continued to refuse to recognize officially some nongovernmental organizations (NGO's) and human rights organizations. Discrimination against women continued, and female genital mutilation (FGM) remained a serious problem despite government efforts to halt the practice. Ethnic tensions continued to ease, but the largely southern-based ethnic groups, including the Halpulaar (also called Fulani or Peuhl), Soninke, and Wolof ethnic groups, remained underrepresented in political life and some of their members felt excluded from effective political representation. Child labor in the informal sector is common. A system of officially sanctioned slavery in which government and society join to force individuals to serve masters does not exist; however, there continued to be reports that slavery in the form of forced and involuntary servitude persists in some isolated areas, and that unofficial, voluntary servitude persists and that former slaves continue to work for former masters or

others for food, shelter, and clothing, although they were under no legal compulsion to do so.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces killed one person during the year. In February members of the National Guard killed one Senegalese fisherman and injured another Senegalese fisherman when they shot at fish poachers; no action was taken against the guard members. In late February, the Government and the Government of Senegal reached an agreement to increase the number of fishing licenses issued to the Senegalese, and since the agreement, there have been no further incidents of police shootings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other forms of cruel or inhuman punishment; however, on occasion the police reportedly continued to beat criminal suspects while in custody. In July police beat two persons detained in Aioun. There were fewer reports of the use of undue force by police in controlling public crowds or breaking up the limited number of peaceful demonstrations that took place (see Section 2.b.).

In February members of the National Guard injured one person when they shot at fish poachers (see Section 1.a.).

In July at the Hotel Chinguetti, police used excessive force to disperse a meeting of university students who were attempting to form a student association (see Section 2.b.).

There was no action taken against authorities who forcibly disrupted demonstrations and beat demonstrators in April 2000. No further action was taken against the members of the police who used excessive force to break up demonstrations by Black Moors protesting land redistribution; some demonstrators were beaten and injured (see Sections 1.f. and 2.d.). The Government sanctioned the Governor and the head of police by removing them from their posts.

In 1999 the Director of Security traveled to each region of the country to meet with police forces to inform their members that the Government would not tolerate the use of torture or undue force and that violators would be prosecuted. These visits reportedly were successful. The Government has continued its in-service training of police and other security personnel, which has shown some positive results. Reports of the use of excessive force, requests for payoffs, or other abusive behavior continued to decrease during the year, and some violators were sanctioned.

In November French judicial proceedings continued in absentia against Captain Ely Ould Dah, a Black Moor charged with torturing two Halpulaar in the country in 1990 and 1991 who later gained political refugee status in France. Ould Dah was arrested in France in 1999 under the International Convention Against Torture despite a general amnesty passed by Parliament in 1993, and he fled France in April 2000 while awaiting trial after being released on bail. Following the 1999 arrest, the Government reacted strongly to what it considered an infringement on its sovereignty by a French court and refused entry to a French prosecutor who sought to gather information to support the charges. Dah's case has prompted public debate on ways to further national reconciliation.

Prison conditions remained harsh; however, conditions in Nouakchott's prison continued to improve following the 2000 opening of a newly constructed section of the men's prison, which ended serious overcrowding. The former men's prison is used to provide space for educational and sports programs for children. In other prisons, serious overcrowding persisted and sanitation facilities remained inadequate and reportedly have contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international NGO, remained insufficient in all prisons. Some prisoners received special treatment based on family and position. Prisoners with high-level government connections and families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. The prison administration instituted in 1997 has improved markedly the conditions of prison food, health, hygiene, and family contacts; however, in the last 2 years, budgeted levels for improved food and nutrition, medical services and supplies, and new bedding and cleaning supplies were not met. New guard force management continued to enforce instructions against beatings and torture; however, there were reports of beatings of detainees at the Commissariat outside of the Nouakchott prison. The overall prison capacity is 700 and the prison population was 1,413 in October. The prison population in Nouakchott was 598 persons. There were 549 men, 25 women, and 24 minors; minors were held in separate facilities.

Female prisoners have separate facilities with a communal garden. Children of female prisoners remained with their mothers or the Ministry of Justice gave temporary custody of the children to another family member. The Noura Foundation, an NGO working in the prison, continued to provide a program of education and microenterprise projects to the female prisoners. UNICEF, in collaboration with the French organization CARITAS, has been providing increased services, including training and sports in the juvenile detention centers. The Government cooperated with an NGO to provide training for female guards who work at the women's prison; 15 women have served as prison guards in the women's prison since March 2000. A doctor and nurse assigned to the men's prison also provided medical care for the women's and children's prison, but the infirmary remained understaffed.

As a general procedure, pretrial detainees are held separately from convicted prisoners; however, this procedure was applied inconsistently.

The Government permits prison visits by domestic and international diplomats and human rights monitors. Foreign diplomats visited some prisons during the year. The International Committee of the Red Cross (ICRC) has access to prisons, but did not conduct prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, police arbitrarily arrested and detained citizens. The actual application of the constitutional safeguards continued to vary widely from case to case. The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court may detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney. There is a provision for granting bail, but it is used rarely.

Security forces continued to use arbitrary arrest, detention, and intimidation against opposition parties; however, there were fewer such reports during the year. In January several members of the banned opposition party Union of Democratic Forces-New Era (UFD-A) were detained in Nouadhibou and Nouakchott for several days; they were not charged. The UFD-A party claimed that party members detained for several days in January were political detainees. In April police detained Mohamed Lemine Ch'bih Ould Cheikh Malanine, leader of the Popular Front (FP) opposition party, and two other party members, on charges of conspiracy to commit acts of sabotage and terrorism; in June a judge in Aioun found Ch'bih guilty and sentenced him to 5 years in prison. The trial was marred by numerous irregularities, including a questionable last-minute change of venue, contradictory prosecution witnesses, and a lack of physical evidence. In December the Supreme Court upheld the court's conviction and sentence.

Unlike in the previous year, there were no reports that security forces arbitrarily arrested and detained returned refugees or others protesting land redistribution in communities in the south along the Senegal River; however, land tenure reform remains a concern (see Sections 1.f. and 2.d.).

Human rights activists report that police showed greater respect for legally mandated procedures and that prison administration continued to show improvement; however, pretrial detention after arraignment often is prolonged. An estimated 15 to 20 percent of those in prison have not yet been tried, or were awaiting sentencing following their trials. Some indicted detainees are released before trial without explanation; familial, tribal, or political connections may explain some of these cases. In 2000 the Government and an NGO sponsored a 10-day seminar for 50 police officers to inform them of the rights of children and the legal treatment of detained suspects.

There is no provision in the law regarding exile, and there were no reports of forced exile during the year. The Government continued to welcome the return of any citizens who had been expelled or who had fled from 1989 to 1991. In July former President Moktar Ould Daddah, who had been living abroad since his overthrow in 1978, returned to the country.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, in practice the executive branch exercises significant pressure on the judiciary through its ability to appoint and influence judges. In addition poorly educated and poorly trained judges who are susceptible to social, financial, tribal, and personal pressures limit the judicial system's fairness. However, the Government carried out a program to improve judicial performance and independence.

There is a single system of courts with a modernized legal system that conforms with the principles of Shari'a (Islamic Law). The judicial system includes lower-, middle-, and upper-level courts, each with specific jurisdictions. Departmental, regional, and labor tribunals are the principal instances at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, hear civil cases involving sums less than \$39 (10,000 ouguiya)

and family issues, such as domestic, divorce, and inheritance cases. A total of 13 regional tribunals accept appeals in commercial and civil matters from the departmental tribunals and hear misdemeanors. Three labor tribunals, composed of a president and two assessors (one who represents labor and one who represents employers), serve as final arbiters for labor disputes. At the middle level, three courts of appeal, each with two chambers (a civil and commercial chamber, and a mixed chamber), hear appeals from the regional courts and have original jurisdiction for felonies.

The Supreme Court nominally is independent and is headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviews decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review is within the purview of a six-member Constitutional Council, composed of three members named by the President, two by the National Assembly President, and one by the Senate President. Annual review of judicial decisions is undertaken by the Supreme Council of Magistrates, over which the President presides; the president and senior vice president of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly are members of this Council. The annual review is intended to determine whether courts applied the law correctly and followed proper procedures. The most recent review was used as a basis for evaluating the reform process, providing for retraining of judges, and making reassignments based on their qualifications.

The minimum age for children to be tried is 12. Those between the ages of 12 and 18 are tried and sentenced to the juvenile detention center (see Section 1.c.). In 2000 a special court to hear the cases of children under the age of 18 became operational. Children appearing before the court received more lenient sentences than did adults, and extenuating circumstances received greater consideration in juvenile cases.

With international assistance, the Government continued a program to improve judicial performance and independence, which consisted of organizing all laws and statutes into a single reference text and training officials throughout the justice system. Separate tribunals established in 1999 for specific types of disputes held court sessions more frequently, and as a result of dropping the requirement in 2000 to have three judicial personnel present for each trial, pretrial detention periods generally were shorter (see Section 1.d.). The Government continued to hold security officials accountable and prosecuted officials for abuses, which has improved the public perception of the judicial system.

Unlike in previous years, there were no significant training activities under the government education program conducted to upgrade the qualifications of judicial personnel.

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings, which are open to the public. If defendants lack the ability to pay for counsel, the court appoints an attorney from a list prepared by the National Order of Lawyers, which provides defense free of charge. The law provides that defendants may confront witnesses, present evidence, and appeal their sentences, and these rights generally were observed in practice.

Shari'a (Islamic law) provides the legal principles upon which the law and legal procedure are based, and because of the manner in which Shari'a is implemented in the country, courts do not treat women as the equals of men in all cases (see Section 5). For example, the testimony of two women is necessary to equal that of one man. In addition in awarding an indemnity to the family of a woman who has been killed, the courts grant only half the amount that they would award for a man's death. For commercial and other modern issues not addressed specifically by Shari'a, the law and courts treat women and men equally. The approval and publication in June of the new Personal Status code created a written framework to regularize the prevailing Shari'a-based family law, which without defining legislation had been applied unfairly. For example, formulas applied to property distribution varied widely from case to case. In addition the validity of and right to establish prenuptial agreements was not respected always.

Members of the opposition party FP claim that party leader Mohamed Lemine Ch'bih Ould Cheikh Malanine is a political prisoner and that his June conviction for conspiracy was a baseless pretense (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires judicial warrants in order to execute home searches; however, the authorities reportedly often ignore this requirement.

Government surveillance of dissidents and the political opposition is believed to continue, although the extent to which the Government used informants is unknown.

There were a number of reports that some government officials misappropriated land under the land reform system, confiscating the land of southern ethnic groups or the land traditionally held by Haratines and distributing it to their own friends and family (see Section 6.c.). The Government began implementation of the 1983 land reform law in 1990. The reform aimed at providing land for rural landless persons, including White and Black Moor victims of desertification in the northern and central regions and, in recent years, for returning southerners who had been expelled from 1989 to 1991. The reform also aimed to increase the amount of land under cultivation by leasing uncultivated land to those with the means to cultivate it. However, there may have been a net redistribution of land from southerners and Haratines to White Moors under that program, since the south has been affected less by desertification than the more northerly regions historically inhabited by the Moors. There also were some reports that some southerners who had been expelled or fled from the country from 1989 to 1991 were unable either to regain possession of the land they had farmed before 1989 or to gain possession of other land from the Government; however, other reports indicate that all those previously on the land were granted some land rights (see Section 6.c.).

In June 2000, police arrested and beat 13 persons in the Brakna region, who protested the redistribution of their traditionally held land to relatives of the Wali (Governor); they were released 2 weeks later. The Governor and the head of police were removed from their posts in September 2000. At year's end, the land still had not been restored to its original owners. In some cases, the fallow land was granted to wealthy Moors who developed commercial agricultural enterprises.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to restrict these rights through prepublication press censorship by the Interior Ministry. Two daily newspapers, Horizons and Chaab, and all broadcast media (radio and television) are government-owned and operated. NGO's and the privately owned press openly criticized the Government and its leaders. Antigovernment tracts, newsletters, and petitions circulated widely in Nouakchott and other towns.

All newspapers must register with the Ministry of the Interior. There were more than 300 journals and newspapers registered with the Ministry of the Interior, more than 200 of which do not publish regularly, including some never having published an edition. There only are approximately 25 privately owned newspapers that publish on a regular basis. These journals are weeklies and reach limited audiences, printing at most 3,000 copies of any 1 edition. The Government issues press cards to journalists and requires that they show this identification for participation in official press events. Private newspapers reported openly and critically on both the Government and the opposition. These newspapers also published party declarations and tracts without government censure or restraint during the October elections (see Section 3). Publications are exempt from all taxes on materials used to produce newspapers, journals, or books for the private press.

The Press Law requires publishers to submit copies of newspapers to the Ministries of Interior and Justice before distributing them. The Ministry of the Interior reviews all newspaper copy prior to publication and usually authorizes sales and distribution within 2 to 3 days. However, the Press Law provides that the Minister of the Interior can stop publication of material that discredits Islam or threatens national security. During the year, the authorities seized seven issues of different journals. The weekly newspaper Al Alam ceased publication after the Government banned it in December 2000. At year's end, a Middle East Information Agency representative, whose accreditation was suspended in 2000, had not been reaccredited. The Government provided no specific reasons for the seizures, the censure, or the banning other than to cite Article 11 of the Constitution, which prohibits materials that undermine national sovereignty, territorial integrity, or national unity.

Radio is the most important medium in reaching the public, and the official media strongly supported government policies. The Government continued to deny private applications to establish domestic radio stations. During the October legislative and municipal election campaign, the Government provided all candidates with equal access to its two newspapers and to the electronic media, allowing citizens to hear and read criticism of the Government in these media, as well as in the private press (see Section 3). Opposition parties' access to government radio broadcast facilities at other times was limited.

Using satellite receivers and dish antennas, citizens can receive foreign television broadcasts from France and Arab countries. Unlike in the previous year, the Government did not pressure Radio France International to discontinue its broadcasts or the Government of Qatar to discontinue its Al-Jazeera broadcast to the country following the transmission of several programs highly critical of the Government.

There are five domestic Internet service providers, which operate without governmental restrictions. Internet connections exist in Nouadhibou, the major commercial center, and five other regional capitals. Some private newspapers also maintain Internet sites, which the Government does not censor.

The Government does not restrict academic freedom, and there were no cases in which the Government prevented research or publication or censored lectures. The country's one university is government-funded and operated.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The law requires that all recognized political parties and NGO's apply to the local prefect for permission for large meetings or assemblies. In May 2000, the Government temporarily banned all public demonstrations and refused to grant permits to demonstrators in response to widespread demonstrations on price increases and the situation in the Middle East. In July the authorities denied university students permission to gather at the university campus to form a student association. When they attempted to hold the meeting at the Hotel Chinguetti, police used excessive force to disperse them.

In October the Government refused a permit for a demonstration by opponents of U.S. bombing in Afghanistan and the Government's policy of maintaining full relations with Israel.

There was no action taken against authorities who used force to disperse demonstrations in December 2000, November 2000, and April 2000.

The Constitution provides for freedom of association; however, the Government limited this right in practice and circumscribed the efforts of some groups by denying them official recognition. All political parties must register with the Ministry of the Interior. The number of political parties and labor unions remained the same. At least 15 political parties and a wide array of NGO's, many of them highly critical of the Government, functioned openly, issued public statements, and chose their own leadership; however, the UDP and Taliaa remained banned. The Government recognized 14 new NGO's and associations during the year, bringing the total number of such organizations to more than 600. The Government has not yet granted some NGO's official standing but did not prevent them from functioning. Among these are the Mauritanian Association for Human Rights (AMDH) and SOS-Eslaves (an antislavery NGO), which the Government claims potentially are divisive in that they appeal to specific ethnic groups, namely the southern and Black Moor communities respectively.

In 2000 the Government disbanded several parties, including the major opposition party, the UFD-A, claiming that it threatened security by inciting violence; the UFD-A remained disbanded at year's end. During the year, the Government allowed the opposition FP political party to operate after the May arrest and June conviction of party president Mohamed Lemine Ch'bih Ould Cheikh Malainine (see Section 1.d.).

Following a diplomatic confrontation with Iraq, resulting from the Government's opening full diplomatic relations with Israel, the Government accused Iraq in 2000 of undertaking subversive action against it, fomenting violent antigovernment demonstrations, and financing the Taliaa (Vanguard) political party. The Government disbanded the Taliaa party, whose officials had been meeting with Iraqi Ba'ath party representatives, citing constitutional prohibitions against "cooperation with a foreign party, accepting foreign funds for political propaganda, and carrying out illegal acts;" the party remained disbanded at year's end.

c. Freedom of Religion.—The Constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the State; accordingly, the Government limits freedom of religion. However, Christians in the foreign community and the few Christian citizens practice their religion openly and freely.

The Government does not register religious groups; however, secular NGO's must register with the Ministry of the Interior (see Section 2.b.); this includes humanitarian and development NGO's affiliated with religious groups. Nonprofit organizations, including both religious groups and secular NGO's, generally are not subject to taxation.

Shari'a (Islamic law) includes the Koranic prohibition against apostasy or conversion to a religion other than Islam; however, it never has been codified in civil law or enforced. The small number of known converts from Islam have suffered no social

ostracism, and there have been no reports of societal or governmental attempts to punish them.

Although there is no specific legal prohibition against proselytizing by non-Muslims, in practice the Government prohibits proselytizing by non-Muslims through the use of Article 11 of the Press Act, which bans the publication of any material that is against Islam or contradicts or otherwise threatens Islam; however, there were no reports that the Government punished persons for violating Article 11 during the year. The Government views any attempts by Christians to convert Muslims as undermining society. There are no known non-Muslim groups engaging in proselytizing, and foreign Christian NGO's limit their activities to humanitarian and development assistance.

Under Article 11, the Government may restrict the importation, printing, or public distribution of Bibles or other non-Islamic religious literature, and in practice Bibles are neither printed nor publicly sold in the country. However, the possession of Bibles and other Christian religious materials in private homes is not illegal, and Bibles and other religious publications are available among the small Christian community.

There is no religious oath required of government employees or members of the ruling political party, except for the President and the members of the 5-person Constitutional Council and the 10-person High Council of Magistrates presided over by the President. The Constitutional Council and the High Council of Magistrates advise the President in matters of law and the Constitution. The oath of office includes a promise to God to uphold the law of the land in conformity with Islamic precepts.

Both privately run Koranic schools, which nearly all children attend, and the public schools include classes on religion. These classes teach the history and principles of Islam and the classical Arabic of the Koran. Although attendance at these religion classes ostensibly is required, many students, the great majority of whom are Muslims, decline to attend for diverse ethno-linguistic and religious reasons. Nevertheless these students are able to advance in school and graduate with diplomas, provided that they compensate for their failure to attend the required religion classes by their performance in other classes.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects these rights in practice; however, in some regions, persons lacking identity cards could not travel freely.

Historically there were few restrictions on travel in the country's nomadic society. With urbanization and automobile travel, the Government has set up regular road checkpoints where the Gendarmerie checks the papers of travelers, and reportedly often demanded bribes. During the year, the Government generally maintained fewer road checkpoints than in previous years, and reduced the time taken in questioning and conducting vehicle searches. There were fewer reports of more stringent searches in the southern border areas. However, the number of checkpoints throughout the country increased temporarily between September and November both before and after the country's elections in October and following the September 11 terrorist attacks in the U.S. (see Section 3).

Of the approximately 70,000 members of largely southern-based ethnic groups who were expelled by the Government or fled to Senegal and Mali during the 1989–91 crisis, and of those born abroad since that time, the U.N. High Commissioner for Refugees (UNHCR) documented 33,248 returnees to 4 provinces along the Senegal River in 1999. Both the UNHCR and the Government agreed that many others have returned on their own to the larger towns and cities. Many more returnees among nomads, who are difficult to document, and urban dwellers are not included in UNHCR's figures. Informed observers estimate that the actual number of returnees ranges between 40,000 and 65,000. Entire villages as well as almost all Peulh (nomadic herders of the Halpulaar ethnic group) have returned. The Government has stated since 1993 that any citizen outside the country may return; however, the Government, the countries of asylum, and the UNHCR have signed no tripartite repatriation agreements. The UNHCR terminated programs to help returnees at the end of December 1998. The UNHCR estimated that there are between 15,000 and 20,000 refugees remaining in Senegal, although refugees have continued to return independently in small numbers and have benefited from small-scale agroforestry, health, and sanitation projects continued by NGO's and humanitarian workers.

Cooperation by local authorities in addressing restitution and citizenship matters varies greatly, depending on individual officials and the returnee's region. Repatriation efforts achieved greater results in the Trarza and Brakna regions than in Gorgol and Guidimaka to the east; however, observers noted that the situation in Gorgol improved considerably. Many returnees received their original homes, some

property, and all or a portion of their land (see Section 1.f.). Timely restoration of identity papers varied, and some of those who returned in 1995 have not yet received identification cards. In some regions, persons lacking identity cards could not travel freely.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government accepts UNHCR recommendations on the granting of asylum and refugee status. The Government, which has cooperated with the UNHCR and other humanitarian organizations in assisting refugees since 1989, signed a local headquarters agreement with the UNHCR in 1999. In recent years, the Government has provided first asylum to refugees from neighboring countries including Liberia, Sierra Leone, Senegal, Cote d'Ivoire, Mali, and Guinea-Bissau. The Government also has accepted the UNHCR's registration of approximately 200 asylum seekers, mostly from Sierra Leone and Liberia.

The country hosts more than 50,000 nationals of other West African countries who seek refuge and employment, primarily in Nouakchott and Nouadhibou. An estimated 60 percent of the country's small craft fishermen are Senegalese. There is a population of approximately 300 Sierra Leoneans living in Nouakchott. Some arrived more than 10 years ago and are employed fully. Approximately 225 of these have been granted refugee status and receive UNHCR assistance. The Sierra Leoneans held protest demonstrations at the U.N. compound on several occasions throughout 2000 demanding increased assistance and refugee status for all members of the group, including those with full-time employment, and resettlement in the West.

Approximately 2,000 former refugees from Mali who could repatriate have remained in the country and largely have been integrated into the local population. Nearly all these Malian refugees are Moors. The UNHCR no longer considers them to be refugees.

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

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

The Constitution provides citizens with the right to change their government; however, the Government restricts this right in practice. Although civilians fill all ministerial-level positions, some members of the Military Council that ruled from 1984 to 1992, in addition to President Taya, remained in positions of power within the executive branch, the National Assembly, the armed forces, and government-owned enterprises.

President Taya won an overwhelming victory in the 1997 presidential elections, although his opponents did better in the cities than in the rural areas. The official turnout of 75 percent and the winning percentage of 90 percent were inflated, because many individuals voted more than once. The Government distributed four voter registration cards to some persons, including government employees, instructing them to vote repeatedly for the incumbent. The opposition also distributed multiple voter registration cards to some persons, instructing them to vote repeatedly. The outcome of the elections was marred by fraud on all sides, including pervasive government intervention to support candidates from the ruling party. The elections were boycotted by a coalition of four opposition parties that had demanded enhanced media access, an opposition role in election preparation, creation of an independent electoral commission, enlargement of the commission charged with revision of the electoral list, and provision of official copies of the voting report from each polling station to representatives of each candidate. During the election campaigning, the Government granted the opposition access to the official media, but did not meet the other demands. The next presidential elections are scheduled for 2003.

One-third of the Senate is elected by the indirect balloting of municipal councils every 2 years; the latest elections were held in April 2000. The elections generally were well organized and were considered free and fair by international observers. However, four parties of the Political Opposition Front (POF) boycotted the national elections. As a result, only the governing party and parties affiliated with the governing party presented candidates. The ruling parties gained 14 of 18 seats being contested with 1 independent retaining his seat and 3 members of the ruling Republican, Democratic, and Social Party (PRDS) gaining seats as nominal independents. The first female candidate was elected to the Senate.

In October legislative and municipal elections, 15 opposition parties presented candidates for election. The Government introduced a hard-to-falsify voter identification card, revised and published all voter registration lists, used transparent ballot boxes, and allowed full access for a representative of each party to observe the

entire voting process, including ballot counting, in every precinct. However, due to resource constraints, not all parties sent observers to all polling stations. No visiting international groups observed the elections, but foreign diplomats and local observers noted that the elections generally were fair and transparent. However, they reported some irregularities, such as voters casting ballots at two different polling stations in a small number of precincts. Security forces avoided involvement in politics during the year; by law members of the military must resign if they wish to participate in partisan politics. Except during the election campaign, the Government denied the political opposition full access to government media or the ability to compete on an equal footing (see Section 2.a.). The FP party, which opposes diplomatic relations between the country and Israel, gained one seat in the legislative elections, and eight municipal council seats either outright or in coalition with other parties. The UFD-A, the major opposition party, remained banned (see Section 2.b.).

The country is divided into 13 provinces, including the capital district of Nouakchott, which are divided further into prefectures. The Government appoints the *Walis* (governors) and *Hakems* (prefects). Municipal councils are elected by general ballot, and they elect their mayors, usually the head of the majority party's list. Most government services are provided by the central government. The elected councils are responsible for some public services, such as sanitation, and have fiscal autonomy and taxing power. Their administrative staff is independent of the Government. The councils elect the national Senate.

Elections are held by secret ballot. At polling places on election day, registered citizens receive a package of color-coded cards, containing one card for each candidate. Each citizen votes by entering a booth where they place the card of their candidate of choice into a sealed envelope. Voters then deposit the envelope into a sealed transparent ballot box in front of observers from each political party. The unused cards are discarded on the floor. Although voters in theory could take the unused cards out of the polling place with them, the ready availability of many unused cards on the floor makes the cards worthless as evidence of how a voter has voted and effectively eliminates the potential for abuse in such a multiple ballot system. A countrywide census, taken at the end of 1998 and designed to register all citizens and standardize the current complex system of names, also was aimed in part at providing the basis for free and fair elections. Prior to the elections in October, the Government completed the distribution of hard-to-falsify identity cards. It also updated and published computer-based voter registration lists in French and Arabic.

The percentage of women in government or politics does not correspond to their percentage of the population; however, women have the right to vote, and formed the majority of voters in the 1997 presidential election. Women occupy some senior government positions: Four cabinet level posts including the cabinet-level post in charge of information, one secretary-general post, and two senior presidential advisors (including a Haratine). In addition four women serve as senior advisors to ministers. Women are well represented in the Secretariat of Women's Affairs, including a number from minority ethnic groups. There are four female members of the National Assembly and one female Senator. A total of 3 of the 14 members of the Executive Bureau of the ruling PRDS are women, and a woman heads the UDP party, a part of the ruling coalition.

The percentage of minorities in government or politics does not correspond to their percentage of the population; Haratines, Halpulaars, Soninkes, and Wolofs are underrepresented in senior government positions. Of the Government's 20 ministerial posts, 2 incumbents are Haratine, 2 are Halpulaar, and 1 is Soninke; the remaining 15 are of either White Moor or mixed White Moor/Haratine ethnicity (see Section 5). The full 27-member Cabinet, including secretaries of state, has 3 Haratines, 3 Halpulaars, and 1 Soninke. The 56-member Senate has 3 Haratines, 4 Halpulaars, 3 Soninkes, and the remaining 46 are of either White Moor or mixed White Moor/Haratine heritage. The 81-member National Assembly has 9 Haratines, 8 Halpulaars, 2 Soninkes, and 2 Wolof.

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

There are three human rights organizations concerned with overall human rights issues, only one of which operates with official government registration. The oldest is the Mauritanian League for Human Rights (LMDH), an independent, government-recognized body. A second organization, the AMDH, still is unrecognized (see Section 2.b.). While not affiliated with the opposition, the AMDH has many opposition members. The AMDH was more critical of the Government than the LMDH, particularly on the unresolved abuses of the 1989-91 period. The International Study and Research Group on Democracy and Economic and Social Development in Africa (GERDDES-Africa) established a branch in the country in 1994 that has not

been recognized officially. The Government has not responded to the applications of these organizations, on the grounds that they are ethnically based organizations that are divisive and in violation of the law; however, the unrecognized organizations continued to carry out their activities unimpeded. The Government was responsive to NGO's.

Other organizations, including 14 unregistered associations, also addressed human rights issues. Two groups, SOS-Eslaves and the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, focus their efforts on overcoming the country's vestiges of slavery (see Section 6.c.). SOS-Eslaves particularly is active in claiming that slavery remains pervasive and appealing to national and international audiences to contribute to its eradication. SOS-Eslaves leader Boubacar Ould Messoud and other SOS-Eslaves members traveled abroad freely during the year and made such claims during speaking tours.

The Committee of Solidarity with the Victims of Repression in Mauritania is concerned with the plight of the 1989 expellees. The Consultative Group for the Return of the Refugees was founded to promote the return of the remaining refugees in Senegal. The Collective of Worker Victims of the 1989 Events seeks redress for government employees who lost their jobs in the events of 1989. The Committee of the Widows and the Collective of Survivors focus on the sufferings of the victims of the 1990-91 military purge and their families. The Collective of Survivors of Political Detention and Torture was established in 1996 to seek redress for abuses committed during the 1986-87 period. These groups and other groups of individuals with common concerns functioned openly and actively, but their efforts are circumscribed somewhat because they are not recognized officially (see Section 2.b.). The Coalition of Human Rights NGO's is an umbrella organization for 12 of these organizations; it represents the group in various forums, including representations to foreign embassies.

The only international association concerned with human rights to visit the country during the year was the ICRC, which makes routine annual visits. In 2000 after consulting with international developmental NGO's, both houses of the Parliament passed legislation governing the procedures and conditions under which international NGO's can conduct business in the country. The Executive signed the legislation in July 2000, but regulations still were not implemented by year's end. This legislation would facilitate the legal right for NGO's to conduct their work by providing for duty free imports, licensing of vehicles, and other provisions. Some international development NGO's operate under direct agreements with the Government, but most have been working without governing regulations.

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

The Constitution provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda. In practice the Government often favored individuals on the basis of ethnic and tribal affiliation, social status, and political ties. Societal discrimination against women, strongly rooted in traditional society, is endemic, although the situation continued to improve.

Women.—Abuse and domestic violence is illegal; however, human rights monitors and female lawyers report that domestic violence is rare, particularly among the Moor population. The police and judiciary occasionally intervened in domestic abuse cases, but women in traditional society rarely seek legal redress, relying instead upon family and ethnic group members to resolve domestic disputes. Rape, including spousal rape, is illegal; however, there were no known arrests or convictions under this law. The incidence of reported rape is low; it occurs, but newspaper accounts of attacks are rare.

Traditional forms of mistreatment of women continued, mostly in isolated rural communities, but these practices appeared to be on the decline. One form of such mistreatment is the forced feeding of adolescent girls (gavage), which is practiced only among the Moors. Experts previously estimated that between 60 and 70 percent of women experienced gavage but now conclude that very few Moor women continue to experience gavage. The change in figures appears to reflect both prior over-estimation and a significant decline in the practice in recent years. While there is no law prohibiting gavage, the Government has made it a policy to end the practice. The Government continued intensive media and educational campaigns against gavage during the year in the Government print and broadcast media and through public seminars.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced among all ethnic groups except the Wolof. It is performed most often on young girls,

often on the 7th day after birth and almost always before the age of 6 months. A 1996 report by the U.N. Population Fund and a study published in 1997 by Jeune Afrique Economie cited the country as one in which 25 percent of women undergo FGM. Among Halpulaar women, more than 95 percent undergo FGM. Preliminary results of a foreign-funded study indicate that 66 percent of those who perform FGM recognize that the practice is detrimental to women's health, and 54 percent of imams agree that the practice is dangerous. Local experts agree that the least severe form of excision is practiced, and not infibulation, the most severe form of FGM. The practice of FGM has decreased in the modern urban sector.

The Government continued intensive media and educational campaigns against FGM during the year. It is a clear public policy of the Government, through the Secretariat of Women's Affairs, that FGM should be eliminated, and the Government bars hospitals from performing it. Public health workers and NGO's educate women on the dangers of FGM and on the fact that FGM is not a requirement of Islam. For example, a 1996 officially produced Guide to the Rights of Women in Mauritania (with religious endorsement) stressed that Islam does not require FGM and that, if medical experts warn against it for medical reasons, it should not be done. According to several women's rights expert, the campaign against FGM appeared to be changing attitudes towards the practice.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights are recognized. By local tradition, a woman's first marriage, but not subsequent marriages, requires parental consent. In accordance with Shari'a (Islamic law) as applied in the country (see Section 1.e.), marriage and divorce do not require the woman's consent, polygyny is allowed, and a woman does not have the right to refuse her husband's wish to marry additional wives. In practice polygyny is very rare among Moors but is common among other ethnic groups. Arranged marriages also increasingly are rare, particularly among the Moor population. Women frequently initiate the termination of a marriage, which most often is done by repudiation of husband or wife rather than divorce. It also is common in Moor society for a woman to obtain, at the time of marriage, a contractual agreement that stipulates that her husband must agree to end their marriage if he chooses an additional wife. The rate of divorce among Moors is estimated to be 37 percent, and the remarriage rate after divorce is 72.5 percent.

Women still faced legal discrimination. For example, the testimony of two women is necessary to equal that of one man, and the value placed on women's lives in court-awarded indemnities only is half the amount awarded for a man's death (see Section 1.e.). However, women did not face legal discrimination in areas not addressed specifically by Shari'a. The law provides that men and women receive equal pay for equal work. While not applied universally in practice, the two largest employers, the civil service and the state mining company, respected this law. In the modern wage sector, women also received family benefits, including 3 months of maternity leave.

The Government seeks to open new employment opportunities for women in areas that traditionally were filled by men, such as health care, communications, police, and customs services. Women became more involved in the fishing industry and established several women's fishing cooperatives. In 1999 for the first time, women were hired by the army to serve as police inspectors and customs officials. In 2000 the first female Acting Police Commissioner was appointed in the capital and also began serving as Chief Investigator in the same police station. In 2000 approximately 70 jurists and female lawyers established an association of female jurists and, under the auspices of the Ministry of Justice, organized their first national congress dedicated to the legal concerns of women.

The Secretariat for Women's Affairs works with many NGO's and cooperatives to improve the status of women. A booklet published late in 2000 advises women of their rights. The Government, women's groups, and national and international NGO's organized meetings, seminars, and workshops throughout the year to publicize women's rights.

Children.—The law makes special provision for the protection of children's welfare, and the Government has programs to care for abandoned children; however, these programs were hampered by inadequate funding. The Government relies on foreign donors in such areas as child immunization.

Starting with the school year that began in November, the Government requires attendance at school for 6 years, but complete implementation of universal primary education is not scheduled to be complete for at least 3 years, primarily because the Government lacks the financial resources to provide educational facilities and teachers throughout the country, especially in remote areas. Education receives the largest share of the national budget at 13.5 percent. The Government has made universal primary education a priority; however, there only was a slight increase in at-

tendance from the previous year, in which the school enrollment rate was 86 percent. There are no legal restrictions on the education of girls. Girls constituted 48.8 percent of all children enrolled in school in 1998. An estimated 84 percent of school-age girls attended elementary school in 1998 and 1999, up from 44.8 percent in 1990 (compared with 88 percent for boys, up from 58.3 percent). At the secondary level, female students constituted 37.4 percent of those enrolled. Despite these increases, enrollment in the eastern part of the country, the Brakna, and along the Senegal River remained at a lower level. The Government introduced a special countrywide program in 1995 and 1996 to boost female enrollment at the elementary level. Female students made up 17 percent of the university's 1998–99 enrollment, compared with 9 percent in 1990. Female students also constituted 30.5 percent of students enrolled in technical schools, compared with 2 percent in 1990. The literacy rate for women is 36 percent, compared with 50 percent for men. Almost all children, regardless of sex or ethnic group, attend Koranic school between the ages of 5 and 7 and gain at least rudimentary skills in reading and writing Arabic (see Section 2.c.).

FGM is performed commonly on young girls (see Section 5, Women).

Local NGO's estimate that there are more than 250 street children.

The Government does not enforce adequately existing child labor laws, and children perform a significant amount of labor in the informal sector in support of family activities (see Section 6.d.).

Persons with Disabilities.—The law does not provide specifically for persons with disabilities, and the Government does not mandate preference in employment or education or public accessibility for persons with disabilities. However, it does provide some rehabilitation and other assistance for persons with disabilities. NGO's increasingly have become active in raising public awareness of issues affecting persons with disabilities. The school for the deaf and the blind in Nouakchott operated 6 classrooms and enrolled 35 students (20 girls and 15 boys) during the year; however, the school lacked trained staff. In 2000 the school obtained the services of a volunteer expert who provided professional training for the staff.

There is no societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—Ethnic minorities and low-caste individuals among all ethnic groups confront societal discrimination. Ethnic and cultural tension and discrimination arise from the geographic and cultural line between traditionally nomadic Arabic-speaking (Hassaniya) Moor herders and Peuhl herders of the Halpulaar group in the north and center, and sedentary cultivators of the Halpulaar (Toucouleur), Soninke, and Wolof ethnic groups in the south. Although culturally homogeneous, the Moors are divided among numerous ethno-linguistic clan groups and are distinguished racially as Beydane and Haratine, or White Moors and Black Moors, although it often is difficult to distinguish between the two groups by skin color. The majority of those known as Black Moors are Haratine, literally meaning "one who has been freed," although some Black Moor families never were enslaved. "White" Moors, large numbers of whom are dark-skinned after centuries of intermarriage with members of Sub-Saharan African groups, dominate positions in government and business. The Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups are concentrated in the south and are underrepresented in the military and security sectors.

A number of accounts indicate that redistribution of southern farmland to Moors since the acceleration of desertification in the 1970's has contributed to tensions between Moors and southern-based ethnic groups. Although much of the Government's redistribution of land has been from southerners to southerners, some Moors have been resettled in the south (see Section 1.f.). Ethnic tensions surfaced dramatically in the mass expulsions of southern-based ethnic groups—mostly Halpulaars—in 1989 and 1990 and the purge of Halpulaars from the military in 1991. Few regained their positions; however, tensions have lessened.

The Constitution designates Arabic, Pulaar, Soninke, and Wolof as the country's national languages. However, successive governments—both civil and military—have pursued various policies of "Arabization" in the schools and in the workplace. Non-Arabic-speaking ethnic groups have protested this policy, as have Arabic-speaking groups that want their children to obtain a bilingual Arabic-French education.

In 1999 the National Assembly approved educational reforms to replace the separate track Arabic-French system of education, which had been in place for 20 years, with a unified system for all citizens in which both French and Arabic would be the languages of instruction for all students. Under the separate track system, Moors generally attended Arabic language schools, while Halpulaars, Soninke, and Wolof attended French-language schools. The Government concluded that the separate track system had contributed to ethnic divisions. Reversion to the previous unified system, with all students attending the same schools, is expected to promote social

cohesion. The reform also provides for English and civics to be introduced at an early stage. The promotion of other national languages, previously included at the elementary level, was moved to the university level.

Ethnic rivalry significantly contributed to political divisions and tensions. Some political parties tend to have readily identifiable ethnic bases, although political coalitions among them increasingly are important. The acceleration of desertification during the 1970's that destroyed much of the traditional economic basis of Moorish society, and an upsurge of Arab nationalism among White Moors during the 1980's, contributed to ethnic violence precipitated by a dispute with Senegal during 1989–91; this violence entailed the expulsion or flight of many non-Moors living in the south and occupation of much of their land by Moors, including Black Moors. Inter-ethnic bitterness and hostility persists, and continues to be aggravated by climatic, land, and population pressures.

A number of accounts suggest that some members of the long-dominant White Moor community, which traditionally enslaved darker skinned groups, may continue to expect or desire servitude on the part of members of the generally darker-skinned Black Moors and southern ethnic groups, and that such attitudes may impede efforts to build a nondiscriminatory society and to eliminate the vestiges of slavery and consequences of slavery, goals to which both the Government and major opposition parties are committed. There are indications that racism on the part of some White Moors may have contributed both to the persistence of such vestiges and consequences of past White Moor enslavement of Black Moors, and to the expulsions and reported dispossession of members of darker southern ethnic groups with no tradition of servility to White Moors. However, southern-based ethnic groups and Black Moors have manifested little racial solidarity socially or politically, and racial differences did not contribute either to historical slavery or to the persistence of its vestiges and consequences among southern-based ethnic groups.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right of citizens to join any political or labor organization. All workers except members of the military and police are free to associate in and establish unions at the local and national levels. The bulk of the labor force is in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent are employed in the wage sector. However, nearly 90 percent of industrial and commercial workers are organized.

The Labor Code, does not restrict trade union pluralism, and there are three labor confederations: The Union of Mauritanian Workers (UTM), the General Confederation of Mauritanian Workers (CGTM), and the Free Confederation of Mauritanian Workers (CLTM). There also are four unaffiliated professionally based labor unions. The oldest of the three confederations, UTM, still is viewed by many workers as closely allied with the Government and the ruling PRDS. It has lost ground to the CGTM, which was recognized in 1994 with 23 member unions, and the CLTM, which was founded in 1995 and recognized in 1998. The CGTM is not affiliated with any party, although most of its members tend to favor the opposition. The CLTM is associated with the Action for Change (AC) opposition party.

The Government provides funds to the confederations in proportion to their memberships. All three confederations supplied representatives to the country's four labor tribunals and were included in most government deliberative or consultative bodies. Several independent trade unions, in particular three for teachers at the elementary, secondary, and university levels, also were active.

The law provides workers with the right to strike. It also provides for tripartite arbitration committees composed of union, business, and government representatives. Once all parties agree to arbitration, the committee may impose binding arbitration that automatically terminates any strike. Strikes in the private sector must be preceded by submission of a nonconciliation or negotiation-breakdown report. There were no strikes or work stoppages during the year.

The International Labor Organization (ILO) Committee of Experts has noted that compulsory arbitration effectively prohibits strikes and has asked the Government to bring its legislation into compliance with the requirements of ILO Convention 87 on Freedom of Association and Protection of the Right to Organize; however, there was no government action by year's end.

International trade union activity continued. The Government included CGTM, UTM, and CLTM representatives in its delegation to the ILO in June 2000. The national federations continued to organize training workshops for their memberships throughout the country.

Unions are free to affiliate internationally. The UTM participates in regional labor organizations. The CGTM and UTM are both members of the International Confed-

eration of Free Trade Unions (ICFTU). The UTM is a member of the Organization of African Trade Union Unity (OATUU), but the CGTM's application was not accepted, as the OATUU only accepts one member federation from each country.

b. The Right to Organize and Bargain Collectively.—The law provides that unions may organize workers freely without government or employer interference. General or sectoral agreements on wages, working conditions, and social and medical benefits are negotiated in tripartite discussion and formalized by government decree. Wages and other benefits also may be negotiated bilaterally between employer and union and the results of such negotiations are filed with the Directorate of Labor. Although the Directorate has the ability to change the negotiated settlement between labor and business, there were no known cases of such action.

Laws provide workers with protection against antiunion discrimination and employees or employers may bring labor disputes to three-person labor tribunals administered jointly by the Ministries of Justice and Labor with the participation of union and employer representatives. The Government in theory can dissolve a union for what it considers an "illegal" or "politically motivated" strike; however, there were no instances in which the Government did this. No unions were disbanded during the year.

There are no export processing zones (EPZ's); however, the Investment Code approved by the National Assembly in December provides for the creation of EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, the law only applies to the relations between employers and workers and there were reports that such practices occurred. The ILO Committee of Experts has requested that the Government take measures to extend the prohibition to any form of forced labor and vestiges. Citizens continued to suffer the effects and consequences of the practice of slavery and of caste distinctions over generations including the traditional existence of a slave caste in both Moor and southern (black African) communities. Slavery was abolished officially three times in the country, most recently by the post-independence government in 1980. Even before 1980, the practice of slavery among the traditionally pastoralist Moors had been reduced greatly by the accelerated desertification of the 1970's; many White Moors dismissed their former Black Moor slaves because the depletion of their herds left them unable either to employ or to feed slaves. However, widespread slavery also was traditional among ethnic groups of the largely nonpastoralist south, where it had no racial origins or overtones; masters and slaves both were black. The south has suffered less from desertification, and some reports identify it as the region in which vestiges and consequences of slavery persist most strongly.

A system of officially sanctioned slavery in which government and society join to force individuals to serve masters does not exist. There has been no open trading in slaves for many years; however, there continued to be unconfirmed reports that slavery in the form of forced and involuntary servitude persisted in some isolated areas. Unofficial voluntary servitude persists, with some former slaves continuing to work for former masters in exchange for monetary or nonmonetary benefits such as lodging, food, or medical care. Many persons, including some from all ethnic groups, still use the designation of slave in referring to themselves or others. The reasons for the persistence of such practices appear to be economic, psychological, and religious, although they vary widely between the different ethnic groups. Poverty, persistent drought, and a weak economy provided few economic alternatives for many and left some former slaves vulnerable to exploitation by former masters. There were reports that some former slaves in some sedentary communities have continued to work for their former masters or others without remuneration in order to retain access to the land they traditionally farmed, although the law provides for distribution of land to the landless, including to former slaves, and this law has been enforced in many cases (see Section 1.f.). Anecdotal evidence suggests that no more than 20 percent have received land. Deeply embedded psychological and tribal bonds also make it difficult for many individuals who have generations of forebears who were slaves to break their bonds with former masters or their tribes. Some persons continue to link themselves to former masters, because of the belief that their slave status had been ordained religiously, and due to fear of religious sanction if that bond is broken.

Adults cannot be obliged by law to remain with former masters nor can they be returned if they leave. However, adult females with children have greater difficulties and may be compelled to remain in a condition of servitude. For example, in some cases, especially where the former master claims to be the father, former masters refuse to allow children to accompany their mothers when the mother leaves the master. In other cases, the greater economic responsibility of supporting a family may be the principal impediment to a woman seeking a new life. Children's legal status is more tenuous than that of adults. There have been no reports of sales or

the “transfer” of children or other individuals from one employer or master to another since 1996, when there were occasional confirmed cases of transfers; reports of sales are rare, cannot be confirmed, and appear to be confined to past years.

Problems related to the vestiges and consequences of slavery usually entered the public domain in judicial cases, most often in the form of child custody and inheritance disputes between former masters and former slaves or their descendants. In most cases involving custody disputes between former masters and former female slaves, the courts have been instructed by the Minister of Justice to rule in favor of the women, and in virtually all custody cases that were tried were decided in favor of the women; however, court adjudication of such cases is rare. The determination of such cases is problematic in a country where there is polygyny, “secret” marriages, no written records, and divorce by repudiation (see Section 5). The courts are prepared to pursue the concept of genetic testing to determine paternity, but no such cases have yet been brought. Several inheritance disputes between Haratines and the descendants of their former master were adjudicated in court in recent years. Most such disputes were decided in accordance with the law, as the courts ruled that the descendants of the former slaves should inherit their property; however, in some cases involving land tenure, courts reportedly did not uphold the property rights of former slaves. In 2000 the land of several Black Moor families, some of whom were former slaves, in the Dar El Barka and Boghe communes was confiscated by the Wali (Governor) for redistribution to his relatives and supporters. The Government punished the Governor by removing him from his post. The new Governor was considering returning the land to the Haratine communes, but had not done so by year’s end (see Section 1.f.).

The legacy of caste distinctions continued to affect the status and opportunities available to various groups. For example, in some groups, individuals of a higher caste who seek to marry someone of a lower caste may be barred by their families or by the community, and in Soninke communities members of the slave caste cannot be buried in the same cemetery as other castes.

NGO positions on the existence of slavery are not uniform. For example, SOS-Esclaves in an 1997 report characterized slavery as a persistent social reality, whose occurrence among disadvantaged classes is far from negligible (see Section 4). The Organization of African Unity’s (OAU) African Commission on Human and People’s Rights issued a report in 1997 that disputed the conclusions of the SOS-Esclaves report. While allowing for the possibility of isolated cases of slavery in the remote countryside, the Commission concluded that slavery does not exist as an institution and that the persistence of vestiges of slavery was the more convincing explanation of social relations. Anti-Slavery International has stated that there is insufficient evidence to conclude whether or not slavery exists, and that an in-depth, long-term study was required to determine whether the practice continues.

Three NGO’s—SOS-Esclaves, the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, and the Initiative for the Support of the Activities of the President—focused on issues related to the history of slavery in the country. SOS-Esclaves particularly was active in bringing to public attention cases in which it found the rights of former slaves to have been abridged and in assisting former slaves in their difficulties with former masters. Other human rights and civic action NGO’s also follow this issue closely. The independent press, which includes journals that are published by Haratines and southern-based ethnic groups who emphasize issues of importance to these ethnic groups, also is quick to report any incident that comes to its attention in which the rights of former slaves have not been respected.

The Government focuses on education, literacy, and agrarian reform as the main means to eradicate the vestiges of slavery and address its consequences. Classes are integrated fully, including boys and girls from all social and ethnic groups. In recent years, the Government’s record in cases in which an individual’s civil rights were affected adversely because of status as a former slave was poor. When complaints were filed with the Government to remedy cases involving detention of individuals against their will, the Government intervened in accordance with the law, although sometimes only after considerable prompting and passage of time. In 1999 the Government created a new cabinet post, the Commissariat for Human Rights, Poverty Alleviation, and Integration. A major focus of the commissariat is to address the vestiges and consequences of slavery.

The law prohibits forced and bonded labor by children, and there were reports that children in families affected by the vestiges of slavery also performed labor; however, such labor was not forced.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law provides that children must not be employed before the age of 14 in the non-agricultural sector unless the Minister of Labor grants an exception due to local cir-

cumstances. The Government has a functional labor inspectorate empowered to refer violations directly to the appropriate judicial authorities. The Government lacked sufficient resources to enforce existing child labor laws (see Section 5).

The law specifies that no child under the age of 13 may be employed in the agricultural sector without the permission of the Minister of Labor or under the age of 14 in the nonagricultural sector. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage, and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage. Young children in the countryside commonly pursue herding, cultivation, fishing, and other significant labor in support of their families' activities. In keeping with longstanding tradition, many children serve apprenticeships in small industries and in the informal sector. There is no child labor in the modern industrial sector.

Unlike in the previous year, the Government did not conduct any efforts such as the 2000 campaign to publicize the rights of children, including pertinent labor regulations and the objective of universal education.

The law prohibits forced and bonded labor by children, and there were reports that children in families affected by the vestiges of slavery also performed labor; however, such labor was not forced (see Section 6.c.). Children of slave families are allowed to attend school.

e. Acceptable Conditions of Work.—The minimum monthly wage for adults is \$38.71 (9,872 ouguiya). The national minimum monthly wage does not provide a decent standard of living for a worker and family.

The standard, legal, nonagricultural workweek may not exceed either 40 hours or 6 days without overtime compensation, which is paid at rates that are graduated according to the number of supplemental hours worked. Domestic workers and certain other categories work 56 hours. The Labor Directorate of the Ministry of Labor is responsible for enforcement of the labor laws, but in practice inadequate funding limited the effectiveness of the Directorate's enforcement.

The Ministry of Labor also is responsible for enforcing safety standards but did so inconsistently, due to inadequate funding. In principle workers can remove themselves from hazardous conditions without risking loss of employment; however, in practice they cannot.

The law protects legal but not illegal foreign workers, and foreign workers may join unions.

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.

MAURITIUS

The Republic of Mauritius is a parliamentary democracy governed by a prime minister, a council of ministers, and a national assembly. The President, Sir Cassam Uteem, who was nominated by the Prime Minister, Sir Anerood Jugnauth, and confirmed by the National Assembly, serves as Head of State, with largely ceremonial powers. National and local elections, supervised by an independent commission, take place at regular intervals. According to international and local observers, the national elections, held in September 2000, were free and fair, and resulted in a victory for an opposition coalition, the Mauritian Socialist Movement/Militant Mauritian Movement (MSM/MMM). There are numerous political parties, and partisan politics are open and robust. The judiciary is independent.

A paramilitary Special Mobile Force under civilian control is responsible for internal security. This force, commanded by the Commissioner of Police, is backed by a general duty police force. Both forces are largely apolitical, but were criticized for being inadequately trained to prevent and control rioting that broke out nationwide in 1999. Some members of the security forces committed serious human rights abuses.

The economy is based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The country's population is more than 1 million. The standard of living is high, with a per capita gross domestic product of \$3,274 (98,547.40 rupees). The Government is diversifying the economy by promoting investment in new sectors such as information technology and financial services.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There was at least one alleged extrajudicial killing by a government agent, and during the year judicial inquiries were ongoing in at least seven cases of deaths in police custody. There continued to be reports that police abused suspects and detainees and delayed suspects' access to defense coun-

sel. The Government's monopoly in broadcasting local news and programming continued. In some cases, police restricted freedom of assembly. The National Human Rights Commission was established and began receiving complaints, primarily about police abuses. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of workers in the export processing zone (EPZ). Child labor and forced child prostitution remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was one report of the arbitrary or unlawful deprivation of life by the Government or its agents, and numerous reports of deaths in police custody. In August at the central prison, prisoners and a prison guard beat to death a man who had been charged with extorting money from them. The guard was suspended, and the guard and the prisoners were charged provisionally with murder. The investigation was ongoing at year's end.

In August a judicial inquiry began into the January 2000 case in which police shot and killed Rajen Sabapathee; the results of the inquiry are not expected to be released until early 2002.

In May the Prime Minister responded to a parliamentary question and stated that more than 13 detainees had been found dead in police cells between 1996 and February (see Section 1.c.). The deaths were under investigation at year's end. Additionally, three more persons died in police custody in March and July; their deaths were under investigation at year's end (see Section 1.c.).

From 1996 to 2000, four death-in-prison cases were closed: Two hangings; one poisoning; and one death from natural causes. In all of the other cases of deaths in prison subsequent to February 1999, police conducted investigations, and there were no reports of abuse or neglect. Investigations continued into the 2000 cases in which three persons died while in police custody, one from pneumonia, one from burns, and one from poisoning.

The judicial inquiry continued into the 1999 death in police custody of a popular Creole singer, Kaya. Kaya's death sparked 3 days of rioting during which police shot and killed three protesters, one police officer died of cardiac arrest, and shops, homes, and churches were burned and looted, resulting in an estimated \$50 million (1,250 million rupees) in damages. In March two men were sentenced to 6 months of hard labor for their roles in the 1999 riots. Following a second inquiry into the death of another Creole musician, who was shot and killed by police during the 1999 riots, the Director of Public Prosecutions recommended in May 2000 that disciplinary proceedings be introduced against the three police officers accused of the killing of the second musician. No disciplinary proceedings had been introduced by year's end. In October 2000, the Government released a report on the riots, compiled by a judicial commission, that criticized the previous Government and the police for their handling of the riots; it also criticized some opposition politicians and Creole activists for inciting some of the riots. Although the commission did not investigate Kaya's death, it criticized the police for holding the musician in a high security area although the crime he was accused of did not warrant it (see Section 5). At year's end, the investigation into the death of Kaya continued; however, no actions were taken with regard to any of the deaths that occurred during the riots.

In December 2000, authorities arrested Hizbullah leader Mohammad Fakemeeah (also known as Cehl Meeah) and charged him with the killings of three rival Muslim political activists during the 1996 municipal election campaign (see Section 1.c.). By the end of 2000, police had arrested three other Hizbullah members in connection with the killings. Trials for all four suspects were pending at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and inhuman punishment, and authorities generally respected this prohibition; however, there continued to be complaints of abuses by the police. The most frequent form of alleged police abuse is the use of force to coerce a suspect to sign a confession.

In April a suspect in a high-profile murder case reported that police had beaten him and doused his head in water to extract a confession. The suspect recanted his confession, stating he only confessed because he wanted the torture to stop. In May a foreign national was detained for several hours on suspicion of stealing a bicycle; he later stated that his signed confession was coerced.

In December 2000, police arrested Hizbullah leader Cehl Meeah for a 1996 killing (see Section 1.a.). Supporters alleged that police mistreated Meeah in detention; Meeah was hospitalized 2 days later for observation and x-rays. The police commis-

sioner appointed a high-level committee to investigate the allegations. The investigation was pending at year's end.

In the first half of the year, the police branch in Curepipe, in the central part of the country, received 36 complaints of police brutality; police in most towns received only 1 or 2 complaints of brutality during the same period. The Government reported that nationwide there were 108 complaints of police brutality filed between 1999 and 2000. In October and November 2000, approximately a dozen individuals detained by the Central Investigative Division (CID) of the police on suspicion of crimes including armed robbery and murder reported that police had beaten them during interrogation. In December 2000, the Commissioner of Police opened an investigation into the complaints; however, by year's end, no results had been announced.

No action was taken in the November 2000 case in which officials of an antidrug squad detained a foreign national for 2 days, verbally abused him, and subjected him twice to intrusive body cavity searches and drug testing. The officials refused to allow him access to embassy officials; ultimately he was released without charge (see Section 1.d.).

A judicial inquiry was ongoing into the circumstances behind the 1999 death in police custody of the popular singer Kaya (see Section 1.a.). On December 10, the decision to reopen the judicial inquiry was taken by the Deputy Prime Minister and communicated to the court; no further action was taken by year's end.

In response to the eight reported deaths in police custody between January 1, 1998, and February 28, 1999, (see Section 1.a.), the Commissioner of Police established in October 1999 a Complaints Investigation Bureau (CIB) to investigate complaints against police; it is funded and staffed by the police. The National Human Rights Commission, established in April, supervises the CIB (see Section 4); between April and August, the Commission received 24 complaints of police brutality. At year's end, the Commission was compiling its figures for the year.

Prison conditions generally met international standards; however, there were some deaths in prison. Food, water, and medical care were available to all prisoners; sanitation was adequate. Women were held separately from men, and juveniles were held separately from adults. There were no reports of abuse of women or juveniles in prison. Pretrial detainees are held separately from convicted prisoners.

There continued to be reports of deaths in police custody (see Section 1.a.). In March a man died after he was hit on the head, which reportedly occurred after he was arrested. In July one man died in police custody from injuries received during a beating; another man died as a result of hanging. In all three cases, the family members of the deceased accused the police of having a role in the deaths. Investigations into the deaths were ongoing at year's end. Investigations continued into the 2000 cases in which three persons died while in police custody, one from pneumonia, one from burns, and one from poisoning. In all of the other cases of deaths in prison subsequent to February 1999, police conducted investigations, and there were no reports of abuse or neglect.

The Government has permitted prison visits by foreign diplomats, the national Ombudsman, a team from the U.N. Human Rights Commission (UNHRC), and the press. During the year, the press, the UNHRC, and other international organizations made regular prison visits. The Government stated in 1999 that it would investigate conditions and treatment in police holding cells; however, it did not begin an investigation by year's end.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. In most cases, suspects are provided prompt access to family and defense counsel; however, police in some cases delayed suspects' access to defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access.

In March police on the island of Rodrigues briefly detained the editor of the Rodrigues newspaper on a charge of publishing false information (see Section 2.a.). No action was taken in the November 2000 case in which officials of an antidrug squad detained and abused a foreign national for 2 days (see Section 1.c.).

In April 2000, an investigation by the Director of Public Prosecutions revealed that authorities in the southern part of the country held a man suspected of murder in police custody for 2 years without formally charging him with a crime. The man was released on bail in May 2000. It is unlikely that an official report of the 2000 judicial inquiry into this case will be released publicly.

Following public opposition, the Government did not implement the 2000 Public Security Act, which would allow police with the rank of assistant superintendent and above to detain individuals without a warrant in any situation where the delay in obtaining a warrant may be prejudicial to public safety; however, the Government

did not implement the law in response to public opposition (see Section 2.b.). The political opposition at that time, which also opposed the bill, became the governing coalition in September 2000, and it is not expected to implement the bill.

The Constitution prohibits forced exile, and the Government does not use it.

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

The judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Privy Council in the United Kingdom.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. Defendants have the right to private or court-appointed counsel. In December 2000, the National Assembly passed a Dangerous Drugs Act, which allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel. At the same time, the National Assembly passed a constitutional amendment to permit the 36-hour detention of suspects without legal counsel.

There were no reports of political prisoners.

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

Following public opposition, the Government did not implement, nor is it likely to implement, the 2000 Public Security Act, which would allow police of the rank of assistant superintendent and above to search any premises without a warrant in any situation where the delay in obtaining a warrant may be prejudicial to public safety (see Sections 1.d. and 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, in March police on the island of Rodrigues briefly detained the editor of the Rodrigues newspaper on a charge of publishing false information. His arrest followed the publication of an article that alleged that a Rodrigues man died as a result of injuries received in police custody. A hearing, initially scheduled for November, was postponed until February 2002.

More than a dozen privately owned newspapers presented varying political viewpoints and expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government has not invoked these measures to inhibit the press. Libel suits between private parties are common.

The government monopoly in broadcasting local news and programming continued. In the first half of the year, the Independent Broadcast Authority (IBA) was established. The IBA was created by the Independent Broadcasting Authority Act, which the National Assembly passed in August 2000. In June and July, the IBA began formulating licensing rules and hearing applications for broadcast licenses. Its mandate is to regulate and license all radio and television broadcasting, and the law provides for private ownership of broadcasting stations and the independence of the IBA. However, the IBA is composed of representatives of several government ministries and is chaired by Ashok Radhakisson, an appointee of the Prime Minister. The IBA also is subject to the Prime Minister on matters of national security and public order. In late December, the IBA authorized two private radio stations to receive broadcasting licenses; however, the stations were unable to begin broadcasting because they had not yet received “multicarrier” service. Also in late December, the IBA announced that a third radio station would be authorized to broadcast. All three private stations are expected to receive their licenses in early 2002.

A private news organization broadcasts local news on the Internet, thereby circumventing the ban on private party television or radio local news broadcasts. Foreign international news services, such as the United Kingdom’s Sky News, France’s Canal Plus, and Cable News Network, are available to the public by subscription.

Opposition and media observers criticized the state-owned Mauritius Broadcasting Corporation (MBC) for supporting the governing alliance in the September 2000 election campaign. The new Government stated following the elections that it would depoliticize the MBC. Representatives of the Mauritian Journalists Association noted in October 2000 that broadcast journalists reported less governmental pressure on their reporting, and the directors of the MBC met in November 2000 to discuss ways to make the MBC more apolitical; however, at year’s end, no specific action had been taken.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, police permission is required for demonstrations and mass meetings, and such permission was refused in certain cases during the year. However, there is a right of judicial appeal, and in one high-profile case in August 2000 during the election campaign, the Supreme Court overturned a decision not to permit a demonstration. In this case, police refused to allow a public gathering to discuss alleged corruption by then-government ministers. The Supreme Court overturned this refusal, stating that the threats of defamation and disturbing the peace were not sufficiently compelling to prohibit the gathering. While groups have the right to challenge denials, they occasionally proceed with their demonstrations without police permission; in such cases, police usually disperse the demonstrators. The demonstration's leaders usually are warned verbally and sometimes briefly detained.

In July several unions representing sugar workers organized demonstrations to protest the Government's sugar sector restructuring plan (see Section 6.a.).

In December 2000, supporters of Hizbullah leader Cehl Meeah demonstrated on two occasions to protest his alleged mistreatment while in police custody (see Sections 1.a. and 1.c.). Police did not interfere with the demonstrations.

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

Following public opposition, the Government did not implement the 2000 Public Security Act, which would allow the Commissioner of Police to proscribe any organization believed to promote or engage in terrorism. The act also would allow police to arrest any group of 10 or more persons who riot or threaten to riot and to arrest any individual present at the scene of a riot (see Section 1.d.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. While the Government is secular in both name and practice, for political reasons in the past it has favored the Hindu majority of the population with greater access to government patronage; however, there were no reports that this practice occurred during the year.

Religious organizations and faiths that were present in the country prior to independence, such as the Roman Catholic Church, the Church of England, the Presbyterian Church, the Seventh-Day Adventists, Hindus, and Muslims, are recognized in a parliamentary decree. These groups also receive a lump-sum payment every year from the Ministry of Finance based upon the number of adherents, as determined by a 10-year census. Newer religious organizations (which must have a minimum of 7 members) are registered by the Registrar of Associations and are recognized as legal entities with tax-free privileges. No groups have been refused registration.

Foreign missionary groups are allowed to operate on a case-by-case basis. There are no government regulations detailing the conditions of their presence or limiting their proselytizing activities. Groups must obtain both a visa and a work permit for each missionary. Foreign missionaries sometimes are prohibited from residing in the country beyond 5 years (which would permit them to seek Mauritian citizenship), but religious organizations are permitted to send new missionaries to replace them.

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

The Constitution does not provide for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention

Relating to the Status of Refugees and its 1967 Protocol. The Government does not grant asylum to refugees in general on the grounds that the country is small, has limited resources, and does not wish to become a haven for large numbers of refugees; however, the Government does provide first asylum on occasion. For example, in 1999 the Government allowed a Seychelles citizen and his family to remain in the country while they sought asylum in another country; they were granted asylum in another country in March 2000. In June 2000, two refugees from the Democratic Republic of the Congo sought asylum. The U.N. High Commissioner for Refugees (UNHCR) refused to grant them refugee status, and the Government expelled them to Zimbabwe at the end of July 2000. The Government cooperates with the UNHCR.

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

In November 2000, a group of citizens who are natives of the Chagos Archipelago (also known as the British Indian Ocean Territory) won a lawsuit against the British Government that claimed they had been removed illegally from their homeland in 1971. In response to the lawsuit, the British Government ruled that the Chagossians could return to the outer islands of the archipelago but not to Diego

Garcia. The Chagossians planned to visit the islands in November in preparation for their eventual return; however, the visit was postponed.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections. According to international and local observers, free and fair national elections were held in September 2000, and the opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition. Suffrage is universal except for approximately 100 fishermen on 6- to 12-month contracts who are residents of the island of Saint Brandon. These fishermen may vote on the main island provided they are registered and physically present on election day.

In August the Government released a study on the decentralization and autonomy of the island of Rodrigues, which called for the creation of a regional elected assembly in Rodrigues that would have authority over Government funds for Rodrigues, among other powers. No action was taken to implement this recommendation by year's end.

The percentages of women and minorities in government and politics do not correspond to their percentages of the population. Of the 70 National Assembly seats, women hold 4, and there is one female minister. In the National Assembly, as many as eight members are appointed through a "best loser" system to ensure that all ethnic groups are represented; there were eight such members during the year.

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

A number of domestic and international human rights organizations, including Amnesty International, Transparency International, and SOS Femmes, generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

Prior to April, the constitutionally mandated, autonomous Ombudsman investigated complaints of human rights abuses. In 2000 the Ombudsman received 710 complaints, 130 of which were resolved. The police, the Ministry of Education, and the Ministry of Health were among the government agencies listed in the complaints. Since the creation of the National Human Rights Commission (NHRC) in April, the Ombudsman no longer investigates human rights problems. In previous years, the Ombudsman presented an annual report to the Government that detailed the status of investigations into these complaints. In April the NHRC, which had been provided for by a 1998 law, was established. The NHRC is composed of a president of the commission, who according to the law, must be a former Supreme Court judge and three other members, of whom one must be a lawyer or a judge with 10 years of experience, and the other two must have experience in the human rights field. The NHRC is authorized to investigate abuses by any public servant, but it cannot investigate complaints that are already the subject of an inquiry by the Ombudsman, the Director of Public Prosecutions, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC has the authority to visit centers of detention or prisons to assess and make recommendations on conditions. The NHRC first tries to resolve complaints through conciliation. If not successful, it can forward cases to the Director of Public Prosecutions (if criminal in nature), to the service commissions for disciplinary measures, or to the responsible authority in question. Between April and August, the NHRC received 50 complaints, 24 of which were complaints of police brutality (see Section 1.c.).

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

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, religion, or sex, and the Government generally respected these provisions.

Women.—Domestic violence against women, particularly spousal abuse, is a problem, according to the Ministry of Women's Rights, Child Development, and Family Welfare; attorneys; and nongovernmental organizations (NGO's). The Protection from Domestic Violence Act criminalizes domestic violence and provides the judicial system with greater powers to combat this problem. In March SOS Femmes, an NGO, published a study on domestic violence in the country in which 84 percent of the women surveyed reported being victims of physical abuse. Alcohol or drugs was a contributing factor in nearly 70 percent of these cases. In November 2000, the Ministry of Women's Rights, Child Development, and Family Welfare released a study on domestic violence conducted by independent consultants. The study stat-

ed that 6,367 cases of domestic violence were reported to authorities between September 1998 and August 1999. According to the study, 1,242 protection orders were issued against abusive partners in 1999. According to officials, the number of reported spousal abuse cases has risen primarily due to a greater awareness of women's rights and the Government's readiness to enforce them. Nevertheless, many victims still choose not to prosecute or report their attacker, primarily due to cultural pressures.

Since women often depend on their spouses for financial security, many remain in abusive situations for fear of being unable to provide for their children as single parents. While a magistrate can order a spouse to pay child support, some spouses have stopped working in order to avoid payment. The law criminalizes the abandonment of one's family or pregnant spouse for more than 2 months, the nonpayment of court-ordered food support, and sexual harassment.

Traditionally women have played subordinate roles in society, and societal discrimination continues; however, women have access to education, employment, and government services. The Minister of Women, Family Welfare, and Child Development stated in August 1999 that 25.8 percent of managers are women.

Children.—The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. Education is free and mandatory until the age of 12; attendance at the primary level is 100 percent, but only 60 percent of children attend school at the secondary level (which includes the ages from 12 to 19). In May the Government announced an education reform plan that would increase mandatory education to the age of 16 by 2003. The plan would eliminate the ranking of primary students based on their scores in a primary education certificate exam with the objective of making more students eligible to attend secondary school. As part of the plan, the Government announced that it would address the increase in secondary students by building new schools and converting some schools, including private schools, into a regional network of secondary schools. Under the plan, the Government is expected to start converting schools in 2002 and to start building additional secondary schools in 2003. The Government has started construction of 17 new secondary schools, which are scheduled to be completed by 2003. The Government also has started to build five new Form 6 schools planned to open in January 2003. Four colleges also are being extended, and four vocational colleges are being converted.

No action was taken during the year on the Government's 1998 plan to prepare a curriculum for human rights education to be introduced into social studies courses at the primary and secondary levels. The original goal was to implement the curriculum at the primary level in 1999 and at the secondary level in 2002.

The Government provides full medical care for children.

Although incidents of child abuse are reported, private voluntary organizations claim that the problem is more widespread than is acknowledged publicly. Most government programs are administered by the state-funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development, which provide counseling, investigate reports of child abuse, and take remedial action to protect affected children. In June 2000, the Ministry announced that 3,350 cases of child abuse have been reported since 1997.

Under the law, certain acts compromising the health, security, or morality of a child are crimes. Child prostitution is a criminal act, but only the adult is an offender, while the child involved is given social aid (see Section 6.d.). Forced child prostitution is a problem (see Sections 6.c. and 6.d.). Child pornography also is a crime, and the child is offered social aid while the adult offender is prosecuted.

Child labor, including forced and bonded child labor, is a problem (see Sections 6.c. and 6.d.).

Persons with Disabilities.—There is no discrimination against persons with disabilities, including mental illness, in employment, education, or in the provision of other state services. The law requires organizations that employ more than 10 persons to set aside at least 3 percent of their positions for persons with disabilities. There is no law mandating access to public buildings or facilities. The law does not require that work sites be accessible to persons with disabilities, making it difficult for persons with disabilities to fill many jobs.

Religious Minorities.—Tensions between the Hindu majority and Christian, Creole, and Muslim minorities persisted; however, there were no violent confrontations during the year.

The country is a small island nation, and ethnic groups, known as "communities," are tightly knit. Interreligious or interethnic marriage is relatively rare. An individual's name easily identifies his or her ethnic and religious background. There is a strong correlation between religious affiliation and ethnicity. Citizens of Indian ethnicity are usually Hindus or Muslims. Citizens of Chinese ancestry usually practice

Buddhism and Catholicism. Creoles and citizens of European-descent are usually Catholic. While there is concern among Hindu organizations that evangelical churches are converting Hindus to Christianity, the 1990 and 2000 censuses show that the proportions of membership in the various faiths have remained the same during the last 10 years: 50 percent Hindu, 32 percent Christian, 16 percent Muslim, and 2 percent other faiths.

In December 2000, police arrested and charged Cehl Meeah, the leader of the local chapter of Hizbullah, an international Shia Muslim group, and three others for the 1996 killing of three rival Muslim political activists (see Sections 1.a. and 2.c.).

In the wake of violent confrontations in February and May 1999 that were partially the result of ethnic tensions, the Government took steps to foster unity, including the establishment in 1999 of an annual National Unity Award, which is given to individuals who have implemented programs that promote national unity. In 1999 the President also formed a Committee for the Promotion of National Unity, which organized activities to foster goodwill between ethnic groups. Also in 1999, the heads of the Catholic Diocese and the Hindu House recommended that the President establish an interreligious council; however, such a council had not been established by year's end.

Some minorities, usually Creoles and Muslims, allege that a glass ceiling exists within the upper echelons of the civil service that prevents them from reaching the highest levels.

National/Racial/Ethnic Minorities.—Tensions among the Hindu, Creole, Muslim, European, and Chinese communities persisted; however, there were no violent confrontations during the year. In 1999 there were several days of rioting and inter-ethnic confrontations after a popular Creole singer died in police custody, resulting in four deaths and approximately \$50 million (1,250 million rupees) in property damage. In 2000 the Government released a report on the riots compiled by a judicial commission. The report criticized the previous government and the police for its handling of the riots; it also criticized some opposition politicians and Creole activists for inciting some of the riots. The commission made general recommendations to the Government and the police for handling similar future incidents (see Section 1.a.).

In November 2000, four men were found guilty and sentenced to life in prison for setting a fire at a Chinese social club in Port Louis in 1999 that resulted in seven deaths.

As a result of the ethnic violence that occurred in February and May 1999, several initiatives were taken in 1999 to improve relations between ethnic groups.

In 1999 the President established the Committee for the Promotion of National Unity, which consists of 20 members from a wide cross section of the public and private sectors. The Committee has sponsored a variety of activities to promote goodwill between ethnic groups. The Mauritian Council of Social Service (MACOSS), which serves as an umbrella group for NGO's in the country, created a conflict resolution working group to address ethnic tensions. The Mauritius Peace Initiative (MPI) and the MACOSS working group held meetings in 1999 and 2000. MACOSS holds meetings on the last Thursday of every month. The MPI last met in August 2000. In addition a group of citizens based in the northern part of the country formed an NGO in March 1999 geared toward promoting ethnic unity. During the year, they organized community events around religious holidays in which residents of all faiths participated.

In 1999 the Rodrigues Government Employees Association sued the Public Service Commission and the Government for placing different service conditions on those civil servants who were born and lived on the island of Rodrigues compared to civil servants who were born on the main island of Mauritius and worked on Rodrigues. In 2000 the Supreme Court rejected the association's suit; however, the group appealed. The request for an appeal was scheduled to be heard by the Supreme Court in January 2002.

Section 6. Worker Rights

a. The Right of Association.—The Constitution explicitly protects the right of workers to associate in trade unions, and there is an active trade union movement. Approximately 335 unions represent 111,231 workers, or 21.5 percent of the work force. Many unions are small, having fewer than 1,000 members. Ten major labor federations serve as umbrella organizations for these smaller unions. With the exception of members of the "disciplined force," namely, the police and the Special Mobile Force, and persons in government services who are not public officers such as contractors, workers are free to form and join unions and to organize in all sectors, including in the export processing zone (EPZ). Although only 10 percent of EPZ workers are unionized, these workers are covered by national labor laws (see Sec-

tion 6.b.). The Mauritian Labor Congress asserts that union membership is low in the EPZ in part because employers in the EPZ intimidate employees and restrict access to union organizers. The International Confederation of Free Trade Unions (ICFTU) alleged that employers have established employer-controlled work councils for workers in the EPZ. Labor unions are independent of the Government, and they have established ties to domestic political parties and addressed political issues.

Under the Industrial Relations Act (IRA), unions have the legal right to strike; however, the IRA requires a 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. The Government has 21 days to respond to any labor dispute referred to the Ministry of Labor. If the Government does not respond within 21 days by referring the case either to the Permanent Arbitrary Tribunal (PAT) or to the Industrial Relations Commission (IRC), then the workers have the legal right to strike. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. There were no strikes during the year. The IRA grants the Prime Minister the prerogative to declare any strike illegal if he considers that it "imperils the economy."

In July the Government unveiled a plan for restructuring the sugar sector that included provisions for the early retirement of 9,200 sugar workers. In July several of the unions representing the sugar workers held demonstrations to protest the constitutionality of the plan and the details of the retirement package, which was decided upon without union input.

Under the law, unions may establish ties with international labor bodies, and some unions have done so.

b. The Right to Organize and Bargain Collectively.—The law protects the right of employees to bargain collectively with their employers. The ICFTU reported that the law does not protect trade unions adequately against acts of interference by employers. The International Labor Organization (ILO) reported that the Government began a labor law reform project with ILO technical assistance in 1997; however, new legislation still was pending at the State Law Office level at year's end. Minimum wages for nonmanagerial level workers are set by the National Remuneration Board (NRB), whose chairman is appointed by the Minister of Labor; however, most unions negotiate wages higher than those set by the NRB. Almost 13 percent of the labor force works for national or local government. The IRA prohibits antiunion discrimination. There is an arbitration tribunal that handles any such complaints.

Approximately 90,765 persons work in the EPZ. Workers in EPZ firms enjoy the same basic protections as workers in other firms; however, there are some EPZ-specific labor laws, including the provision for 10 hours per week of mandatory, paid overtime at a higher wage than for ordinary working hours. The Mauritian Labor Congress asserts that union membership is low in the EPZ in part because employers in the EPZ intimidate employees and restrict access to union organizers.

The ICFTU 2000 report stated that there was very little collective bargaining in the EPZ and that the National Remuneration Board determined wages after representations by employers and workers' representatives.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor outside the EPZ, and there were no reports that such practices occurred in the case of adults. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage (see Sections 6.b. and 6.e.).

According to the ILO Committee of Experts, the Merchant Shipping Act contains provisions that are not compatible with international standards regarding forced labor. Certain breaches of discipline by seamen are punishable by imprisonment. The Government indicated that it proposed to amend the Merchant Shipping Act to make it compatible with ILO Convention 10; however, it took no action during the year.

The law prohibits forced and bonded labor by children; however, there were reports of forced child prostitution, which the Government has targeted as a top law enforcement priority (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under age 15 and limits the employment undertaken by youth between ages 15 and 18, and the Government generally respects this law in practice; however, child labor, including forced child labor, is a problem. According to Section 55 of the Labor Act, the penalties for employing a child are a fine of no more than \$66 (2,000 rupees) and a term of imprisonment not to exceed 1 year.

The legal minimum age for the employment of children is 15 years; however, children unable to attend secondary school often seek apprenticeships in the trades. Vo-

cational schools train students who fail the primary education certificate exam taken by students at the end of the sixth year of primary education.

The Ministry of Labor is responsible for the enforcement of child labor laws and conducts frequent inspections. According to the Ministry of Women's Rights, Child Development, and Family Welfare, 2,000 children between the ages of 12 and 14 were employed or looking for work in 1998. Child labor in homes, on farms, and in shops is common on the island of Rodrigues.

The Ministry of Labor is responsible for investigating reports of child labor abuses; 30 inspectors are employed by the Ministry to investigate all reports of labor abuses, including those of child labor. During 2000 the inspectors performed approximately 5,000 inspections and at least 1 inspection of a report of child labor.

The law prohibits forced or bonded labor by children; however, forced child labor, namely prostitution, exists (see Sections 5 and 6.c.). In 2000 the new Minister of Women's Rights, Child Development, and Family Welfare released a 1998 study on the sexual exploitation of children that the previous government had withheld. Although it did not provide the number of child prostitutes, the study reported that children enter into prostitution as early as age 13; their clientele included industrialists, professionals, police officers, parliamentarians, and ministers. The Government has targeted child prostitution as a top law enforcement and prevention priority. In February the Ministry of Women, Child Development and Family Welfare established a hotline for reporting cases of child prostitution. In July a task force on prostitution at the Ministry commissioned a quantitative study on the magnitude of the child prostitution problem in the country. In July police broke up a prostitution ring involving adolescents in the north of the main island. During the year, both the Ministry and NGO's sponsored seminars on the dangers of prostitution for the public and schoolchildren. Some NGO's also have formed regional awareness networks and developed training materials for educators.

e. Acceptable Conditions of Work.—The Government administratively establishes minimum wages, which vary according to the sector of employment, and it mandates minimum wage increases each year based on inflation. The minimum wage for an unskilled worker in the EPZ is \$12.30 (369 rupees) per week, while the minimum wage for an unskilled factory worker outside the EPZ is approximately \$3.53 (106 rupees) per week; these sums do not provide a decent standard of living for a worker and family, but the actual market wage for most workers is much higher due to a labor shortage and collective bargaining. The standard legal workweek in the industrial sector is 45 hours. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage. According to the Mauritian Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see Section 6.b.).

The Government sets health and safety standards, and Ministry of Labor officials inspect working conditions and ensure compliance with the law. The small number of inspectors limits the Government's enforcement ability; however, through voluntary compliance, the number of occupational accidents has been reduced. Workers have the right to remove themselves from dangerous situations without jeopardizing their continued employment.

In August an international NGO conducted a study commissioned by the Ministry of Labor comparing working conditions between men and women, particularly in the area of wages. The results of the study were not released by year's end.

In October 2000, the Minister for Training Skills Development and Productivity reported that there were 24,292 foreign workers in the country, of whom 20,081 worked in the textile sector. Since they often do not speak English, French, or Creole, it is difficult for them to demand their rights, which are the same as those of citizen employees, including the right to belong to a union. In June it was reported that a Ministry of Labor investigation indicated that many foreign workers did not receive all of the overtime wages to which they were entitled; the companies at fault were instructed to remedy the situation or face legal action. Most of the companies complied, rather than face legal action; however, cases of those that did not comply were prosecuted. There were cases in which foreign workers obtained local legal counsel to redress their grievances.

f. Trafficking in Persons.—The law prohibits trafficking in children, but does not specifically mention trafficking in adults. In 1999 there were reports from Madagascar that women and young girls were trafficked to the islands of Reunion and Mauritius for prostitution; however, there were no similar reports during the year. The penalties for those found guilty of child trafficking are a minimum fine of \$370 (10,000 rupees) or imprisonment for up to 5 years.

MOZAMBIQUE

Mozambique's constitutional Government, headed by President Joaquim Chissano, held its second general multiparty elections in 1999. President Chissano was reelected, and his party, the Front for the Liberation of Mozambique (FRELIMO), won 133 seats in the 250-seat Assembly of the Republic, with the remaining 117 seats going to the opposition coalition of the Mozambique National Resistance-Electoral Union (RENAMO-UE). According to international observers, the elections generally were free and fair; however, they were marred by opposition allegations of vote-counting irregularities that international observers determined did not impact the results. Chissano and the leadership of FRELIMO, which have ruled the country since independence in 1975, dominate policymaking and implementation. The Assembly is a multiparty parliament that provides useful debate on national policy issues and generates some proposals independently. During legislative sessions, the Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. Opposition parties in the Assembly boycotted most parliamentary activities between February and November 2000 to protest the election results; however, they resumed full participation in February. FRELIMO and RENAMO-UE cooperated on a number of ad hoc and standing committees in the Parliament, and on several occasions drafted joint legislation that was supported by both sides. The Constitution provides for an independent judiciary; however, the executive branch dominates the judiciary, which lacks adequate resources, and is chronically understaffed, susceptible to corruption, and largely ineffectual.

The forces responsible for internal security under the Ministry of Interior include: The Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Reaction Police (PIR). The State Information and Security Service (SISE) reports directly to the President. The military continued to suffer from a lack of money and a long-term strategy. Many former military personnel of all ranks work in other government security forces. The PIC, PRM, and PIR legally are under the control of the civilian Government; however, at times local police have acted in contravention of the guidelines established by the civilian authorities. The political opposition claims that the PIR operates in support of the ruling party. Members of the security forces committed numerous, serious human rights abuses.

Mozambique is a very poor country; its population is approximately 17 million. Approximately 80 percent of the population is employed in agriculture, mostly on a small scale level, and approximately 75 percent of the population lives in poverty. The primary exports are shrimp, sugar, cotton, cashew nuts, and bulk electric power. The gross domestic product (GDP) was approximately \$4.84 billion, an increase of 14.8 percent from 2000. Inflation was approximately 21.9 percent, an increase from the 2000 level of 11.4 percent. The economy and government budget remained heavily dependent on foreign aid. The economy had a \$608 million trade deficit, down from a \$848 million deficit in 2000. Annual per capita income was \$245. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors. Flooding caused by heavy rains in February and March severely damaged crops, livestock, and rural infrastructure in the north-central portion of the country. However, economic indicators for the second half of the year showed some strengthening of the economy.

The Government's human rights record remained poor, and although there were some improvements in a few areas, it continued to commit serious abuses. Police continued to commit numerous abuses, including extrajudicial killings, excessive use of force, torture, and other abuses. Police officers tortured and beat persons in custody, and abused prostitutes and street children. During the year, the president of the League of Human Rights (LDH), a local nongovernmental organization (NGO), noted that the human rights situation in general had deteriorated in several areas, such as police corruption, brutality, and intimidation; labor strife, and other societal concerns. Prison conditions remained extremely harsh and life threatening; several prisoners died due to the harsh conditions. Police continued to use arbitrary arrest and detention, and lengthy pretrial detention was common. Fair and expeditious trials were problematic due to an inefficient, understaffed, and underfunded judiciary, which was dominated by the executive and subject to corruption. There were reports of some infringements on the right to privacy. The Government generally respected freedom of the press; however, unknown persons harassed some journalists during the year. News coverage by media outlets owned by the Government and state enterprises was influenced by members of the ruling party; however, the number and diversity of independent media increased, and their criticism of the Govern-

ment, its leaders, and their families largely is tolerated. Human rights violations received extensive coverage in both government and independent media during the year. An amended law provides for freedom of assembly with regulations; however, the Government forcibly dispersed at least three demonstrations during the year. The police did not violently disperse demonstrations in support of the opposition. Both the Government and the law imposed some limits on freedom of association. The Government at times infringed on freedom of movement. Domestic violence against women, as well as widespread discrimination against women in employment and property rights, remained problems. The abuse and criminal exploitation of street children, including child prostitution, increased in urban areas. Discrimination against persons with disabilities and child labor remained problems. There were unconfirmed reports that women were trafficked to South Africa for prostitution and forced labor. Occasional mob violence resulted in several deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There continued to be reports of extrajudicial killings by security forces; however, unlike in the previous year, there were no reports of political killings during the year.

On January 12, a police officer shot and killed Salomao Ubisse in Chamanculo, a suburb of Maputo, for failing to obey the a police order to remain still; police subsequently confirmed that he was not the suspect that they were looking for. The police suspended the officer involved and filed both disciplinary and criminal proceedings against him. Charges were pending at year's end.

In March prison guards shot and killed both Edmundo Jaime and Neto Luis Neves during a reported escape attempt from the Machava Jail in Maputo province.

On April 15, Caetano Joaquim Chapepa reportedly died after prison guards tortured and tied him to a tree in Meconta, reportedly because his sister visited him without authorization. It was unknown whether any action was taken against any of the guards.

Extremely harsh prison conditions and torture continued to result in the deaths of several persons in custody (see Section 1.c.). In particular serious illness led to deaths in custody. On October 3, Fernando Santos died in custody at the Agricultural Penitentiary of Chimoio. Santos' sister accused jail guards of torturing him to death and claimed that she was not informed of his death for 26 days. The police stated that Santos died of tuberculosis and that they attempted to contact the family within 3 days of his death but were unable to locate them.

The Government continued to cooperate with international organizations in demining efforts during the year to remove the hundreds of thousands of mines planted between 1960 and 1990. According to the National Demining Institute (IND), 249 persons were killed in landmine accidents between 1992 and 2000. Landmine incidents continued to decline; 7 persons were killed and 18 were injured in landmine accidents in 2000. The National Demining Institute did not release updated information regarding deaths or injuries due to landmines during the year.

During the year, the Government prosecuted two police officers for the deaths of more than 100 detainees in Montepuez in 2000 who reportedly died of asphyxiation in their cell. On July 1, two Montepuez jail officials were found guilty of homicide, sentenced to 17 and 18 years respectively, and were each ordered to pay \$952 (20 million meticais) to the family of each person who died. In July RENAMO criticized the sentences for being too lenient (see Sections 1.c. and 1.d.).

The Government reported that the shooting of six civilians at a police station in Aube in 2000 during a confrontation with police was lawful; however, an LDH report disputed this claim. The Government blocked an initiative to form a parliamentary commission to investigate the incident and did not take further action on the case by year's end.

The LDH reported a possible pattern of execution-style killings committed by uniformed police in the Marracuene area in 2000. The Government did not respond, and it appeared unlikely to respond to the LDH report.

No action was taken, nor is any likely, against the members of the security forces responsible for killing the following persons in 2000: RENAMO party officials Eduardo Foao, Ricardo Moaine, and Geraldo Carvalho; Tomas Paulo Nhacumba and Gildo Joaquim Bata; Emidio Raul Nhancume; and Eliseu Geraldo Muainga.

In 2000 as many as 54 persons were killed during violence related to rallies and marches held throughout the country to protest the outcome of the 1999 elections (see Sections 1.c., 1.d., 1.e., and 2.b.). The total number of persons killed remains in dispute among human rights groups, the opposition, and the National Assembly. The LDH reported that police in Nampula province and the Balama district of Cabo

Delgado province fired on, killed, and injured unarmed demonstrators to prevent rallies and marches. The LDH alleged that the interim police commander in Balama ordered the police under his command to kill demonstrators. In Montepuez, Cabo Delgado, there were credible reports that RENAMO demonstrators attacked a local jail, freed prisoners, ransacked government buildings, and held the local district administrator hostage. Police responded with lethal force, killing 17 persons; 7 police officers also were killed. Rioters reportedly mutilated the bodies of the police officers. The National Assembly established a bipartisan Parliamentary Commission of Inquiry to investigate the violence surrounding the demonstrations and the subsequent deaths in custody. The ad hoc parliamentary commission investigating the incidents concluded its work in September and is expected to issue its findings during the National Assembly session that begins in March 2002. During the year, prosecutions were concluded against RENAMO protesters in the village of Montepuez, Cabo Delgado. On June 6, the provincial court sentenced 5 RENAMO leaders of the Montepuez demonstrations to 20 years' imprisonment each, and ordered them each to pay \$952 (20 million meticais) to the families of each person killed, \$476 (10 million meticais) to each person injured, and \$143 (3 million meticais) for damage to government property. Four others found guilty of public disorder received sentences already served, and two others were acquitted. RENAMO appealed the convictions, and the appeal was pending at year's end. No action was taken, nor is the Government likely to take any action, against police in Nampula province or Balama district, Cabo Delgado.

In 1999 the domestic NGO Human Rights and Development (DHD) published a critical assessment of human rights conditions that alleged police killings. The Government did not respond to the assessment by year's end.

The LDH continued to press the Attorney General's office for an investigation into the 1999 death of a detainee in Beira. The Government did not respond and appeared unlikely to respond to the request.

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with rising crime. During the year, in Costa de Sol and Matola in the Maputo area, suspected thieves were beaten to death by mobs.

b. Disappearance.—There were no reports of politically motivated disappearances during the year. Unlike in the previous year, there were no reports of unexplained disappearances of prisoners or detainees in police custody. In 2000 there was only a small number of such disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits such practices; however, the police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, and extortion remained problems. Unlike in previous years, there were no unexplained disappearances of prisoners. During the year, the LDH reported complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. In September the LDH reported that the number of reported abuses had declined during the year.

On October 3, Fernando Santos died while incarcerated in Chimoio; his sister claimed that he was tortured to death (see Section 1.a.).

On December 5, Micas Bila and Antonio Domingos were injured after the police disrupted a demonstration; they were hospitalized for their injuries (see Section 2.b.).

Corruption in the police forces extends throughout the ranks, and the PRM used violence and detention to intimidate persons from reporting abuses.

Journalists continued to report that police extorted money from street vendors, many of whom are widowed or divorced women, sometimes beating the women, and often stealing their merchandise. There also were reports that police abused prostitutes and street children (see Section 5).

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries. In 1999 new standards for the police force were imposed, requiring a minimum educational level of the 10th grade. In 2000 a new 4-year police service academy opened, which provides college-level training to police officers in the mid-ranks and higher. Human rights training was provided for security officers, with human rights groups like the DHD teaching some of the courses; however, the training was not mandatory. The LDH discontinued its training program in 2000, reportedly because of reluctant cooperation from the police and a decline in donor support for such activities.

In 2000 police forced a man to march naked through a town from his home to the local jail. When 40 unarmed friends and family members went to the police station to gain the man's release, a police officer allegedly assaulted an elderly man in the group, which resulted in a confrontation between the crowd and police. The police responded to the confrontation by firing into the crowd, reportedly killing at

least six persons and injuring several others (see Sections 1.a. and 2.b.). The Government defended the actions by the police as appropriate and lawful; however, a group of local NGO's, including the LDH, conducted an independent investigation and reported that the police used inappropriate force. The Government did not respond to the report, and the FRELIMO majority in Parliament blocked an initiative to form a commission of inquiry to investigate the incident. There was no investigation into the case by year's end.

There was no investigation, nor is any likely, into the reported torture in custody of Tomas Paulo Nhacumba and Gildo Joaquim Bata in 2000 (see Section 1.a.).

There was some sporadic political violence in Manica and Tete provinces related to RENAMO political rallies in August. FRELIMO supporters were beaten in Tete, and two local government officials were detained and beaten by RENAMO security guards in Manica, allegedly for trying to prevent RENAMO supporters from attending the rally. They subsequently were released.

In 2000 violence erupted in at least 15 of the more than 60 demonstrations held throughout the country by RENAMO to protest the outcome of the 1999 elections; approximately 200 persons were injured in the violence (see Sections 1.a., 1.d., 1.e., and 2.b.). The LDH reported that police used excessive force against the demonstrators in Nampula province and Balama, Cabo Delgado province and cited an anonymous police source who alleged that police severely beat and tortured detainees in custody. A RENAMO parliamentarian claimed that police beat him and broke his right clavicle during his arrest; he publicly stated that police tortured him and other detainees while they were held at the Beira maximum security prison. The Government has not taken action, nor is it likely to take action, against the responsible police officers. A parliamentary commission investigating the demonstrations concluded its work in September and was expected to release its report during the next National Assembly session that begins in March 2002.

Unknown persons continued to threaten and attack journalists. In April unknown persons threatened one journalist and attacked another journalist in Maputo (see Section 2.a.).

The National Demining Institute did not release updated information on deaths or injuries caused by landmine explosions during the year.

Prison conditions in most of the country are extremely harsh and life threatening. A LDH report released in 1999 on the Beira Central Prison found that conditions remained significantly below international standards. Latrine facilities were primitive; in some prisons, inmates were forced to keep human waste in their cells until they persuaded or bribed attendants to remove it. Food was substandard and scarce. Most prisoners received only one meal per day on a regular basis. It was customary for families to bring food to prisoners; however, there were sporadic reports that guards demanded bribes in return for allowing the delivery of food to the prisoners.

Detention facilities remained severely overcrowded, generally housing four to six times the number of prisoners that they were built to accommodate. In 2000 the National Association for the Support and Protection of Prisoners (ANASCOPRI), a domestic NGO, stated that during 2000 Beira Central Prison held 513 inmates in a prison built to hold 200; Manica held 475 in a prison built to hold 300, and Tete held 464 in a prison built to hold 90. Inhambane Provincial Prison held 296 in a prison built to hold 75, Nampula held 775 in a prison built for 70, and Cabo Delgado held 245 in a prison built for 90. Maputo Central Prison, built to hold 800 inmates, held 2,470 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 3,643 pretrial detainees were held in jails and prisons in 2000. There were no statistics available for the year.

There continued to be many deaths in prison, the vast majority due to illness and disease. A U.N. Development Program (UNDP) report noted that there were 157 prison deaths during 1999, mostly due to malaria, tuberculosis, and respiratory diseases aggravated by poor conditions and lack of space (see Section 1.a.). During the year, the Ministry of Health established programs for prisons to address tuberculosis, HIV/AIDS, and malaria. The Government denied RENAMO allegations that three supporters detained in connection with nationwide demonstrations in 2000 died in the Beira maximum security prison and claimed that only one death occurred and that it was due to natural causes (see Section 1.a.). The deaths by asphyxiation of least 8 detained RENAMO supporters in 1 night and more than 100 detained RENAMO supporters the following day in 2000 in Montepuez, Cabo Delgado, resulted in the dismissal of several police officers and the conviction of two officers for murder. The convicted officers were sentenced to 17 years and 18 years in prison respectively and were each ordered to pay \$952 (20 million meticais) to the family of each person who died, which RENAMO criticized as too lenient (see Sections 1.a. and 1.d.). A parliamentary commission investigating the incident con-

cluded its work in September and was expected to release its report the next National Assembly session that begins in March 2002. A bipartisan working group investigating the incident was suspended when RENAMO leader Dhlakama withdrew his party from the process in April (see Section 1.d.).

The Government did not investigate the March 1999 deaths of three juveniles who died in detention, allegedly from illness and lack of food.

Two National Directorates of Prisons (DNP's), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operate prisons in all the provincial capitals. The DNP's also hold prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo. In MOI facilities detainees who have not yet been charged are held with prisoners sentenced for serious offenses that specify maximum security. Detainees who have not been charged usually are held for longer periods than the 48 hours permitted under the law. In MOJ facilities detainees who have been charged but not yet tried are held with prisoners who have been tried and sentenced to prison for relatively minor cases where moderate security imprisonment is deemed sufficient. Pretrial detainees usually are held for several months before trial, and delays of more than 1 year are common. MOI and MOJ facilities, while separate, often are connected physically. Military and civilian prisoners are held in the same prisons. Women are held in separate areas of prisons from men. At times prisons house young children, usually infants, brought there by mothers sentenced for long periods; the children are allowed to stay with their mothers when no other caregivers are available.

Minors are incarcerated with adult inmates. During a visit to the Beira Central Prison in 1999, the Minister of Coordination of Social Action found 25 minors detained there. However, in 2000 the LDH reported noticeably fewer minors held in detention nationwide. According to a study by the MOJ and UNICEF, approximately 3 percent of prisoners were between the ages of 13 and 15, and more than 39 percent of prisoners were between the ages of 16 and 20.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cite unsanitary conditions or security risks as reasons to delay or cancel visits. During the year, the LDH visited several jails and prisons in the Maputo area and in the provinces; however, a request to visit the maximum security prison near Maputo was not granted. The ANDH, the Prison Fellowship of Mozambique (FPM), and ANASCOPRI did not conduct prison visits during the year and lacked funding to carry out such programs. Unlike in the previous year, the DHD and the UNDP did not visit jails or prisons. In 2000 the DHD reported that prisons provided substandard facilities and minimal care to detainees. In 2000 a comprehensive UNDP report noted that prisons were decaying, overcrowded, and inadequately supplied. The Prime Minister responded to the UNDP report by calling publicly for a national effort to improve prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that the duration of preventive imprisonment be set by law; however, the police continued to arbitrarily arrest and detain citizens in practice. Under the law, the maximum preventive imprisonment is 48 hours, during which time a detainee has the right to have his case reviewed by judicial authorities, after which he can be detained up to another 60 days while the case is investigated by the PIC. In cases where a person is accused of a very serious crime carrying a sentence of more than 8 years, he may be detained up to 84 days without being charged formally. If a court approves, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigation process. The law provides that if the prescribed period for investigation has been completed, and no charges have been brought, the detainee must be released. In many cases, the authorities either are unaware of these regulations or ignore them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

The media reported and many persons complained that security officials often detained them for spurious reasons and demanded identification documents; many officers also extorted bribes to permit persons to continue toward their destinations (see Section 2.d.). Many victims lived in areas where there was no notary public available to validate their documents. Many victims chose not to seek police assistance because of their usual demand for bribes or a lack of confidence that the police would help.

Most citizens also are unaware of the rights provided by the Constitution, the law, and the Penal Process Code. As a result, detainees can spend many weeks, months, and even years in pretrial status. The bail system remains poorly defined, and prisoners, their families, and NGO's continue to complain that police and prison officials demand bribes to release prisoners.

In July police officers in Maputo detained numerous persons as part of an operation to reduce street crime. After approximately 2 weeks, police reduced the number of arrests and detentions and released the detainees, and the practice reportedly ended by late August.

In late November, police detained and transported to Inhambane province Kok Nam, a photojournalist, for failing to pay a fine for libel even though his case had been dismissed (see Section 2.a.).

In 2000 police reportedly arrested a RENAMO supporter under humiliating circumstances. There was no investigation into the arrest by year's end (see Sections 1.a. and 1.c.).

During November 2000, police detained approximately 457 RENAMO members and supporters during more than 60 rallies and marches to protest the outcome of the 1999 elections; there were reports that police beat and tortured detainees in custody (see Sections 1.a., 1.c., 1.e., and 2.b.). Three RENAMO members reportedly died in custody in Beira; RENAMO alleged that these deaths resulted from torture (see Section 1.c.). In November 2000, more than 100 RENAMO detainees died of asphyxiation in a jail cell in Montepuez (see Section 1.c.). Later that month, courts in the Manica, Cabo Delgado, Sofala, and Nampula provinces acquitted 15 RENAMO members and supporters and sentenced 130 others to prison terms ranging from 15 days to 2 years for their involvement in the demonstrations (see Sections 1.a., 1.c., 1.d., and 2.b.). FRELIMO and RENAMO established a working group to examine, among other matters, the cases of the detained demonstrators; the bipartisan working group on the demonstrations was disbanded in April when RENAMO leader Dhlakama withdrew from the RENAMO-Government dialog process (see Sections 1.a. and 1.c.). The parliamentary commission investigating the 2000 demonstrations completed its work in September and was expected to release its report in the next National Assembly session that begins in March 2002. The Government defended the trials and sentencing of RENAMO demonstrators in Manica, Cabo Delgado, and Nampula provinces as consistent with the law and normal legal proceedings; however, RENAMO and human rights organizations continued to question the fairness of the trials (see Sections 1.a., 1.c., and 2.b.).

The Government did not investigate the allegation that police officers demanded a \$750 (10 million metecais) bribe from the families of Tomas Paulo Nhacumba and Gildo Joaquim Bata prior to their deaths in custody in 2000 (see Sections 1.a. and 1.c.).

Under the Penal Process Code, only persons caught in the act of committing a crime can be held in detention. Justice Ministry officials say that some police lack adequate training and do not know how to charge a person properly. A detainee may be subjected to indefinite detention. The National Directorate of Prisons reported in 2000 that there were 6,422 persons in the prison system; 3,643 of those persons were detainees who had not been charged. In response to this problem, a legal enforcement commission convened in 1999 and ordered cases of detainees to be reviewed so that those who had served their time or were in detention illegally (without charge) could be released. In Beira alone, 230 prisoners were released from the Central Prison during 2 months in 1999. In 2000 the Government created an interministerial review committee to continue this process, and the committee periodically reviewed the status of prisoners throughout the country to prevent unnecessary detentions. It was not known how many prisoners were released during the year under this process.

Drug cases are subject to a special regime. The law specifies that the legal period of preventive detention in drug trafficking cases is 10 days. The same law authorizes a long period of investigation—up to 9 months—in cases involving drug smuggling, drug production and transfer, and criminal association.

The Constitution expressly prohibits exile, and the Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which is understaffed and manned by inadequately trained appointees. The DHD report on human rights conditions released in June specifically emphasized problems of the judiciary (see Section 4).

The President appoints the president and vice president of the highest tribunal, the Supreme Court. Supreme Court nominations initially are prepared by the Higher Judicial Magistrate's Council (CSMJ), the body responsible for overseeing professional behavior among magistrates. CSMJ members are elected by their peers, 4 are elected by the National Assembly, and 2 are appointed by the President; members tend to be either FRELIMO members or FRELIMO-affiliated. A list of qualified persons for the Supreme Court is submitted to the President. No Assembly approval is needed for other judicial appointments.

There are two complementary formal justice systems: The civil/criminal system and the military system. Civilians are not under the jurisdiction of, or tried in, military courts. The law empowers the Supreme Court to administer the civil/criminal system; it also hears appeals, including military cases, although the Ministry of National Defense administers the military courts. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court and customs court. Although the Constitution permits the establishment of a fiscal court, maritime court, and labor court, none have been established. The Constitution called for the creation of a constitutional court, but the Government has not yet passed implementing legislation. In the absence of this body, the Supreme Court is tasked with ruling on issues of constitutionality, as it did when assessing the eligibility of presidential candidates for the general elections. Persons 16 years old and younger fall under the jurisdiction of a court system for minors. Through this legal channel, the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems are ineffective due to a lack of qualified professionals.

In 1999 Supreme Court Chief Justice Mario Mangaze complained that only 25 percent of citizens had access to the official judicial system. Outside the formal court system, a number of local customary courts and traditional authorities adjudicate matters such as estate and divorce cases. These courts are staffed by respected local arbiters who have no formal training but who exercise a substantial judicial and executive role, particularly in the area of arbitration.

Persons accused of crimes against the Government are tried publicly in regular civilian courts under standard criminal judicial procedures. The law provides definitions of crimes against the state, such as treason, terrorism, and sabotage. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault.

In regular courts, all accused persons are in principle presumed innocent and have the right to legal counsel and the right of appeal; however, authorities do not always respect these rights. The great majority of the population is either unaware of these rights or does not possess the means to obtain any form of legal counsel. Although the law specifically provides for public defenders, such assistance generally is not available in practice, particularly in rural areas. Some NGO's, such as the LDH, the Government's National Institute for Legal Assistance, and the Mozambican Association of Women in Judicial Careers, continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbates the judicial system's weakness. There are an estimated 200 licensed attorneys in the country; the vast majority work in Maputo. There continued to be a shortage of qualified judicial personnel, with 163 judges nationwide. There are appeals courts in all provinces, but few of these courts are staffed by formally trained judges, despite the fact that the Judicial Magistrates Statute requires a law degree. Some districts have no formal courts or judges at all. Several donor initiatives to remedy these shortages were continued or completed during the year, including the training of district court judges and public prosecutors.

Justice Mangaze presides over the CSMJ, which has expelled 27 judges for corruption since 1995, including 3 during the year. A Ministry of Justice official estimated that 17 judges have been removed from office since 1998. In 2000 several judicial expulsions occurred, including the dismissal of the Attorney General and six of his senior legal staff, the suspension of a judge involved in a fraud case regarding the Banco Comercial de Mocambique (BCM), and the expulsion of three judges. A law allows for faster implementation of CSMJ decisions affecting judges who appeal charges of misconduct, thus removing them from the bench more swiftly.

Bribe-taking, chronic absenteeism, unequal treatment, and deliberate delays and omissions in handling cases continued to be problems during the year.

In June five men were found guilty of leading a riot in Montepuez in 2000 and were sentenced to 20 years in prison (see Section 1.a.).

The Government defended the trials and convictions of RENAMO supporters in connection with the 2000 nationwide demonstrations in Manica, Cabo Delgado, Sofala, and Nampula provinces as in accordance with the law and normal legal procedures; however, human rights organizations and RENAMO continued to claim that the defendants were denied due process and adequate legal counsel (see Sections 1.a., 1.c., and 1.d.).

In 2000 a court sentenced three individuals to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 2.a.).

The Penal Process Code contains legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 16; however, there are many documented reports that some judges ordered the incarceration of minors in common prisons without trial (see Section 1.c.). In most areas of the country, it is difficult to accurately assess age because the information is not well documented and many persons do not have identification cards.

There were no confirmed reports of political prisoners; however, RENAMO continued to claim that all persons held in connection with the 2000 nationwide demonstrations were political prisoners, and continued to consider those convicted and sentenced to be political prisoners.

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

There were no documented reports of illegal search activity. By law police need a warrant to enter homes and businesses. The Government did not take any action and was unlikely to take any action to discipline customs agents who allegedly conducted illegal searches in Maputo in 2000.

Opposition political groups claimed that government intelligence agencies monitored telephone calls, conducted surveillance of their offices, followed the movements of opposition members, used informants, and attempted to disrupt party activities.

Homeless veterans continued to protest delays in gaining access to land that reportedly was promised to them by the Government in Matola, a suburb of Maputo.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, limitations on these rights are permitted if they relate to the media's obligations to respect the Constitution, human dignity, the imperatives of foreign policy, or national defense. In 1999 the Higher Council of Social Communication (CSCS), an enforcement body for the press law that is dominated by the ruling party, expressed concern that the vagueness of "imperatives of foreign policy and national defense" could lead to unwarranted restrictions. In 2000 the CSCS expressed its concerns regarding recent articles, editorials, and comments that it considered contrary to national unity and prescribed media goals; some journalists criticized the CSCS for attempting to restrict press freedom and promote self-censorship.

There were four independent weekly newspapers published in Maputo, and six other independent weekly journals published in provincial capitals. According to a survey by the Panos Institute, the 10 weekly newspapers had a combined total circulation of 50,910. There are an additional 20 printed periodicals with a combined circulation of approximately 34,000. There were 6 periodicals that transmitted daily editions electronically, with a combined subscription of more than 1,500. The second oldest faxed daily, *Imparcial*, is owned by RENAMO. Two of these ceased publication during the year. Websites were developed in 1999 for several independent media. Only a small minority of the population receives news directly through the print media.

Media ownership is diversified. In 1999 the U.N. Educational, Scientific, and Cultural Organization (UNESCO) Media Project estimated that 34 percent of the country's media were public, 36 percent were private commercial, and 28 percent were private nonprofit (church affiliated); however, the public category includes the country's only daily newspapers, the only Sunday newspaper, and the only weekly newsmagazine. Two progovernment newspapers—*Noticias* and *Domingo*—together with a third sports-oriented weekly are owned by a single corporation, *Noticias Limited*, in which state-owned enterprises and FRELIMO members hold majority shares. *Diario de Mocimboa*, published in Beira, is the only daily newspaper. It is owned by the Commercial News Society of Beira, in which FRELIMO officials own majority shares. All evidenced consistent bias in favor of their shareholders. The newspapers continued pushing for reform of the justice system, for renewed efforts to fight corruption, and to reform public service.

In 1999 Article 19, a United Kingdom-based NGO, reported that the independent media are constrained by the high cost of newsprint, distribution, and equipment. It claimed that publications close to the Government have an advantage in securing exemptions from customs duties. In March UNESCO's Media Diversity Project began assisting eight newspapers and a major paper supplier to lower their paper

costs through the bulk importation of newsprint without customs duties; this achieved an estimated 30 percent cost savings.

While criticism of the President is not prohibited, the law provides that in cases of defamation against the President, truth is not a sufficient defense against libel. This law was not tested in court and the provision was not invoked, despite considerable verbal and written criticism of the President during the year.

Nhympine Chissano, son of President Chissano, filed libel charges against the fax newsheet *Metical*, formerly owned by journalist Carlos Cardoso, who was killed. Chissano sued for damages regarding a story published by journalist Marcelo Mosse that repeated stories published in South African and Portuguese newspapers, claiming that Nhympine Chissano had been detained in South Africa on drug charges. The potential legal liability of Carlos Cardoso's two minor children, who became the sole owners of *Metical* after their father's death, led the Cardoso family to cease publishing the newsheet. The case was pending at year's end.

In late November, authorities arrested Kok Nam, a photojournalist, for failing to pay a fine of approximately \$4.50 (100,000 meticais) in a libel case. Although a court in Maputo had dismissed the case, Nam was detained and driven to Inhassoro in Inhambane province; however, his attorney secured his release before he arrived in Inhassoro. Local media portrayed the incident as evidence of official harassment.

Journalists were subjected to attacks during the year. On April 27, unknown persons severely beat journalist Rui de Carvalho, who works for the independent daily newspaper, *Mediafax*. After identifying Carvalho outside Maputo, the assailants dragged him from his automobile and beat him. On November 6, unknown assailants robbed journalist Fabio Mondlane of his tape recorder after he visited with persons who formerly worked in East Germany, who were detained for protesting (see Section 2.b.).

In 2000 two unknown assailants killed Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency *Metical*, in an execution-style shooting. In the early months of the year, the Government detained 10 individuals in connection with the case. One detainee was released without charge after being held for 10 months. Both the Government and the family agreed that he had nothing to do with the crime. On September 3, the judge presiding over the case ordered six of the defendants to be brought to trial on charges of homicide and accessories to homicide. Charges against the six detainees were pending at year's end, and the remaining three remained held without charge at year's end.

In 2000 police arrested three individuals for handing out opposition pamphlets in Beira. The court sentenced them to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 3).

While the Government no longer owns most radio and television stations, government stations are the only broadcasters capable of countrywide transmission; however, there are local and independent broadcasts in most urban areas. Government media were showing greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, is government-owned; however, its news coverage generally was considered unbiased and fair. Radio Mozambique receives the largest single subsidy from the state budget of any public media company. It broadcasts in Portuguese and 18 indigenous languages; its external service broadcasts in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcasts public debates that include a variety of participants with differing opinions.

In addition to Radio Mozambique, there are 11 community-based (supported by UNESCO and the Government), 3 religious, and 11 commercial private radio stations, most of which use local languages in addition to Portuguese and which cover most of the country. One station, Radio Terra Verde (RTV), is linked directly to RENAMO. RTV is second only to Radio Mozambique's youth-oriented Radio Cidade in popularity, outside of broadcast times for soccer matches. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of America (VOA), reach all major population centers and report local news via Mozambican-based part-time reporters; the BBC and the RFI carry news in Portuguese but broadcast most of the day in English and French, respectively.

On April 19, Radio Mozambique journalist Jose Joao received an anonymous death threat following a news item on drug trafficking and illegal imports reported on national radio (see Section 1.c.).

No action was taken against the persons responsible for the following incidents in 2000: The attack on a radio journalist by unknown assailants in Beira; the beating of a radio journalist by unknown persons near Maputo; the anonymous bomb threat received by the news fax agency *Mediacoop*; and the telephone death threat

received by the editor of the newspaper Savana. There has been no significant investigation, nor is any likely, into these cases.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government. Portuguese Television for Africa (RTP Africa), a station owned by the Government of Portugal, offers a second source of televised news to all parts of the country reached by TVM. Privately owned television transmission continued to be limited to Maputo. International television news is available via cable in Maputo and via satellite nationwide.

A large number of periodicals and broadcasting entities have been licensed since 1992, and the independent media criticisms of government leaders and their families largely were tolerated. For example, the independent media was extremely critical of the Government's reaction to the November 2000 RENAMO demonstrations (see Section 1.c.).

Noticias, Domingo, and Diario de Mocambique largely reflected the views of the individuals in the ruling party, but these media sources also carried significant criticism of government actions, including its handling of the flood-related rescue operations and post-flood distribution of relief goods. During the year, several newspapers published articles that were critical of the Government, including Domingo, a weekly newspaper closely aligned with FRELIMO, which openly criticized FRELIMO's policy positions related to corruption, internal party management, and dialog with RENAMO. Several media publications also criticized the Government's handling of the failure of Banco Austral.

Article 19 and the LDH monitored media coverage of the national electoral campaign. Radio Mozambique generally presented balanced coverage, whereas TVM was biased towards the ruling party. The newspapers Noticias, Diario de Mocambique, and Domingo demonstrated progovernment partisanship. The National Election Commission was criticized for categorizing these newspapers as private sector media, thereby exempting them from the electoral law's requirement that public media provide fair and balanced treatment of all parties during the electoral campaign.

In 1999 a media development report released by UNESCO expressed concern about the strong concentration of national and local media in Maputo city and province, mirroring lopsided socio-economic development nationwide. Furthermore a 1997 census revealed that 60 percent of citizens over the age of 15 are illiterate in any language, and 70 percent of the population over 5 years of age do not speak Portuguese, which further limits the reach of the media beyond Maputo.

The Austrian Institute for North-South Development ceased working with the National Union of Journalists (SNJ).

Final debate on recommendations that membership in the CSCS be redefined to eliminate majority control by governmental appointees was deferred for another year. The CSCS was among the several organizations, including a joint operation by the LDH and Article 19, which monitored media fairness during the 1999 presidential and parliamentary elections; however, the CSCS did not issue an evaluation of the elections by year's end, nor is it expected to do so at a future date.

The Prime Minister's ongoing weekly press conferences are important opportunities for journalists to discuss politics and government policies. The Prime Minister's Information Office seeks to facilitate international press access to key government officials and to provide policy guidance on how news media should be regulated. The Prime Minister's Information Office continues to monitor press content informally.

The Government does not limit access to the Internet, and 11 Internet service providers operated during the year.

Academic freedom is respected. Private educational institutions, both church-related and secular, are well-established and continued to expand in several cities. In February classes began at a new Islamic agrarian sciences college in Nampula, the Mussa bin Bique University.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the law was amended in April to remove restrictions on this right; however, authorities forcibly dispersed at least three demonstrations during the year. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it cover religious gatherings or election campaigning.

In April the National Assembly amended the law on demonstrations. The new law removed restrictions on the times during which marches, parades, and processions are allowed, removed the prohibition on demonstrations likely to offend the honor of the Head of State or other government officials, and removed the right of local authorities to disrupt demonstrations whose objectives they deemed to be different from those initially stated. In addition the new law simplified the approval process for demonstrations. Organizers simply are required to inform the district adminis-

trator of the planned demonstration rather than seek approval in advance from police and civil authorities. Local authorities may prohibit a demonstration from taking place only if it is likely to involve the occupation of public or private buildings. The new law prohibited the use of excessive force by the police to control or disrupt demonstrations; however, the Government used excessive force to disperse one demonstration during the year.

On December 5, riot police violently dispersed a demonstration by citizens who formerly worked in East Germany. The demonstrators were protesting the Government's refusal to pay their pensions. Funds for such payment had been deducted from their salaries by the East German government that then provided them to a Mozambican government representative, who then embezzled the money. Two demonstrators, Micas Bila and Antonio Domingos, were hospitalized for their injuries. The police justified their actions on the basis that the demonstrators were violating the law by protesting on a weekday, and that their request for a permit for the demonstration had been denied; however, the law was repealed in July to remove both the time restriction and the requirement for prior authorization. On December 6, the National Assembly discussed the demonstrations and the demonstrators' complaints, and further debate was deferred until the next National Assembly session in March 2002.

The Government continued to defend the actions of police in Aube, Nampula, in 2000, which resulted in the deaths of between six and eight persons, although the LDH investigation disputes the Government's claims. FRELIMO blocked a parliamentary inquiry into the event in 2000 (see Sections 1.a., 1.c., and 1.d.).

The Government continued to defend police actions in breaking up nationwide RENAMO demonstrations in 2000 as legal, stating that RENAMO was violating the time period allowed for such activities, a claim that was supported by several provincial courts. RENAMO continued to argue that it filed for and received necessary permission. No disciplinary action was taken, nor is any likely to be taken, against police accused by LDH of using excessive force in Nampula or Balama, Cabo Delgado. A parliamentary commission investigating the demonstrations concluded its work in September and was expected to release its report during the next National Assembly session that begins in March 2002 (see Sections 1.a., 1.c., 1.d., and 1.e.).

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. Legislation sets forth the process for the registration of political parties. There are 27 registered, active political parties. A political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and to secure at least 2,000 signatures of citizens to be recognized (see Section 2.c.).

The Government requires nonpolitical groups such as NGO's and religious organizations to register. A government decree regulates the registration and activities of foreign NGO's. NGO's must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGO's whose programs the Government decides complement its priorities. Observers believe that the requirements worsen the already lengthy bureaucratic process that NGO's must follow to work in the country. Although the registration process is not always transparent and can take many months, the authorities rarely reject applications from new associations.

c. Freedom of Religion.—The Constitution provides that all citizens have the freedom to practice or not to practice a religion and gives religious denominations the right to pursue their religious aims freely; the Government generally respects these rights in practice.

The law requires religious institutions and missionary organizations to register with the Ministry of Justice, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. No particular benefits or privileges are associated with the registration process, and there were no reports that the Government refused to register any religious groups during the year. The Christian Council reports that not all religious groups register, but unregistered groups worship unhindered by the Government.

The Government routinely grants visas and residence permits to foreign missionaries. Like all foreigners residing in the country, missionaries face a somewhat burdensome process in gaining legal residency; however, they carry out activities without government interference throughout the country.

The Constitution gives religious groups the right to own and acquire assets, and these institutions are allowed by law to own and operate schools. There are increasing numbers of religious schools in operation; for example, in 2000 the Islamic community began construction of a primary and secondary school for 1,000 students in Maputo and has established a small college in Nampula. The Catholic University

has educational facilities in Maputo, Beira, Nampula, and Cuamba. Religious instruction in public schools is prohibited strictly.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. The Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, has argued for the right of political parties to base their activities on religious principles. The Government has tolerated PIMO's activities, although it has criticized the group. PIMO and some members of the legislature argued that the Movimento Islamico, a parliamentary caucus of Muslims from the ruling FRELIMO party, was tantamount to a religious party.

Most places of worship nationalized by the Government have been returned to the respective religious organizations; however, the Catholic Church and certain Muslim communities complained that some other properties such as schools, health centers, and residences unjustly remain in state hands and continued to press for their return. The Directorate for Religious Affairs is mandated to address the issue of the return of church properties. Government sources stated that the majority of property was returned, with a few cases still being examined on an individual basis, including two cases in Maputo that remained unresolved by year's end. Provincial governments have the final responsibility for establishing a process for property restoration. The return of church property is problematic when the facility is in use as a public school, health clinic, or police station, because funds for construction of new facilities are in short supply.

In 2000 the mayor of Nacala declared a 13-year-old Islamic preacher from Tanzania, Said Johnson, persona non grata and gave him 24 hours to leave the country following the assembly of large crowds to hear his preaching. Although the boy returned to Tanzania, the Minister of Justice and provincial governor reversed the order. Johnson subsequently visited Maputo in July and spoke before a large rally.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, at times the Government infringed upon these rights.

Police traffic checkpoints occasionally affected freedom of movement, sometimes for safety or security concerns. In an effort to reduce harassment and confiscation of travelers' possessions at the borders, customs supervisors levied disciplinary fines and fired abusive customs agents. In large cities, the police often stopped foreign pedestrians and ordered them to present original passports or resident papers, sometimes refused to accept notarized copies, and fined or detained those who failed to show proper documents (most persons do not like to carry the originals of documents due to the risk of theft). Police also detained local citizens routinely for failure to carry identity papers and extorted bribes (see Section 1.d.).

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In cooperation with the U.N. High Commissioner for Refugees (UNHCR), the Government offered shelter to approximately 5,000 refugees, the vast majority of whom came from other African countries. There was a reported increase in refugees in the country. Between June and November the number of refugees in the country increased from 3,000 to an estimated 4,500. There were approximately 1,450 refugees in the Bobole camp near Maputo, 1,433 in the northern provincial capital of Nampula, and 200 in Lichinga. The largest percentage of refugees was from the Democratic Republic of the Congo (DRC), Burundi, and Rwanda, and there were small numbers of refugees from Angola, Sudan, Somalia, Ethiopia, Kenya, Zimbabwe, and Uganda. The UNHCR planned to phase out its operations in the country by the end of 2000; however, the increasing number of refugees, especially from the Great Lakes region of Africa, prevented this from happening. In June the Government closed the Masaka refugee center near Boane. The Bobole refugee camp, near Marracuene, was scheduled to be closed in 2002. In June the Government opened a new refugee center near the northern provincial capital of Nampula and planned to transfer refugees residing in Bobole to the new center by year's end; however, by mid-year the new camp already was filled to capacity, which resulted in a delay in transferring refugees from Bobole. During the year, the Government worked with the UNHCR to expand the capacity of the Bobole camp. The Government also operated a reception center for refugees in Lichinga, Niassa province. Due to the heightened conflict in the DRC, there were additional refugees in Niassa province. Refugee camp conditions meet minimal standards, although some refugees claimed to fear attack by fellow refugees on the basis of ethnicity. The UNHCR occasionally makes alternative shelter available to those who feel threatened. The Government offers first asylum and offered it to 207 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

The Constitution provides citizens with the right to change their government peacefully, and in 1999 citizens freely exercised their right to vote in the country's second multiparty general elections, which international observers considered to be generally free and fair. The elections were marred by allegations of vote-counting irregularities; however, international observers determined that this did not impact the results. President Chissano was returned to office with approximately 52 percent of the vote, and the ruling FRELIMO party won 133 of the 250 assembly seats. The largest opposition group, RENAMO-UE, made a strong showing in the elections, winning 117 seats in the Assembly and 48 percent of the presidential vote. In 2000 the President appointed a new Cabinet, the new National Assembly took its oath of office, and the President announced new provincial governors. All ministers and governors, and most vice ministers, are FRELIMO members.

Voter registration commenced in 1999 and continued for 60 days. Despite some minor technical difficulties, including long lines and missing equipment, the registration process ran smoothly. Approximately 85 percent of the eligible voting population registered to vote. The 6-week campaign period was marked by some sporadic violence attributable to both FRELIMO and RENAMO-UE supporters, although at significantly reduced levels compared to the 1994 elections. Leaders of both parties called for an end to the violence.

According to international and domestic observers, the voting process was transparent, peaceful, and orderly with approximately 75 percent of the registered voters participating; however, international and domestic observers complained of a lack of full access to the vote count and the opposition coalition RENAMO-UE charged that there was fraud in the vote-counting process. Due to a large number of illiterate voters, there were a significant number of ballots on which preferences were unclear and which required interpretation by the National Electoral Commission. The Commission also did not count tally sheets from several hundred polling stations at both the provincial or national level due to mathematical errors, omissions, and other problems.

International observers were not given full access to the process of examining the contested ballots and tally sheets, or to the vote counting. RENAMO-UE charged that this affected them disproportionately because tally sheets were discarded from provinces where RENAMO-UE support was strong. RENAMO-UE took this issue and several others to the Supreme Court and in 2000 the Court unanimously rejected RENAMO-UE's complaints; the Court acknowledged that there were some minor irregularities but concluded that these did not change the results of the elections.

The opposition coalition continued to refuse to accept the election results or the Supreme Court's decision; however, the coalition participated in Parliament and worked with FRELIMO on a number of ad hoc and standing committees to draft and approve consensus legislation. Direct dialog between President Chissano and RENAMO leader Dhlakama took place in December 2000, January, and March. In March Dhlakama withdrew from the discussions, citing a lack of progress, and canceled his party's participation in bipartisan working groups on constitutional, judicial, defense, security, economic, civil service, and local government matters as well as the 2000 RENAMO demonstrations.

In 2000 RENAMO members and supporters demonstrated in approximately 60 locations to protest the 1999 elections; 15 of the demonstrations resulted in violent confrontations with the police, causing a number of deaths, injuries, and arrests (see Sections 1.a., 1.c., and 2.b.).

Article 19 and the LDH monitored media coverage of the national electoral campaign. The National Election Commission was criticized for categorizing newspapers in which state-owned enterprises and FRELIMO party members hold majority shares as private sector media, thereby exempting them from the electoral law's requirement that public media provide fair and balanced treatment of all parties during the electoral campaign (see Section 2.a.).

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal restrictions hindering women's involvement in government. There are 104 women in the 250-member National Assembly, 3 female Cabinet ministers, and 5 female vice ministers, who also are Cabinet members. FRELIMO's policy mandates that at least 30 percent of the party's two governing bodies must be women. During the year, the Political Commission and Central Committee fulfilled this mandate. Nevertheless cultural factors inhibit women's effectiveness in public life (see Section 5).

Persons representing many ethnic groups participate in the executive, judicial, and legislative branches of the Government. Leadership positions within FRELIMO

traditionally have been dominated by the Shangaan ethnic group, while those in RENAMO traditionally have been dominated by the Ndaou ethnic group.

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

There are no legal obstacles to the formation of domestic human rights groups, although registration procedures for NGO's are onerous and expensive (see Section 2.b.). While the Government does cooperate with NGO's, many NGO's believe that the Government was slow to respond to their requests for information and prison visits (see Section 1.c.). The Government responded to human rights-related inquiries from the LDH and the DHD on a case-by-case basis. During the year, the Government did not respond formally to the LDH and DHD reports on the 2000 nationwide demonstrations and Montepuez deaths in custody (see Sections 1.a., 1.c., 1.d., 1.e., and 2.b.).

In 2000 the DHD published a second report on human rights in the country and plans to continue to report regularly on human rights. The report's critical assessment gave particular emphasis to problems in the judiciary, conditions in prisons, freedom of the press, and arbitrary arrest and detention of citizens. Among the complaints were alleged police killings, domestic violence, labor disputes, and land title conflicts. The DHD and the LDH conducted human rights education seminars and workshops during the year for a wide range of audiences including political parties, security agencies, businesses, and NGO's.

In 2000 the Chairwoman of the LDH stated that a police contact warned her of police threats on her life following her appearance in a televised debate in which she made remarks critical of the PIC. The Government did not respond, nor is it likely to respond, to the matter.

International NGO's and human rights groups are permitted to visit and work in the country. In 2000 Amnesty International visited the country in preparation for its annual report.

The Government permits visits by U.N. representatives; however, no human rights-oriented representatives visited the country during the year.

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

The Constitution forbids discrimination based on race, sex, religion, or disability; however, in practice discrimination against women and persons with disabilities persists.

Women.—Although official statistics are not kept, according to health officials, women's groups, and other sources, domestic violence against women—particularly spousal rape and beating—is widespread. Many women believe that their spouses have the right to beat them, and cultural pressures discourage women from taking legal action against abusive spouses. There is no law that defines domestic violence as a crime; however, laws prohibiting rape, battery, and assault can be used to prosecute domestic violence. During the year, All Against Violence (TCV), an NGO, registered 699 requests for assistance in cases involving domestic violence, of which 10 were forwarded to the courts. A group of women's NGO's lobbied members of the National Assembly during the year to criminalize domestic violence. In addition the Government worked within the Southern African Development Community (SADC) to increase female participation in legislatures. In 2000 police commanders from the Maputo area held a seminar on domestic violence, where they were instructed to handle such cases as criminal matters. Hospitals usually do not ascribe evidence of physical abuse to domestic violence. The DHD report on human rights conditions released in 2000 gave particular emphasis to the problem of domestic violence (see Section 4).

Local NGO's report that rape is a widespread and serious problem. Sexual harassment is regarded as pervasive in business, government, and education, although no formal data exists. Prostitution is widespread in most cities and towns and especially is prevalent along major transportation corridors and border towns where long-distance truckers stay overnight. There were no reports of sexual tourism occurring in the country.

A group of women's NGO's, including Women in Law and Development, Mozambican Women in Education, Women in Judicial Careers, and the FRELIMO-sponsored Mozambican Women's Organization, support the organization All Against Violence, which serves as a monitoring and educational group for problems of domestic violence and sexual abuse of women and children, including counseling of victims and mediating within families. The organization continued to expand during the year. All NGO's actively opposing domestic violence worked to involve police in education, enforcement, and identifying domestic violence as a public order problem.

Unlike in the previous year, there were no confirmed cases of women being trafficked from the country during the year. The LDH continued to investigate a case that occurred in 2000 (see Section 6.f.).

Despite constitutional provisions for the equality of men and women in all aspects of political, economic, social, and cultural life, the civil and commercial legal codes contradict one another and the Constitution. Under the law of the Family and Inheritance, the husband or father is the head of household, and both wives and daughters must obtain male approval for all legal undertakings. For example, a woman must have the written approval of her husband, father, or closest male relative in order to start a business. Without such approval, a woman cannot lease property, obtain a loan, or contract for goods and services. The legal domicile of a married woman is her husband's house, and she may work outside the home only with the express consent of her husband. While it appeared that these legal restrictions on women's freedom were not enforced, they left women open to extortion and other pressures.

Family law provides that a married couple's assets belong to the husband, who has full authority to decide on their disposition. When a husband dies, his widow is only fourth in line (after sons, fathers, and brothers) to inherit the household goods. A contradictory provision of the law states that a widow is entitled to one-half of those goods that are acquired during the marriage, but in practice women rarely know of or demand this right.

Customary law varies within the country. In some places, it appears to provide women less protection than family law, and unless a marriage is registered, a woman has no recourse to the judicial branch for enforcement of the rights provided her by the civil codes. Women are the primary cultivators of family land in the country. Under customary law, they often have no rights to the disposition of the land. The law specifically permits women to exercise rights over community land held through customary rights. Anecdotal evidence indicates that the land law had only a minimal effect on women's rights; the law appeared to formalize existing practice. However, domestic NGO's such as the Rural Women's Development Association and Rural Mutual Assistance Association have cautioned that a considerable investment of time and education would be necessary before the new rights granted to women would supersede traditional practice.

The Constitution grants citizenship to the foreign-born wife of a male citizen, but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination in practice. Women constitute slightly more than half the population but are responsible for two-thirds of economic production. Women in the workplace receive lower pay than men for the same work. According to parliamentarians who debated the proposed revision of the law, women are subject to sexual harassment and to discrimination in hiring because of potential absences on maternity leave; although the Labor Law entitles a woman to 60 days of maternity leave, employers often violate this right. The Government continued to target maternal and child health problems and focused on immunizations for women of childbearing age and for young children. The estimated maternal mortality rate is 1,500 per 100,000. Numerous development organizations and health-oriented NGO's also emphasize programs to improve women's health and increasingly focus resources to combat the spread of HIV/AIDS and sexually transmitted diseases.

The law permits the entry of women into the military; however, there are few women in the armed forces, and the highest ranking woman in the army is a major. In 2000 the military began to recruit women for the first time since the institution of the compulsory service law, and of the 93 women registered, 20 to 30 were selected to undergo military training. However, due to a lack of facilities to accommodate male and female training, the female recruits did not receive military training by year's end.

Children.—The Government has made children's rights and welfare a priority, but admits that there are some significant problems. Primary education is free; however, a matriculation fee is charged for each child, which is a significant financial burden for many families, and children are required to purchase books and school supplies. Primary education is compulsory through the fifth year; however, there are few educational facilities, which limits enrollment. A few new primary schools opened during the year throughout the country; however, schools are overcrowded, and there is much corruption in the school system. In addition a number of schools were destroyed or converted to emergency shelters during the floods in 2000. Newspapers frequently reported that the parents of school children had to bribe teachers or officials to enroll their children in school and that girls exchanged or were forced to exchange sex with teachers for passing grades. The 1997 census estimated that

some 50 percent of children of ages 6 through 10 are in primary school. Only a fraction of children continue with secondary studies.

Girls continued to have less access to education than boys above the primary level: 42 percent of students in grades 1 through 5 were girls, and 40 percent of students in grades 6 through 10 were girls. The percentage increased to 48.4 percent for grades 11 and 12. However, there are only 105 public secondary schools nationwide, of which only 23 offer classes through grade 12. Approximately 76 percent of females over 15 years of age are illiterate. Outside the main cities where there are fewer secondary schools, and where boarding is required for attendance, the number of female students drops significantly. In a case that gained national attention in 1998, residents of Morrumbene district in Inhambane province demanded the exclusion of girls from the dormitories at the Cambine secondary school. In the absence of separate boarding facilities, local residents blamed schoolgirls for immoral behavior in the community and pressured authorities to comply with the illegal demand, which effectively prevented many girls from attending the school. In 2000 the few out-of-town girls who remained to study were forced to live in unprotected shacks; however, there was no additional information available on the case at year's end.

An NGO, the Association to Support Mozambican Children (ASEM), operated 2 alternative-learning centers in Beira for more than 900 children who were not able to return to their regular schools after being expelled from their homes or because they had left school to work. During the year, the Government supplied ASEM with textbooks.

During the year, a large-scale vaccine initiative and a program to manage childhood illnesses were implemented.

NGO's and the Government took some steps to protect and reintegrate into families or other supervised conditions an estimated 3,000 street children in the Maputo metropolitan area. Street children sometimes are beaten by police and frequently are victims of sexual abuse. Some remedial government programs continued, including programs on education, information dissemination, health care, and family reunification. The mortality rate for infants was 135 per 1,000, and for children under the age of 5 it was 201 per 1,000. The Maputo City Women and Social Action Coordination Office continued its program of rescuing abandoned orphans and assisting single mothers who head families of three or more persons. The same group offered special classes to children of broken homes in local schools. Other NGO groups sponsored food, shelter, and education programs in all major cities. ASEM, in Beira, also provided counseling to parents who have expelled children from their homes, which usually happens when a wife has children who are unacceptable to a new husband.

It was estimated that 50 percent of child deaths in the country resulted from malnutrition or related illnesses.

Social workers have found that some parents of children with disabilities did not permit their children to leave their homes; provincial women and social action officials continued their educational campaign to reverse traditional attitudes toward children with disabilities. Traditional attitudes consider children with disabilities to be a curse or a punishment for actions of the parents; such children often are ignored.

There are numerous reports that children are incarcerated with adults in prisons throughout the country (see Sections 1.c. and 1.e.).

The law does not provide specifically an age of sexual consent; however, offering or procuring of prostitution and pornography of any form, including that of children, are illegal under the Penal Code. Sexual abuse of a child under 16 also is illegal under the Penal Code. Exploitation of children below the age of 15 continued, and child prostitution remained a problem (see Sections 6.c. and 6.f.). However, authorities in several provinces took steps to combat child prostitution. Child prostitution appears to be most prevalent in Maputo and Beira, and at border towns and overnight stopping points along key transportation routes. There was no evidence that it exists in other rural areas. Child prostitution reportedly is growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers. According to the Child Network, a domestic NGO, some members of the U.N. peacekeeping force that was in the country between 1992 and 1994 may have initiated child prostitution in Manica Province. In addition many child prostitutes have been infected with HIV/AIDS.

In Sofala province, where child prostitution exists along the Beira development corridor (frequented by truck drivers and businessmen), the Government operates information centers in affected areas to provide information to families and friends of children who are raped and exploited, and counsels them on how to deal with the police, public prosecutors, and judges. In order to address child prostitution, the

National Assembly passed a law in 1999 prohibiting the access of minors to bars and clubs; however, the Government does not have adequate resources to enforce the law effectively. In 2000 the Ministry of Women and Coordination of Social Action launched a campaign against the sexual exploitation of children and is working to educate hotels about the problem of child prostitution. The UNDP assisted the Government with training police to aid child prostitutes; however, there is a lack of accommodation centers, and the Government is unable to offer safe shelter to child prostitutes when they have been removed from danger.

There were reports that a small number of children were trafficked to South Africa and Swaziland for prostitution. The LDH continued to investigate a 2000 case involving a 17-year-old girl; however, there were no confirmed cases during the year (see Section 6.f.).

In 1999 during an Africa-wide conference on child soldiers that was held in Maputo, the NGO Restore Hope was successful in obtaining a promise from the Ministry of National Defense that former child soldiers would not be conscripted.

There were reports that children in rural areas were used to settle financial and other disputes (see Sections 6.c. and 6.f.). Families delegated the children to work for limited periods of time to settle debts.

Persons with Disabilities.—The Constitution states that “disabled citizens shall enjoy fully the rights” that it provides for; however, the Government provided few resources to implement this provision. Representatives of disabled groups and injured veterans frequently protested that societal discrimination continues against persons with disabilities. War veterans with disabilities are among the most politically organized citizens with disabilities. Approximately 1.9 percent of citizens have physical or mental disabilities.

The Government only provides four schools nationwide for the hearing and vision impaired and for persons with physical and mental disabilities. There are few job opportunities for persons with disabilities in the formal sector, although the 1997 census reported that 55 percent of such persons worked or held a job.

Social workers found that some parents of children with disabilities in several districts, including the towns of Gorongosa and Dondo, did not permit their children to leave their homes. Provincial Ministry of Women and Coordination of Social Action officials continued their educational campaign to reverse traditional attitudes toward children with disabilities. During the year, the Government provided scholarships for 615 children with disabilities in education facilities.

The Government continued to rely on NGO's to assist persons with disabilities. The Association of Disabled Mozambicans (ADEMO) addresses social and economic needs of persons with disabilities. ADEMO's effectiveness during the year was hindered by internal conflicts. Smaller NGO's also have formed, including the Association of Handicapped Military and Paramilitary Mozambicans, the Association of Blind and Visually Impaired Mozambicans (ACDVM), the Association of Mozambican Disabled Soldiers (ADEMIMO), the Association of Deaf Mozambicans (ASUMO), the Association of Demobilized War Veterans (AMODEC), and the Association of Disabled Divorced Women (AMODD). In 2000 ADEMO held a conference to address the rights of persons with disabilities.

Concerns of persons with disabilities include access to socioeconomic opportunities and employment, accessibility to buildings and transportation, and a lack of wheelchairs. The only provisions that the Government has enacted for accessibility to buildings and transportation for persons with disabilities were in the electoral law governing the country's first multiparty elections, which addressed the needs of voters with disabilities in the polling booths. Special access facilities are rare. In 1999 the Cabinet issued a resolution that approved the first national policy on persons with disabilities and laid out principles and strategies aimed at encouraging their active participation in the country's socio-economic development; the plan would address concerns of persons with disabilities, including access to public buildings and government infrastructure. However, the plan had not been implemented by year's end due to funding constraints.

Religious Minorities.—Relations among communities of different faiths generally are amicable, especially at the grassroots level. The black and South Asian Islamic communities tend to remain separate; however, there were no reports of conflict.

Civil society and the media highlighted aspects of the draft Family Law legislation early in 2000. Debate focused on the need for legal recognition of religious and common law marriages, as only civil marriages are legal at present. Under the proposed law, polygynous marriages would not be recognized, although the law would offer protection to the widows and children of polygynous unions. Several leaders within the Islamic community oppose the proposal for not recognizing polygyny. On the other hand, approximately 50 Muslim women staged a public protest against polygamy in 2000. There also was debate between some Islamic groups and several

Christian groups over a section of the law that would raise the legal age of marriage.

After several decades of unsuccessful attempts to gain a building permit, the Islamic community began constructing the Grand Mosque in downtown Maputo during the year. Previously the Government had refused to grant permission for mosques to be built in the center of major cities.

National/Racial/Ethnic Minorities.—There was no systematic mistreatment or discrimination on the basis of race or ethnicity; however, the FRELIMO Government traditionally has included at all levels a large number of southerners, mostly from the Shangaan ethnic group, which has engendered complaints from residents of other parts of the country. There also were complaints against the Government that it favored economic development in the southern part of the country over other areas. The Government has taken several steps to address such concerns; the central and northern provinces have been included in the Government's 5-year development plan, economic and social plan, poverty alleviation strategy, and investment incentive program. In addition the President, Prime Minister, and Cabinet members continued to spend a significant amount of time in the provinces during the year. The executive, judicial, and legislative branches include officials from central and northern parts of the country in senior positions.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that all workers are free to join or refrain from joining a trade union, and workers enjoy these rights in practice. For example, a civil service union was established and registered legally during the year. Labor relations are governed by the revised Labor Law. Trade unions remained concerned that large-scale layoffs due to privatization and free trade zones created under the revised law would result in less favorable labor rights, due to government incentives offered to foreign investors. The percentage of workers belonging to labor unions was very small; it was estimated to be less than 1 percent. The majority of union members are in the larger cities where industries are located.

There are two trade union federations in the country: The Organization of Mozambican Workers (OTM), which formerly was affiliated with the FRELIMO party, and the Confederation of Free and Independent Unions of Mozambique (CONSILMO), which was formed by three unions that broke away from the OTM. CONSILMO is permitted to participate in national negotiations on the minimum wage with the Consultative Labor Commission, a body including representatives from labor, private employers, and Government. CONSILMO maintained a working relationship with the OTM, and includes the powerful 28,000-member Union of Industrial Construction Workers of Mozambique (SINTICIM) construction trades union, an early promoter of the rights of female workers. In August civil servants formed a new union, the Public Servants Union (SFP), which has gained recognition by the Ministry of Justice.

The OTM has declared itself free of commitments to any political party, companies, or religious groups, and its regulations prohibit persons holding high ranks within any political party from simultaneously holding top positions in the trade union; however, other labor unions maintain that the OTM is not independent of FRELIMO.

The Constitution explicitly provides for the right to strike, with the exception of civil servants, police, military personnel, and other essential services (which include sanitation, fire fighting, air traffic control, health care, water, electricity, fuel, post office, telecommunications, and funeral services). The law specifies that strikers must notify police, government, union, and employers 48 hours in advance of intended strikes.

In October two-thirds of the operators and maintenance workers at the MOZAL aluminum plant in Matola engaged in a walk-out, seeking to reopen negotiations for wages and benefits for their contract. After 3 weeks, the majority of workers returned to work, although 40 were fired, and disciplinary actions were applied to those who left work without permission. In August approximately 300 members of the Port and Railways Workers' Union (STPCF) engaged in a strike to gain a higher minimum wage, payment for actual hours worked, medical benefits, and paid leave. Following 2 weeks of sporadic negotiations, the strike, which was marred by incidents of vandalism and threats of dismissal, ended and workers returned to work without their demands being met.

In 2000 the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers' organizations (see Sections 6.b. and 6.e.). After negotiations came to a standstill, the Council of Ministers implemented a minimum wage increase of 26 percent in 2000 and agreed to an additional 4 per-

cent increase, which was implemented in May as part of another 17 percent minimum wage increase.

Provisions of the Labor Law forbid retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally are arbitrated through special workers' committees, formally recognized by the Government.

The Constitution and labor legislation give unions the right to join and participate in international bodies. The OTM is a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively.—The law protects the right of workers to organize and engage in collective bargaining. It expressly prohibits discrimination against organized labor. The Government does not set private sector salaries; existing unions are responsible for negotiating wage increases. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage. In 2000 the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers organizations (see Section 6.a.).

The law provides for the creation of export processing zones (EPZ's), and the Government is authorized to confer EPZ benefits to any export-oriented company that meets the criteria. In 2000 MOZAL became the first firm to produce goods in an EPZ. There was an EPZ in Maputo and one in Beira. Workers in EPZ's are subject to the same labor regulations as other workers, and worker rights are respected in practice.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; there were no reports of such practices in the formal economy, and unlike in the previous year, there were no confirmed cases of women being trafficked to South Africa for prostitution and forced labor (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, children in rural areas were used as labor to settle financial and other disputes, with their families delegating the children to work for limited periods of time to settle economic debts (see Sections 5 and 6.d.). The LDH continued to investigate a 2000 case involving the trafficking of a 17-year-old girl (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remains a problem in the country, especially in rural areas where children sometimes work alongside their parents or independently in seasonal harvests or commercial plantations. Employers normally pay children on a piecework basis for such work, which principally involves picking cotton or tea leaves.

Child labor is regulated by the labor law. In the wage economy, the working age without restrictions is 18 years. The labor law permits children between the ages of 15 and 18 to work subject to certain restrictions. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development. For minors under 18 years, the maximum workweek is 38 hours, and the maximum workday is 7 hours. Minors under 18 years of age are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. The Ministry of Labor regulates child labor in both the informal and formal sectors.

Because of high adult unemployment in the formal sector, estimated at around 50 percent, few children are employed in regular wage positions; however, children, including those under the age of 15, commonly work on family farms or in the urban informal sector, where they perform such tasks as "guarding" cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets. Regulations on the informal labor sector are not enforced. Children also are employed in domestic positions and the number appeared to be rising. In a 1999 newspaper survey, labor union representatives noted the growing presence of children in construction jobs. Child prostitution also appears to be growing, especially in the Maputo, Beira, and Nacala development corridors, which have highly mobile populations and a large number of transport workers. Child prostitution also appears to be growing in towns at major border crossings and at overnight stopping points on key transportation routes (see Section 5).

Children orphaned by HIV/AIDS often are forced to work because they are left without any adult family members or with only extended family members who are unable to support them.

Violations of child labor provisions are punishable with fines. Persons engaged in child prostitution, use of children for illicit activities, child pornography, child trafficking, or forced or bonded labor may be punished by prison sentences and fines. Labor inspectors are authorized to obtain court orders and use police to enforce compliance with child labor provisions.

Enforcement remedies generally are adequate in the formal sectors but remain inadequate in the regulation of informal child labor. The Labor Inspectorate and police force lack adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital. The Government has provided training for police on child prostitution and abuse (including pornography); however, there is no specialized child labor training for the Labor Inspectorate. The Government has disseminated information and provided education about the dangers of child labor.

In 1999 the Government signed ILO Convention 182 on the worst forms of child labor; however, the Government had not ratified it by year's end. On July 25 and 26, the Ministry of Labor and UNICEF jointly held a conference on child labor and designed an action plan to address the worst forms of child labor through prevention, protection, and rehabilitation; however, no significant actions were taken on the action plan by year's end.

The law prohibits forced and bonded labor by children; however, children in rural areas were used as labor to settle financial and other disputes, with families delegating their children to work limited periods of time to settle economic debts (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work.—The industrial minimum wage of approximately \$30 (447,741 meticais) per month is set by ministerial decree, although the level is recommended through an administrative process that consists of a tripartite commission composed of labor unions, government representatives, and employer groups. There also is an agricultural minimum wage of approximately \$20 (459,270 meticais) per month, which is established through the same tripartite process. Neither minimum wage is considered sufficient to provide a decent standard of living for an average worker and family, and many workers must turn to a second job, if available, maintain their own gardens, or depend on the income of other family members to survive. Only a small percentage of laborers work at the minimum wage level. Less than 10 percent of workers are in salaried positions, and the majority of the labor force is employed in small-scale farming and the informal sector. Although the industrial sector frequently pays above minimum wage, there is little industry outside of the Maputo area. In May the Government increased both minimum wages by 17 percent following tripartite negotiations between the Government, employers, and labor unions. This included the remaining 4 percent promised in 2000 to complete that year's 30 percent minimum wage increase, which was promised following threats of a general strike by OTM and other unions.

The Ministry of Labor is responsible for enforcing the minimum wage rates in the private sector, and the Ministry of Planning and Finance in the public sector. Violations of minimum wage rates usually are investigated only after workers register a complaint. It is customary for workers to receive benefits such as transportation and food in addition to wages. There is an obligation for workers or employers to participate in a social security scheme, although they voluntarily may create and contribute to private accounts or plans with the National Institute of Social Security to cover retirement, unemployment compensation, and emergency benefits. Worker complaints about employers deducting social security contributions from wages but failing to pay them into accounts grew. During the year, many workers were unable to claim unemployment benefits. Workers who previously had labored in East Germany have requested sums that were set aside from their wages to serve as pensions at a later date. The German Government provided these funds to a civil servant who was accused of embezzling the money. The Government claimed that it could not reimburse the workers. In August and September, hundreds of persons who had worked in East Germany held demonstrations in front of the Ministry of Labor (see Section 2.b.). In December they protested in front of the National Assembly building; police violently dispersed demonstrators, injuring two persons (see Section 2.b.). The Council of Ministers instructed the Ministries of Planning and Finance and of Labor to continue a dialog with the workers regarding the reimbursement problem. The National Assembly briefly debated this matter on December 6 and is scheduled to reconvene discussion on the issue during its next session that begins in March 2002.

The standard legal workweek is 44 hours, with a weekly 24-hour rest period.

In the small formal sector, the Government has enacted health and environmental laws to protect workers; however, the Ministry of Labor enforces these laws ineffectively, and the Government only occasionally has closed firms for noncompliance. The Labor Ministry estimated that there were more than 500 industrial accidents

during the year, with between 20 and 30 deaths. Most of these accidents were blamed on unsafe practices or the lack of safety equipment. There continued to be significant violations of labor legislation in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment, although this right was restricted in practice by threats of dismissal and peer pressure. Although foreign workers are protected under this law, they also are constrained in exercising this right in practice for the same reasons.

f. Trafficking in Persons.—There are no specific laws that prohibit trafficking in persons, although trafficking can be addressed under labor, immigration, and child welfare laws; the country does not have a significant problem with trafficking in persons, but it may be a country of origin for a small number of trafficked persons.

Many citizens working illegally in South Africa and Swaziland are subject to abuses there. There were unconfirmed reports of trafficking during the year. Children's advocates reported that there are indications that a small number of children are trafficked to South Africa and Swaziland for prostitution; however, there were no confirmed cases during the year.

In previous years, there were reports that women were lured into South Africa by international organized crime syndicates with the promise of jobs and decent wages, and then forced to work as prostitutes, in some cases to pay off debts to those who smuggled them into South Africa.

The LDH continued to investigate a case of a 17-year-old girl kidnaped by her neighbors in late 2000 and taken to South Africa for unknown purposes. She was held for 2 months in the Johannesburg area, and may have been abused sexually. The girl was recovered by the police, and the perpetrators were in detention awaiting trial at year's end.

The LDH has not released results from its investigation into the report of two women who were trafficked from Manica to a brothel in South Africa in 2000.

The Government has not devoted resources to combat trafficking, and there is no specific protection offered by either the Government or NGO's for trafficking victims. The Government did not take any specific actions to combat trafficking during the year.

NAMIBIA

Namibia is a multiparty, multiracial democracy. President Sam Nujoma, leader of the South West Africa People's Organization (SWAPO), was reelected in 1999 general elections, which international and domestic observers agreed were free, but included some instances of government harassment of the opposition and unequal access to media coverage and campaign financing. In the 1999 elections, SWAPO won three-quarters of the seats in the National Assembly. During the year, President Nujoma announced that he planned to step down at the end of his term. The judiciary is independent.

The police, including the paramilitary Special Field Force (SFF), supervised by the Ministry of Home Affairs, and the Namibian Defense Force (NDF), supervised by the Ministry of Defense, share responsibility for internal security. The Namibian Central Intelligence Service (NCIS) has responsibility for national security related intelligence inside and outside the country. There were continued abuses by security forces deployed in the Kavango and Caprivi regions as a result of crossborder fighting from Angola. By September the majority of the NDF soldiers who were sent to the Democratic Republic of the Congo (DRC) in 1998 were withdrawn. Members of the police force and the NDF committed serious human rights abuses during the year. These forces are under the full control of, and are responsive to, the civilian Government.

The country's modern market sector produces most of its wealth, while a traditional subsistence agricultural sector (mainly in the north) supports most of its labor force. The population is approximately 1.8 million. The principal exports are diamonds and other minerals, cattle, and fish. Ranching still is controlled largely by white citizens and foreign interests. In other industries, including the important mining, fishing, and tourism sectors, the participation of indigenous entrepreneurs has been increased to provide opportunities for black citizens. Per capita gross domestic product is approximately \$1,400 (N\$15,500). Although there is an extreme disparity between the income levels of black citizens and white citizens, the living standards of black citizens continued to improve, and the major economic resources in the country no longer are controlled exclusively by white citizens. Unemployment was nearly 40 percent and affected primarily the black majority.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Members of the security forces committed several extrajudicial killings while conducting extensive security operations in the Kavango and Caprivi regions along the country's northern border with Angola. After fighting between the Angolan Armed Forces (FAA) and forces from the National Union for the Total Independence of Angola (UNITA) crossed into the country, security forces involved in anti-UNITA security operations killed civilians. There were deaths in custody. The Government did not account for the whereabouts of some persons detained by the security forces. During arrests and detentions, security force members reportedly tortured and beat citizens and Angolan refugees who were suspected of complicity with UNITA. There were other reports of police mistreatment of suspects in detention, and refugees were denied legal protections during detention. Some security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, the Government did not take legal or administrative action in other cases. Prison conditions and conditions in military detention facilities were Spartan. Arbitrary arrest and lengthy pretrial detention were problems. A large court backlog, due primarily to resource constraints, continued to lead to lengthy delays of trials.

High-level government officials continued to respond to criticism of ruling party and government policies with verbal abuse. There continued to be pressure on journalists who worked for government-owned media outlets not to criticize the Government. There continued to be a ban on all public demonstrations that did not have prior police approval; there were no reports that permit applications were not approved during the year. On occasion the Government restricted freedom of movement. On several occasions during the first half of the year, the authorities deported Angolan citizens without review by an immigration tribunal, as required by law; however, there were no such deportations during the second half of the year. Violence against women and children, including rape and child abuse, continued to be serious problems; however, the Government took some steps during the year to address these problems. Women continued to experience serious legal and cultural discrimination. Racial and ethnic discrimination and serious disparities in education, health, employment, and working conditions continued. Discrimination against indigenous persons persisted, especially in remote rural areas where indigenous people often were unaware of their rights. There were reports of forced labor, including by children. The Government took steps to end child labor, and the problem of child labor declined.

Members of the FAA and UNITA involved in the crossborder fighting in the northern part of the country committed extrajudicial killings, beat civilians, laid landmines, and according to local and international human rights groups, committed a number of rapes.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Members of the security forces committed several extrajudicial killings in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces spilled over into the country. At times security forces used excessive violence against citizens and Angolan civilians along the northern border of the country, and security forces involved in anti-UNITA operations killed a number of civilians during the year.

Security forces shot and killed several persons during the year. For example, on June 10, an NDF soldier shot and killed a woman inside a Catholic church in Shamangorwa village near the Kavango-Caprivi border; there was no further information available on the case by year's end. In mid-June Simpson Mandume, an SFF soldier, shot and killed 21-year-old Heblonia Maliro Tjiti, with whom he reportedly had a romantic relationship. Mandume was arrested and charged with murder; there was no further information on the case at year's end. On September 22, SFF soldiers shot and killed Marian Muyeghu and Poroto Kakuru near Shinyungwe village, east of Rundu, reportedly because they were involved with UNITA; however, human rights groups reported that they were shot while looking for lost cattle. There was no further information available on the case at year's end. In October a NDF soldier shot and killed Libwere Shampapi in the village of Muhopi, east of Rundu. The soldier reportedly was angered by the playing of drums in the village. The NDF arrested the soldier, and he was charged with murder; there was no further information available on the case at year's end.

Several persons died in custody. For example, in January Ismael Mohamed reportedly was beaten to death while in police custody (see Section 1.c.). The police commissioner ordered an autopsy; however, there was no further information avail-

able on the case at year's end. On July 10, Hans Dikua, a Kxoe San man, died in NDF custody. The Government first stated that Dikua was shot while trying to escape after he was arrested on suspicion of hiding weapons along the Okavango River; however, the Government subsequently reported that Dikua jumped out of a NDF canoe and drowned. The Government announced that an autopsy showed no bullet holes in the body. Human rights groups maintained that he was shot, based on the accounts of local villagers who witnessed the incident; human rights groups reportedly were invited to examine the body but had not done so by year's end.

At times the Government took action against security forces responsible for deaths; however, in many other cases, the Government failed to take action against security force members responsible for killings.

During the year, several NDF officers who were involved in the June 2000 killing of Felizberto Toto were charged with murder; there was no further information available on the case at year's end. There were no developments in the March 2000 case of a SFF member who was arrested and charged with killing Mapeu Moroshi of Thipanana Rughongo village. In 2000 a SFF member was charged with murder for the January 2000 killing of a 6-year-old girl, Heremine Nyumbu, after he fired into a crowd of refugees; there was no further information available on the case at year's end. During the year, the SFF members who were involved in the incident were charged with murder for killing Mpengu Haininga in January 2000; there was no further information available on the case at year's end.

In 2000 senior civilian and military government officials made public statements acknowledging that security forces abused and killed civilians in the Kavango and Caprivi regions during security operations in response to crossborder UNITA attacks in the country, and they publicly called for greater discipline and respect for human rights by the NDF and police forces. During the year, the NDF and police forces conducted human rights training with the assistance of the U.N. High Commissioner for Refugees (UNHCR) and the Legal Assistance Center, a domestic non-governmental organization (NGO).

In 1999 there were reports that security force officers killed eight Caprivi Liberation Army (CLA) rebels and several civilians, and beat, arrested, and detained suspected CLA rebels and sympathizers during operations against the CLA after a 1999 CLA attack at Katima Mulilo. During the year, the responsible security forces were charged with assault and torture, and many victims initiated civil suits against the Government; some of the suits were decided in favor of the victims, and others were ongoing at year's end. One SFF member was tried for murder and acquitted on August 30.

In November 1999, a police officer in Okahandja beat to death a student who was arrested and in custody for disorderly conduct. The police officer immediately was suspended, charged, and released on bail; his trial still was pending at year's end.

There was no further information available on the case against a SFF officer who shot and killed James Chilunda, a civilian, in the Caprivi village of Singalamwe in July 1999.

After the Government decided in 1999 to allow the FAA to launch anti-UNITA attacks from the country's territory, there was extensive crossborder fighting, which resulted in civilian deaths and injuries. The Government took a number of actions in response to crossborder fighting, including expanding the police presence in those areas and retaliating militarily.

FAA soldiers killed a number of civilians during the year. For example, in April Nghihangwa Kandume in Opalasha township in Eenhana, died under mysterious circumstances after he was seen in the company of seven FAA soldiers. In January 2000, an FAA member killed Thadeus Mubili in Mushangara in western Caprivi. In May 2000, the FAA killed Thaddeus Vili at Bagani near the Kavango and Caprivi regions. In both cases, the responsible FAA members were arrested immediately after the killings and returned to the FAA for punishment; however, it is not known if the FAA took further action by year's end.

During raids in the Kavango and Caprivi regions, UNITA forces killed civilians.

UNITA used landmines, which resulted in dozens of deaths and numerous injuries of civilians and security force officers. There continued to be reports that FAA members used landmines in villages. Since 1999 landmines have killed more than 20 persons in the country; between June and year's end, 11 landmine explosions were reported, which resulted in at least 1 death (see Section 1.c.).

There were no developments in the 2000 case of a family of foreign tourists who were killed by unidentified armed men.

b. Disappearance.—There were several reports of disappearances perpetrated by the security forces during the year. The Government did not account for the whereabouts of some persons detained by the security forces (see Section 1.d.). On Janu-

ary 15, NDF soldiers arrested Cesar Domingos, an Angolan citizen, in Mohopi village; he reportedly has been missing since the arrest (see Section 1.c.).

During several crossborder attacks into the northern area of the country, UNITA kidnaped Namibian citizens and took them to Angola. There were reports that some of the kidnaped persons were raped or forced to serve as combatants or porters (see Sections 5 and 6.c.). There also were reports that FAA soldiers abducted Namibian citizens. On February 12, FAA soldiers reportedly abducted two Namibians after looting the village of Mutwarantja, east of Rundu; the soldiers took them across the Okavango River into southern Angola and shot and injured them.

In March two children were kidnaped from their home in Mayenzere village by a group of armed men who were believed to be UNITA members and taken to southern Angola; they were returned by NDF officers.

There were no further developments on the disappearance of persons detained by SWAPO prior to independence.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides that no persons shall be subject to such practices; however, in practice, prisoners sometimes were beaten or otherwise mistreated by police, especially by members of the SFF. There were serious abuses in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces spilled into the country. During arrests and detentions, security force members beat citizens and Angolan refugees who were suspected of complicity with UNITA.

Security forces and police beat and reportedly tortured several persons they held in custody. For example, on January 14, NDF soldiers arrested Cesar Domingo's brother-in-law, Paulus Shifure, and reportedly beat him. On January 16, NDF soldiers arrested Peter Mukonda and another person on weapons charges in Korokoko village, east of Rundu, and reportedly beat them at the Rundu military base. On January 17, NDF soldiers arrested Masati Muyenga and reportedly hung him upside down and whipped him during detention at the Rundu military base; he was released from custody on February 21 after security forces determined that he was not a UNITA member. On April 9, NDF soldiers arrested Johannes Sondaha Kampumburu in Rundu on suspicion of collaborating with UNITA; during his detention, he reportedly was hung upside down by his legs and beat with a rawhide whip called a sjambok. On June 3, NDF soldiers reportedly used electric shocks on Petrus Kalimbwe while he was in detention at a NDF base in Silikunda village, west of Rundu. A hospital report showed that he was injured on the back, elbow, and hand but did not indicate the cause of injury. On August 15, Joseph Simbinde Muvundu reportedly was arrested in Nkurunkuru village, accused of being a UNITA commander, and tied to a tree overnight. The next day, he reportedly was transferred to Rundu military base and was beaten and subjected to electric shocks.

Security forces shot and injured other persons. For example, on September 15, there was a report that a drunken NDF soldier shot and injured Ralph Nairenge, a 17-year-old student at the Bunya Junior Secondary School, west of Rundu, reportedly while he walked down the street in Bunya. Nairenge was treated for his injuries at the Rundu state hospital; no further information was available on the case at year's end.

There were several incidents of harassment of homosexuals by security forces, which human rights groups believed were instigated by the President's remarks about homosexuals (see Section 5). For example, on April 30, a SFF member ripped earrings from the ears of two men in Katutura, a suburb of Windhoek. SFF members reportedly grabbed a notebook and tore up the written notes of a reporter at the scene, briefly confiscated his camera, and arrested him; he was released the same day. A senior SFF commander who witnessed the incident threatened disciplinary action against the SFF member; however, no reported action was taken against the SFF member by year's end. In June SFF members beat two homosexual men on the street.

SFF members reportedly beat persons whom they stopped for identification checks.

In 2000 there were reports that security forces targeted members of the Kxoe minority group for harassment during anti-UNITA operations in the Caprivi region.

At times security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, in many other cases, the Government did not take any action against those responsible for abuses.

No action reportedly was taken against the members of the security forces responsible for beating, shooting, or otherwise abusing persons in the following cases from 2000: The February beating of Kamungwe Ngondo; the February shooting of Muyeve Thadeus Munango; the February beating of Hompa Anton; the January beating of Erkki Fiderato; the January shooting of Kandepwe Kapama; the January

shooting of Kathumbi Diyeve; the January beating of Lucas Kavura and his father, Daniel Nyambe; and the January beatings of Kapindi Mpepo, Haupindi Hamuyera, and Petrus Paulus.

In 1999 many detainees exhibited evidence of extensive injuries inflicted by police during their detentions, including detainees Oscar Lupalezwi, Stephan Ntelamo, and Allen Sameja. All three identified their abusers as police sergeant Patrick Liswani and two constables named Haipa and Oupa. In 2000 the Prosecutor General requested additional investigations in the criminal case against the sergeant and the constables; there was no further action on the case by year's end.

In 1999 security forces responded with violence to secessionist attacks. The Legal Assistance Centre (LAC) represented former parliamentarian Geoffrey Mwilima in a civil suit against the Government for damages for their mistreatment by police after the 1999 CLA attack at Katima Mulilo. Security forces beat Mwilima and other suspected CLA members and sympathizers with sjamboks and rifle butts during arrest and detention. The SFF members involved in the incidents were charged with assault, and the victims brought individual civil suits against the Government; both the criminal and civil suits were pending at year's end. The LAC reported that 128 civil suits had been filed relating to the 1999 state of emergency in Caprivi. The criminal cases were scheduled to begin in February 2002 but were postponed because none of the defendants had legal representation. Some of the defendants applied for legal aid, but the Government refused to provide it. They subsequently filed an appeal to the High Court challenging the refusal. On December 14, the High Court ruled in favor of the defendants; however, the Government appealed the decision to the Supreme Court in December, and the case remained pending at year's end.

The police continued to use a human rights training course and a police human rights manual designed by the LAC. A directive that prohibited the use of sjamboks by police continued to be in force during the year. The directive generally was observed by police and resulted in some decrease in reports of police brutality; however, police still are permitted to use batons. No police officers who used sjamboks were charged with violating the directive during the year; however, the Government reportedly was preparing criminal cases against them at year's end.

Numerous crossborder attacks into the country by UNITA and FAA forces, including the use of landmines, and the abuse of civilians, resulted in dozens of deaths and many injuries to civilians (see Section 1.a.). By 1999 more than 100 persons had been injured by landmines; between May and year's end, 11 cases were reported, including 1 death (see Section 1.a.). There were reports that UNITA forces kidnaped female citizens and raped them. There were reports of intimidation and abuse of civilians by the FAA, including sexual harassment, threatening behavior by drunken soldiers, and indiscriminate use of firearms. In 2000 the all-SWAPO region council for Kavango recommended the removal of Angolan government troops from the country because of their harassment of Namibian civilians; however, this did not occur by year's end.

In June a farmer shot and injured a refugee reportedly for poaching a goat and stealing crops. The farmer was arrested and charged with attempted murder, and he was released on bail. The trial was scheduled to begin in March 2002. There were reports that several other farmers threatened similar actions in response to theft.

Prison conditions and conditions in military detention facilities are Spartan, although the Government continued to focus attention on improving living conditions. Prisons in the country generally meet international standards. Visits by the International Committee of the Red Cross (ICRC) and foreign diplomats found conditions in prisons to be clean and orderly. Human rights organizations continued to complain about prison overcrowding. The Ministry of Prisons and Correctional Services administers the country's prisons and jails. Pretrial detainees are not held separately from convicted prisoners. Prisoners generally have access to legal counsel and family during regular office hours. Prison guards allegedly sometimes abused female prisoners. Female prisoners are held separately from male prisoners. The Government also made efforts to separate youthful offenders from adult criminals, although in many rural areas, juveniles continued to be held with adults. Separate facilities for child offenders were established in Windhoek and Mariental. There are several pilot programs that provide alternatives to incarceration for juvenile offenders. The Government continued to grant NGO's regular access to prisons and prisoners. The ICRC requested and received prison access, including access to the high security Dorbabis detention facility.

In some cases, prisoners who were victims of brutality were able to pursue legal remedies. In June a judge awarded three inmates in Windhoek Central Prison damages of approximately \$3,500 (N\$40,000) as compensation for assaults by prison

guards during 2000. Sageus Frederick, also a prisoner in Windhoek, was awarded damages of approximately \$1,400 (N\$15,000) in compensation for beating by prison officers in 2000. A total of 15 suits against the Minister of Prisons over the use of leg chains in prisons were settled out of court in August. The plaintiffs included Tuhafeni Hamwaama, who was kept in leg chains continuously for 11 months. Five of the prisoners challenged the constitutionality of the use of leg irons, which resulted in the Supreme Court declaring them unconstitutional in 1999.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution forbids arbitrary arrest or detention except in situations of national emergency; however, security forces used arbitrary arrest and detention in practice. Persons who are arrested must be informed of the reason for their arrest and must be brought before a magistrate within 48 hours of their detention. Those accused are entitled to defense by legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel. However, in practice many accused persons in remote and rural areas are not represented by counsel, primarily due to resource constraints. A trial must take place within “a reasonable time,” or the accused must be released. Human rights organizations have criticized the length of time that pretrial detainees were held, which have extended beyond 1 year in some cases (see Section 1.e.). Under a state of emergency, the Constitution permits detention without trial, although the names of detainees must be published in the government gazette within 14 days, and their cases must be reviewed within 1 month by an advisory board appointed by the President. Detainees have access to their lawyers prior to trial. There is a functioning bail system in place. The LAC reports that it generally is observed except in rural areas, where persons often are unaware of their legal rights.

Security forces arrested several persons suspected of involvement in or collaboration with rebels. On April 27, police officers arrested Rassen Lutambo and another person in connection with the 1999 attacks by the CLA; the two men reportedly were forced at gunpoint to confess to involvement in the CLA and to serve as witnesses in the criminal trials of CLA members. There was no further information on the case available at year’s end. In April NDF soldiers arrested Corporal Musenge Chipoya, reportedly based on the suspicion that he was collaborating with UNITA. On April 25, Chipoya was observed with NDF soldiers, but he subsequently disappeared; his whereabouts remained unknown at year’s end. On June 13, in Ngone village, east of Rundu, SFF soldiers arrested Joao Vinevale reportedly based on suspicion of weapons possession. The NSHR reported that he was transported to the Angolan border town of Calai; his whereabouts remained unknown at year’s end.

In May security forces arrested Frans Hamberera Kanyeva in Ngondo village, east of Rundu, reportedly on suspicion of UNITA involvement; Kanyeva was deported to Angola but subsequently returned to the country. There was no further information available on the case at year’s end.

Security forces arrested several persons for alleged possession of weapons. For example, in January NDF soldiers arrested Liep Kamba and Riemi John in Bagani near the border between the Kavango and Caprivi regions for allegedly planting a landmine that killed three persons; they were released without charge after 3 days. The LAC brought a civil suit against the Government on their behalf; there was no further information on the case at year’s end. On June 13, in Ngone village, east of Rundu, SFF soldiers arrested Joao Vinevale reportedly based on suspicion of weapons possession; his whereabouts remained unknown at year’s end (see Section 1.b.).

Police arrested one journalist during the year (see Section 2.a.).

In June police officers arrested approximately 80 members of the Hai/Om San ethnic group, including women and children, for not having national identification cards; there was no further information available on the case at year’s end.

Immigration officers continued to detain illegal immigrants. For example, in May immigration officers, with police and army cooperation, detained 120 illegal immigrants in Oshakati; most of the immigrants were Angolans.

Citizens who are arrested arbitrarily used civil suits as legal recourse in many cases. For example, on June 1, Khoe San leader Thadeus Chedau sued and was awarded damages of approximately \$2,000 (N\$23,000) for his arrest in 2000.

In 2000 a group of Angolan and Congolese refugee musicians were arrested for performing at a Congress of Democrats (COD) rally. After being released, the Government attempted to rearrest and deport them; however, by year’s end, no such action was taken and the musicians returned to the Osire refugee camp.

During a security force operation in 2000, the Government arrested 82 alleged Angolan illegal immigrants in the northern part of the country and detained them under Section 49 of the Immigration Control Act, a provision that gives the Govern-

ment greater powers to arrest and detain immigrants who may pose a security threat. A majority of the arrested immigrants had lived in the country for many years, and they were detained based on suspicion of involvement in UNITA crossborder attacks. The detainees were held for 1 month in secrecy before the Government made the arrests and detentions public. Although the detainees were interviewed by the ICRC and UNCHR, they were denied legal counsel. The NSHR stated that at least one of the detainees was a citizen and provided his identification card number; however, the Government disputed the detainee's citizenship, and he continued to be held at Dorbabis detention facility at year's end. The Government stated that it would not return forcibly the detained immigrants to Angola, and the detainees remained at Dorbabis at year's end; however, they had not been charged, and they were not granted access to legal counsel, although ICRC arranged for the Namibian Red Cross to transmit messages to and from their families.

In 2000 there were reports that security forces arrested and detained 3 senior headmen and 10 children from the Kxoe minority group. The children reportedly later were released.

In 2000 approximately 15 Kxoe men were arrested during a security sweep in western Caprivi. The Government initially denied that they were arrested and later stated that the men were arrested but escaped from custody; however, there was evidence that the detainees wrote letters to their families from the Bagani military base after the date of their reported escape, and LAC interviews with NDF soldiers also confirmed that the detainees remained at Bagani for at least 1 month after the government statement. The LAC filed a habeas corpus case; in December a court ruled against LAC in the case.

During the 1999 state of emergency declared in response to CLA attacks in Katima Mulilo, the security forces detained several hundred of suspected CLA members and sympathizers. Most of the detained were held incommunicado for 2 weeks, which the Constitution allows during states of emergency, before the Government provided public notice of the detentions. All of the detainees were arraigned on charges but were denied bail and remained in detention at year's end; their trials were postponed until April 2002. While the majority of detentions during the state of emergency occurred in the Caprivi region, in 2000 Albert Sibeya and Martin Sichimwa Mutumba were arrested in Ongwediva in the north-central part of the country. The NSHR protested the use of emergency measures to detain suspects outside of the Caprivi region, and the LAC initiated a constitutional case against the arrests. In September the case was settled out of court; the settlement provided for an undisclosed award of damages and for the charges against them to be dropped.

Some traditional leaders reportedly continued to detain and imprison persons accused of minor offenses without recourse to police or judicial review. In response the Government instructed traditional leaders on the legal limits of their authority.

The Government generally does not use forced exile.

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

The formal court system has three levels: 30 magistrates courts; the High Court; and the Supreme Court. The latter also serves as the court of appeals and as a constitutional review court.

During the year, a magistrate challenged in court a Ministry of Home Affairs decision to reassign him to a different region, claiming that direct government authority over magistrates undermined the independence of lower courts. On November 23, the High Court dismissed the magistrate's challenge and ordered him to pay the Ministry's legal costs.

Most rural citizens first encounter the legal system through the traditional courts, which deal with minor criminal offenses such as petty theft and infractions of local customs among members of the same ethnic group. The law delineates which offenses may be dealt with under the traditional system.

The constitutional right to a fair trial with a presumption of innocence until proven guilty generally is afforded by the judiciary; however, this right is limited somewhat in practice by long delays in hearing cases in the regular courts and the uneven application of constitutional protections in the traditional system.

The lack of qualified magistrates, other court officials, and private attorneys has resulted in a serious backlog of criminal cases, which often translated into delays of up to 1 year or more between arrest and trial, contravening constitutional provisions for the right to a speedy trial. Many of those awaiting trial were treated as convicted criminals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides all citizens with the right to privacy and requires arresting officers to secure a judicial warrant before conducting a search, except in situations

of national emergency, and government authorities generally respected these rights in practice. In general violations were subject to legal action.

Under the law, the Namibian Central Intelligence Service (NCIS) is authorized to conduct wiretaps, intercept mail, and engage in other covert activities, both inside and outside the country, to protect national security. However, wiretaps and covert surveillance require the consent of a judge.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, subject to reasonable restrictions in situations such as a state of emergency, and the Government generally respected these rights; however, at times high level government officials responded to criticism of the ruling party and government policies with verbal abuse. There also were reports of government pressure on reporters who worked for the government-owned media.

The Government owns one newspaper—the biweekly *New Era*—and two magazines—*Namibia Today* and *Namibia Review*, and the Government also runs the Namibia Press Agency (NAMPA). There are six independent newspapers. Reporters for independent newspapers continued to criticize the Government openly and did not engage in self-censorship. During the year, high-level government officials sharply and publicly criticized journalists, human rights groups, and opposition politicians in response to perceived criticism of the Government or ruling party (see Section 4). The NSHR continued to publish reports regularly and sometimes on a daily basis. Such verbal attacks do not appear to have impacted significantly the aggressive style of the independent media or the work of human rights groups or opposition political parties. NGO's involved in media issues maintained that reporters working for the *New Era* newspaper were subjected to indirect and direct pressure not to report on certain controversial topics; although the *New Era* sometimes covered opposition party activities and views that were critical of the Government, the Government exerted control over its news content during the year.

During the year, President Nujoma ordered all government departments to stop buying *The Namibian* with state funds after May 31 due to its critical coverage of the President and the Government. In 2000 the Cabinet suspended all government advertising in *The Namibian*, including public notices on the census and other government activities; however, the Government continued to advertise in and purchase the majority of copies of *Namibia Today*, a weekly newspaper run by the ruling party. Local and international press freedom organizations criticized the Government's actions.

During the year, police arrested and charged with interference with the police a journalist for *The Namibian* when he attempted to photograph a defendant in the CLA trials who was hospitalized at the time; the journalist's camera was confiscated, and he was detained briefly, but the charges were dropped the same day.

On April 30, SFF members reportedly grabbed the notebook and tore up the written notes of a reporter, briefly confiscated his camera, and arrested him; he was released later the same day (see Section 1.c.).

During a May conference on world press freedom, the Government stated that foreign journalists attending the conference were not allowed to cover other news stories in the country without an additional visa.

The government-owned NBC operates most radio and television services. Media observers believe that NBC reporters exercised considerable self-censorship on certain controversial issues, although the NBC provided some coverage to opposition parties and viewpoints critical of government policies. However, a newly-appointed NBC Director instituted management changes that were criticized for enforcing ideological compliance with the Government and seeking to diminish government opposition.

There were eight private radio stations, one private television station in the town of Rehoboth, and a private cable and satellite television service that broadcasts the Cable News Network, the British Broadcasting Corporation, and a range of South African and international news and entertainment programs. The ruling SWAPO party owns 51 percent of this cable service. There are no restrictions on the private ownership of satellite dishes, and the use of satellite dishes and cable television is growing.

In 2000 the Ministry of Information and Broadcasting was absorbed into a combined Ministry of Foreign Affairs and Information and Broadcasting. Regulations require foreign journalists who seek to visit the country to provide 1 month's advance notice to the Ministry and to state the purpose of their proposed visit. Journalists are required to schedule appointments with government officials through the Ministry and request permission to visit areas under the control of the Ministry of Environment and Tourism. Additionally journalists must obtain a temporary work per-

mit from the Ministry of Home Affairs. Several major conferences in the country attracted large numbers of international journalists.

There are no restrictions on Internet access or use. There are growing numbers of domestic Web pages, and one of the independent newspapers has a popular Web site.

The Government does not restrict academic freedom. There were no reports of interference with, or harassment of, these activities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, except in situations of national emergency, and freedom of association, even in times of national emergency, and the Government generally respected these rights in practice. Organizers of public meetings were required to obtain prior police approval, but many public gatherings took place without such approval and without interference by the Government. Unlike in the previous year, there were no incidents in which the Government prevented demonstrations. Unlike in previous years, there were no reports of intimidation by SWAPO members or opposition party members.

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

Some foreign missionaries have complained about the difficulty of obtaining work and residency permits; however, religious workers are subject to the same bureaucratic impediments in obtaining these permits as all foreign citizens.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, except in situations of national emergency; however, on occasion the Government restricted these rights in practice.

SFF members reportedly beat persons whom they stopped for identification checks (see Section 1.c.).

The Government imposed a dusk to dawn curfew in the Kavango region and in western Caprivi in response to the war in Angola and the spillover effects in the country. Human rights groups criticized the action as an infringement of freedom of movement; the Government defended the action on the grounds of public safety.

Unlike in previous years, there were no reports that the CIS deported any human rights workers (see Section 4).

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR on the granting of refugee status to asylum seekers. The Government's eligibility committee continued to meet on a regular basis to consider asylum requests, and the UNHCR was permitted to intervene in those cases where immigrants would qualify for refugee status. Illegal immigrants continued to be detained for short periods prior to their deportation proceedings (see Section 1.d.). In cases where illegal immigrants are alleged to pose a security threat, they can be detained for longer periods (see Section 1.d.).

The Government provided first asylum and continued to permit asylum seekers to enter the country. The UNHCR estimates that approximately 26,000 persons eligible for refugee status are residing within the country. There were approximately 18,000 refugees and asylum seekers at the Osire camp, 95 percent of whom are from Angola. The remaining refugees are from the Democratic Republic of the Congo, Burundi, Rwanda, Tanzania, and other African countries. Government officials interview asylum seekers. Those granted refugee status generally were not permitted to work, live outside the Osire refugee camp, or attend schools. Schools have been established at the Osire refugee camp. The Osire camp, which was designed to accommodate 5,000 refugees, experienced severe overcrowding problems during the year. During the year, there continued to be problems at Osire, including poor water quality, a high malnutrition rate, inadequate shelter, and tense relations with local farmers.

In 2000 officials denied foreign Red Cross members access to the Osire refugee camp based on new permit requirements. The Namibian Red Cross Society (NRCS) temporarily withdrew from the Osire camp after the incident. In 2000 the Government, the UNHCR, and the NRCS entered into a temporary tripartite agreement to provide for refugees in the Osire camp; the agreement designates the NRCS as the primary service provider. As a result, coordination among the parties improved in 2000; however, the Government continued to maintain strict control over civilian access to the Osire refugee camp. During the year, UNHCR administered two feasibility studies on a government proposal to move the Osire camp to Mkata. The studies recommended against the relocation of the camp; the Government was reviewing the studies' conclusions at year's end.

Namibian and Angolan security forces forcibly returned Angolan refugees entering the Kavango region on several occasions during 2000, and there were reports that

such deportations continued during the year. There were allegations that young males were separated from their families, arrested, returned to Angola, or forced into conscription with the Angolan army. UNHCR requested and was granted access to immigration tribunal proceedings.

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

Citizens exercised their right to change their government by electing a President and National Assembly for the second time since independence during the 1999 general election, which international and domestic observers agreed was generally free and well-administered despite some irregularities. Observers noted instances of harassment of opposition members during the campaign, and unequal access to media coverage and campaign financing were problems. Nevertheless voter turnout was more than 60 percent, and the election proceeded peacefully. Sam Nujoma, leader of the ruling party SWAPO, was reelected. Although the Constitution formerly limited the President to two terms in office, in 1998 the National Assembly amended the Constitution to permit President Nujoma to run for a third term. President Nujoma won 77 percent of the vote and SWAPO won 55 of 72 elected National Assembly seats. In the National Assembly, 4 opposition parties won a total of 17 seats, including the COD party, which won the largest number of opposition votes; the Democratic Turnhalle Alliance (DTA); the United Democratic Front; and the Monitor Action Group. During the year, President Nujoma announced that he planned to step down at the end of his term.

The Constitution establishes a bicameral Parliament and provides for general elections every 5 years and regional elections every 6 years. Members of the National Assembly are elected on a party list system on a proportional basis.

Opposition parties generally were able to undertake political activity such as advertising and holding party conferences and public rallies.

Leaders of the opposition have criticized the ruling party for its decision to amend the Constitution to permit the President to seek a third term. In 1999 Ben Ulenga, former High Commissioner to the United Kingdom and a high-level ruling official, formed the COD opposition party, in part as a response to the amending of the Constitution to allow a third term, and in the general election the COD won approximately 10 percent of the vote and seven seats in the National Assembly.

The percentage of women in government or politics does not correspond to their percentage of the population. There were 3 female ministers and 4 female deputy ministers of a total of 42 ministerial and deputy ministerial positions. In addition one woman held a cabinet-level position as Director of the National Planning Commission. Women served as Ombudswoman and as the Government Attorney. Women held 18 of 98 parliamentary seats in the National Assembly. There is a Women's Caucus in Parliament that reviews legislation for gender sensitivity.

Historic economic and educational disadvantages have served to limit the participation of the indigenous San ethnic group in politics; however, a member of the San community representing the SWAPO party was elected to the National Assembly in the 1999 general elections. Virtually all of the country's other ethnic minorities were represented in Parliament and in senior positions in the Cabinet. Members of smaller ethnic groups hold the offices of Prime Minister, Deputy Prime Minister, Minister of Foreign Affairs, and Speaker of the National Assembly.

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

During the year, high-level government officials continued to use harsh language in responding to criticisms of the ruling party and government policies by NGO's. For example, government officials publicly stated on numerous occasions during the year that critics were a fifth column for UNITA and guilty of treason. Government officials also have attacked verbally the NSHR and the Breaking of Walls of Silence (BWS) movement, which acts as an advocate for former detainees imprisoned by SWAPO prior to independence. However, despite verbal attacks, other local NGO's such as the LAC, the NSHR, the BWS Movement, and those working with indigenous groups continued to criticize government policies freely. Both the NSHR and the Namibia Institute for Democracy (NID) maintained field offices in the Kavango region. Human rights organizations generally were free to investigate reports of abuses in the region and to release reports.

In 2000 the Central Intelligence Service detained Moses Nasileli, the Katima Mulilo-based head of NSHR's Caprivi office, for questioning and expelled him from the country to Zambia. Although the Government justified the deportation based on his alleged support for Caprivi separatists, reportedly he was deported because of his NSHR affiliation. Nasileli was a Zambian national who had lived in the country

since 1985, was married to a citizen, and had six citizen children. The Government claimed that he had immigrated illegally to the country in 1985 and that he was granted voluntary deportation (see Section 2.d.).

In addition human rights organizations and academic organizations, such as the Media Institute for Southern Africa, the Centre for Applied Social Sciences, and the Human Rights Documentation Centre, worked openly on a variety of human rights problems affecting the press, women, ethnic minorities, and other groups. For example, in 2000 leaders of the Council of Churches of Namibia (CCN) criticized the Government for the behavior of security forces along the Angolan border. The Media Institute of Southern Africa (MISA), which is based in Windhoek, periodically issued reports criticizing the Government.

Despite a 2000 agreement, officials continued to deny Red Cross members access to the Osire refugee camp (see Section 2.d.). Representatives of international human rights organizations, including Amnesty International, visited the country to investigate allegations of human rights abuses during the year.

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

The Constitution prohibits discrimination based on race, creed, gender, or religion, and specifically prohibits “the practice and ideology of apartheid,” and the Government generally respects these provisions. During the year, there was a significant improvement in the attention paid to women’s issues and the rights of disabled persons.

Although the Constitution prohibits discrimination, it does not mention specifically sexual orientation. The Government has stated publicly that the Constitution protects equal rights regardless of sexual orientation; and one binational homosexual couple was granted immigration rights. The country has a law protecting homosexuals from employment discrimination. However, during the year, senior government officials, including President Nujoma, made disparaging public remarks about homosexuals. During a March 19 speech at the University of Namibia, President Nujoma announced that “the Republic of Namibia does not allow homosexuality or lesbianism here. Police are ordered to arrest you, and deport you and imprison you too.” However, there were no reports that homosexuals were arrested, deported, or imprisoned during the year. Nujoma also declared that homosexuals would not be allowed to enter the country; however, there were no reports of such incidents. Following Nujoma’s remarks, some SFF members harassed and abused persons whom they suspected were homosexual (see Section 1.c.).

Women.—Domestic violence against women, including beating and rape, is widespread. Traditional attitudes regarding the subordination of women exacerbated problems of sexual and domestic violence. However, there continued to be an improvement in the attention paid to the problems of rape and domestic violence. Government ministers joined in public protests against domestic violence, and the President, members of his Cabinet, and parliamentarians continued to speak out against it. During the year, convicted rapists and abusers received longer prison sentences in many cases than in previous years. NGO’s expressed concern that the court system does not have mechanisms to protect vulnerable witnesses from open testimony, and the Government worked on establishing judicial procedures to address the problem. Police stated that more women came forward to report cases of rape and domestic violence. In 2000 the National Assembly passed and the President signed the Combating of Rape Act, which defines rape in broad terms, and allows for the prosecution of rape within marriage.

In 2000 the police began a special training course on gender sensitivity. Centers for abused women and children in Oshakati, Windhoek, Keetmanshoop, Walvis Bay, and Rehoboth are staffed with specially trained female police officers to assist victims of sexual assaults. In 2000 safe houses opened in Mariental, Swakopmund, and Tsumeb.

Reports continued that women were kidnaped, raped, or otherwise abused by armed men along the border with Angola in the Kavango and Caprivi regions. The Government claimed that the abuses were carried out by UNITA rebels; however, human rights groups reported that some of the incidents were perpetrated by Angolan government soldiers.

The Constitution prohibits discrimination against women, including employment discrimination. The law prohibits discriminatory practices against women married under civil law. Women married in customary (traditional) marriages continued to face legal and cultural discrimination. Traditional practices that permit family members to confiscate the property of deceased men from their widows and children still existed; however, the frequency of such cases lessened considerably during the year.

Children.—The Constitution enumerates children's rights, including those in the area of education and health. During the year, 25 percent of government expenditures were designated for education and 15 percent for health care, a slight decrease from previous years. However, in practice, outmoded policies and laws and an untrained work force led to inadequate attention to child welfare.

The Constitution provides children with the right to primary and junior secondary education (grades 1 to 10); however, the numerous fees, which included fees for uniforms, books, hostel costs, and school improvement, placed a burden on students' families. The inability of poorer families to pay the fees, which varied greatly between regions, precluded some children from attending school. In these cases, families were less likely to continue to pay fees for girls, particularly those at the junior secondary level. Many San children do not attend school.

Overcrowding at the Osire refugee camp has affected children who are residing there. There were approximately 6,000 school-age children at Osire, and there was a shortage of classrooms (see Section 2.d.).

Child abuse is a serious and increasingly acknowledged problem. The authorities vigorously prosecuted cases involving crimes against children, particularly rape and incest. The law criminalizes and protects children under 18 years from sexual exploitation, child pornography, and child prostitution. The age of sexual consent is 16 years. During the year, courts handed down longer sentences against child rapists than in previous years, and the Government provided training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children were working actively to reduce the trauma suffered by abused children. The LAC launched a national campaign to revise legislation on child maintenance in 1999. The Child Maintenance Bill was sent to the Cabinet for discussion in 1999; however, by year's end, no movement was made towards tabling it in Parliament. The bill would require divorced spouses to provide maintenance allowances for their children.

It is difficult for the Government to ensure enforcement of national laws against child labor on commercial farms (see Section 6.d.).

In January there was a report that the Angolan armed forces were recruiting persons under 18 years of age in the northern part of the country to fight in southern Angola against UNITA.

The Government expanded programs to separate juvenile offenders from adults in the criminal justice system.

Persons with Disabilities.—While discrimination on the basis of disability is not addressed in the Constitution, the Labor Act prohibits discrimination against persons with disabilities in employment; however, enforcement in this area was weak. Although there was no legal discrimination against persons with disabilities, societal discrimination persists. The Government legally does not require special access to public buildings for persons with disabilities, and many ministries remain inaccessible to them. Although some municipal governments have installed ramps and special curbing for persons with disabilities at street crossings, physical access for those with disabilities remained a problem due to resource constraints. Disability issues received greater public attention than in previous years, with wider press coverage of the human rights problems that confront persons with disabilities.

Indigenous People.—The Bushmen, also known as the San people, the country's earliest known inhabitants, historically have been exploited by other ethnic groups. The Government has taken numerous measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally-held lands and increasing their access to primary education; however, many San children do not attend school. In 1999 a San was nominated by the SWAPO party for the National Assembly and won the election. Reports from the NSHR and in the press claim that civilians from the Mafwe and Kxoe San ethnic groups were targeted for harassment during the police campaign against Caprivi separatists in 1998 and continued during the year.

By law all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources. However, Bushmen and other indigenous citizens have been unable to exercise fully these rights as a result of minimal access to education, limited economic opportunities under colonial rule, and their relative isolation.

The Government plans to build a hydroelectric dam on the Kunene River that would flood ancestral graves and grazing areas of the semi-nomadic Himba people; the project was highly controversial. The Government has made repeated efforts to consult with Himba leaders regarding the project, but many of the Himba chiefs adamantly remain opposed to the project. Government leaders have criticized harshly those opposed to the project, terming them "enemies of development."

The law defines the role, duties, and powers of traditional leaders and provides that customary law is invalid if it is inconsistent with provisions of the Constitution. It enumerates the types of crimes that may be addressed in traditional courts. The law assigns to traditional leaders the role of guardians of culture and tradition.

The Government's authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference, especially was controversial because of the leaders' influence on local events, including local police powers. In some cases, the Government has withheld recognition from genuine traditional leaders who have sympathy for the political opposition. This has been especially true in the Khoe San and Mafwe communities in the Caprivi and in the Herero community.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination based on race and other factors and specifically prohibits “the practice and ideology of apartheid.” The law codifies certain protections for those who cite racial discrimination in the course of research (including academic and press reporting) or in trying to reduce racial disharmony. Nevertheless as a result of more than 70 years of South African administration, societal, racial, and ethnic discrimination persists. There were several reported cases of black farm workers suffering discrimination in remote areas at the hands of white farm owners. Many non-whites continued to complain that the Government was not moving quickly enough in education, health, housing, employment, and access to land.

Some citizens complained that the SWAPO-led government provided more development assistance to the numerically dominant Ovambo ethnic group of the far north than to other groups or regions of the country.

NSHR claimed that members of the Kxoe minority were harassed during security force operations in the Kavango region in 2000 (see Sections 1.c. and 1.d.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, including freedom to form and join trade unions, and the Government respected this right in practice. Public servants, farm workers, and domestic employees also have this right. However, farm workers and domestic servants working on rural and remote farms often were ignorant of their rights, and unions experienced obstacles in attempting to organize these workers; as a result, they suffered abuse by employers. Trade unions had no difficulty registering, and there were no government restrictions on who may serve as a union official. Despite concerns created by a 1999 Ministry of Labor report that questioned a growing number of trade unions, the Government has not taken action to dissolve any trade unions.

Unions are independent of the Government and may form federations. The two principal trade union organizations are the National Union of Namibian Workers (NUNW) and the Namibia Federation of Trade Unions (NAFTU). The NUNW and SWAPO are no longer affiliated but remain closely linked. The Mine Workers Union Investment Company, which consists of several large public service, teachers, mining, and maritime unions, is critical of the Government. Less than 20 percent of full-time wage earners were organized. Trade unions lacked capacity and resources. The Government recognizes the non-SWAPO aligned union federation, NAFTU, and treats it professionally; however, the NAFTU does not appear to have the same level of consultative access that government officials accord to the NUNW.

Except for workers providing essential services such as jobs related to public health and safety and workers in the export processing zones (EPZ's), workers enjoy the right to strike once conciliation procedures have been exhausted, and 48-hour notice has been given to the employer and labor commissioner. Under the law, strike action can be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration. The law protects workers engaged in legal strikes from unfair dismissal. Strikes are rare in the country. During the year, there was a strike involving workers at a fishing company in Luderitz town and another strike involving employees of the University of Namibia. Negotiations with management resolved both disputes.

Laws specifically protect both union organizers and striking workers from employer retaliation, and there appeared to be only isolated cases of retaliation. However, the scarcity of judges and lack of expertise in labor law causes lengthy and unnecessary delays. The new labor act, which has not been promulgated, includes provisions for binding arbitration to resolve most labor disputes. The labor law does not prohibit labor by non-union replacement workers, but most companies seek negotiated settlements rather than employing non-union replacement workers.

Unemployment, which is nearly 40 percent, remained a significant problem and affected primarily the black majority.

Trade unions were free to exchange visits with foreign trade unions and to affiliate with international trade union organizations. Unions exercise this right without interference.

b. The Right to Organize and Bargain Collectively.—The law provides employees with the right to bargain individually or collectively. Collective bargaining is not practiced widely outside the mining and construction industries, which have centralized, industry-wide bargaining. Almost all collective bargaining is at the workplace and company level. However, as unions became more active, informal collective bargaining became more common. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers' ability to bargain with employers successfully.

The law provides a process for employer recognition of trade unions and protection for members and organizers. The law also empowers the Labor Court to remedy unfair labor practices and explicitly forbids unfair dismissals. Unfair dismissals occur when an employer terminates employment without following correct procedures and a substantially fair process. Unfair dismissals may be appealed to the Labor Court, and remedies include fines, compensation, and reinstatement, as determined by a labor court judge; however, there are not enough judges to address the backlog of cases. Parliament was reviewing new labor legislation, which provides for mediation and arbitration, at year's end.

Employers are required to give a registered union access to its members and to recognize the exclusive collective bargaining power of the union when a majority of the employer's workers are members of that union. This provision of the law has been implemented effectively.

There are EPZ's at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZ's outside of these parks. The law applies to EPZ's; however, workers in EPZ's were prohibited from striking, and employers were prohibited from engaging in lockouts. Some trade unionists continued to challenge the constitutionality of the agreement reached by government and NUNW representatives codified in the law because it limited the right to strike. Under the agreement, labor-related issues in the EPZ were referred to a special EPZ dispute settlement panel composed of employers and workers for expeditious resolution. If a dispute is not resolved at this level, it is referred to compulsory arbitration. With only a few businesses operating in the Walvis Bay EPZ, the effectiveness of this agreement in securing the rights of workers in the EPZ could not be determined.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced, compulsory, and bonded labor by adults and children; however, during the year, there continued to be media reports that farm workers (including some children on family-owned commercial farms) and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Ministry of Labor inspectors sometimes encountered problems in gaining access to the country's large, family-owned, commercial farms in order to investigate possible labor code violations.

There were reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola (see Sections 1.b. and 6.f.). In January there was a report that the Angolan armed forces were recruiting persons under 18 years of age in the northern part of the country to fight in southern Angola against UNITA.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the law, the minimum age for employment is 14 years, with higher age requirements for night work and for certain sectors such as mining and construction. Children below the age of 14 often worked on family-owned commercial farms and in the informal sector, and some also worked in communal areas. In 1999 the Namibia Child Activities Survey reported that of 444,751 children ages 6 to 18 in the country, 72,405 (16.3 percent) worked. The survey defined work as "for pay, profit, or family gain, even for 1 hour per day within the 7 days preceding the survey." More than 95 percent of those children classified as working lived in rural areas, which indicated that the majority of child labor occurred on farms. The survey also documented that of those children classified as working, 80 percent continued to attend school.

Ministry of Labor inspectors generally enforced minimum age regulations; however, the Ministry continued to lack labor inspectors who were trained specifically in child labor issues. There also were reports that Ministry of Labor inspectors reportedly encountered problems gaining access to family-owned, commercial farms to investigate possible illegal child labor. The Government has taken steps to end abuses, and the child labor problem has declined. There also were reports that Angolan and Zambian children worked on communal and cattle farms in border areas,

although such occurrences have been curtailed since 1999 by the deportation of illegal immigrants (see Section 2.d.).

Criminal penalties and court orders are available to the Government to enforce child labor laws, which involve a complicated procedure that must be initiated through a civil legal process.

There are no specific remedies available to individuals for incidents of the worst forms of child labor.

The Labor Advisory Council, a tripartite board which includes government, union, and private sector representatives, sponsored a series of workshops during the year to sensitize and inform employers about child labor regulations.

The law also criminalizes and protects children under 18 years from sexual exploitation, child pornography, and child prostitution. The age of sexual consent is 16 years.

The Government prohibits forced and bonded labor by children; however, the media reported that some children worked as farm laborers without adequate compensation (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no statutory minimum wage law. In Windhoek's non-white urban area townships, many workers and their families have difficulty maintaining a minimal standard of living. Leaders of the Farm Workers Union have called for a minimum wage in the agricultural sector because of the low wages that some farmers pay their employees. The apartheid era disadvantaged non-white citizens in terms of wages and standards of living. After independence, many non-white citizens who were disadvantaged experienced a rapid increase in standard of living, particularly with respect to access to education, housing, water, power, and wages for those with at least a basic education. However, wage levels for the less educated majority have remained largely unchanged since independence.

The standard legal work week is 45 hours, and requires at least one 24-hour rest period per week. An employer may require no more than 10 hours per week of overtime. The law mandates 24 consecutive days of annual leave, at least 30 workdays of sick leave per year, and 3 months of unpaid maternity leave. However, in practice these provisions were not observed or enforced rigorously by the Ministry of Labor.

The Government mandates occupational health and safety standards. The Labor Act empowers the President to enforce these standards through inspections and criminal penalties. Labor laws generally are implemented efficiently. However, the Ministry of Labor lacks an adequate number of trained inspectors to monitor adherence to such labor regulations as providing overtime pay and social security by some companies, especially small, family-owned operations. The law requires employers to ensure the health, safety, and welfare of their employees. It provides employees with the right to remove themselves from dangerous work situations; however, some workers do not have this right in practice.

For example, in 1999 workers at the Navachab gold mine near Karibib occupied the control room at the Ore Mill and shut down production to protest the extreme heat and shortage of oxygen in the mine's metallurgy plant. A prior agreement between the mine and the mineworkers union gave workers the right to leave the workplace if they believed that their safety was threatened; however, mine management protested the shutting of the mill as an illegal industrial action and threatened to fine the employees involved. In 2000 the workers reached a compromise with management to set up an independent panel of experts to investigate whether there was an unacceptable health risk at the mill. The panel found that health risks existed at the mill, and management withdrew disciplinary measures against the workers. Although the management agreed to improve working conditions in the mill and to address other labor grievances, the company did not pay strikers for the time when they were engaged in the industrial action, penalized workers who occupied the control room by refusing to give them a month's salary, and issued written warnings to other mill workers who joined sympathy strikes.

The law accords the same rights to foreign workers as to citizens.

f. Trafficking in Persons.—Although the law does not specifically prohibit trafficking in persons, it does prohibit slavery, kidnaping, forced labor, including forced prostitution, child labor, and alien smuggling; there were no reports that persons were trafficked to, from, or within the country.

However, there were reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola (see Section 1.b. and 6.f.).

Police and immigration officials received training in combating trafficking in persons during the year.

NIGER

Niger returned to democracy in 1999, following coups d'état in 1996 and 1999, and continued efforts to consolidate a democratic system and a constitutional government. Tandja Mamadou was elected president in 1999 with 60 percent of the vote in an election that international observers called generally free and fair. The National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. In 2000 Tandja appointed MNSD member Hama Amadou as Prime Minister. The Government continued to make some progress toward democratization and political modernization, including instituting a transparent budget process and auditing the military budget. The judiciary continued to show signs of independence; however, family and business ties can influence lower court decisions.

Security forces consist of the army, the Republican Guard, the gendarmerie (paramilitary police), and the national police. The police and gendarmerie traditionally have primary responsibility for internal security. Civilian authorities generally maintain effective control of the security forces. Following the 2000 kidnaping of a senior military official and the ensuing crisis, the armed forces stated publicly that they would abide by the rules of democracy and stay out of politics. During the year, the forces continued to abide by their statement; however, members of the security forces committed abuses.

The country's population is approximately 11.2 million. The economy is based mainly on subsistence farming, herding, small trading, and informal markets. Approximately 15 percent of the economy is in the formal sector, primarily in light industry and government services. Uranium is the most important export, though declining world demand has made this sector less profitable. The country's per capita income is less than \$200 (146,000 CFA francs) a year. Drought, deforestation, soil degradation, and exceedingly low literacy are problems. The economy remained severely depressed. Most international aid (an important factor in the economy) was suspended following the 1996 coup d'état; however, the country again is receiving substantial foreign assistance.

The Government's human rights record remained generally poor; although there were improvements in several areas, some serious problems remain. With the 1999 election of President Tandja and members of the National Assembly in generally free and fair elections, citizens exercised their right to change their government. Two prisoners remained missing after having last been seen in the custody of military officers. Police and members of the security forces beat and otherwise abused persons; there reportedly were no incidents of torture by the military. Prison conditions remained poor, and arbitrary arrest and detention remained problems. Delays in trials resulted in long periods of pretrial confinement. The judiciary also was subject to executive and other influence. Security forces infringed on citizens' privacy rights. The Government limited freedom of the press. The Government generally respected the right to association; however, several Islamist organizations that engaged in or threatened violence remained banned. The Government frequently restricted freedom of movement. Domestic violence and societal discrimination against women continued to be serious problems. Female genital mutilation (FGM) persisted, despite government efforts to combat it. There was societal discrimination against persons with disabilities and ethnic and religious minorities. Worker rights generally are respected; however, there were reports that a traditional form of servitude still was practiced. Child labor occurs, including child prostitution. 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.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In March the party of late President Ibrahim Mainassara Bare made an unsuccessful attempt to repeal the amnesty for the members of the presidential guard who assassinated Bare and killed or seriously injured several other members of his entourage in 1999. The subsequent military-controlled transition government insisted that Bare was killed in an "unfortunate accident;" all perpetrators were granted amnesty by the 1999 Constitution and a 2000 amnesty law (see Section 3). Members of the Bare family continued to press for a full investigation and punishment for Bare's assassins and, in 2000 the European Union called for an investigation. No investigation into the death of President Bare occurred by year's end, and

an investigation is unlikely to be authorized by the National Assembly under its current majority party.

There were no developments in the case of a prison supervisor and guard who were arrested after 29 prisoners died in 1999 at Niamey Central Prison. As a result of the 1999 incident, the Minister of Justice promised a full investigation and the reform of the prison system, including training guards and humanizing prison conditions; however, the Government still had not introduced reforms in training and procedure by year's end.

Despite calls from domestic and international human rights groups, the Government did not initiate an independent investigation into the mass grave at Bosso. In 1999 a mass grave containing 149 bodies alleged to be those of missing Toubou former rebels was discovered; the Toubous last were seen in the custody of the armed forces. The Government acknowledged the existence of the mass grave.

There was no investigation nor action taken in the 1999 case in which a Nigerian-Algerian team of security forces attacked a camp of alleged Islamists who advocated violence in the northwestern corner of Niger, killing between 4 and 15 persons.

The Lake Chad area continues to be patrolled by Nigerian-Nigerien-Chadian joint military forces; however, during the year, the region became more secure, and intercommunal conflict, which in previous years resulted in some killings, declined following the 1998 Toubou Peace Accords.

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

There were no developments in the 2000 case of two army sergeants, who disappeared after they were arrested by other soldiers for their alleged involvement in the kidnaping of Major Djibrilla Hima, the commander of the army's only armor squadron (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police occasionally beat and otherwise abused persons. Unlike in the previous year, there reportedly were no incidents of torture by the military.

On at least one occasion in February, police used tear gas to disperse protesting students (see Section 2.b.). The Government reported that 4 students were hospitalized due to the effects of tear gas; 21 students were injured. Nineteen students were arrested, and several of the arrested students claimed to have been beaten in detention (see Section 1.d.). Local human rights groups condemned the actions, and allegations of mistreatment ceased after human rights activists and opposition and government members of the National Assembly visited the detainees.

In late May, the 18 soldiers arrested for suspected involvement in the June 2000 kidnaping of a senior military officer, Major Djibrilla Hima, were released pending further investigation; however, it is unknown if any action was taken against the soldiers who allegedly beat and tortured 3 of the detained soldiers in 2000. The prosecutor with overall responsibility for the kidnaping case investigated the torture and disappearance allegations; however, he was removed from the case in mid-2000 following a month of intensive investigation. By year's end, there was no further investigation into the incident.

No action was taken against prison guards who beat and otherwise abused a taxi driver held in detention without charge in 1999. There was no action taken in the November 1999 case in which police officials used tear gas to disperse students holding a sit-in in Niamey to press claims for payments of their scholarships; at least 20 students were injured. There was neither investigation nor action taken in the March 1999 case in which military personnel ambushed and beat the publishing director of *La Voix du Citoyen*.

Conditions in all 35 of the country's prisons are poor and life threatening. Prisons are underfunded, understaffed, and overcrowded. For example, in Niamey's Civil Prison, there are approximately 550 prisoners in a facility built for 350. Family visits are allowed, and prisoners can receive supplemental food and other necessities from their families. Prisoners were segregated by gender, and minors and adults were incarcerated separately. Pretrial detainees were housed with convicted prisoners.

Corruption among prison staff was rampant. There were credible reports that prisoners can bribe officials to leave prison for the day and serve their sentences in the evenings. Prisoners also can claim illness and serve their sentences in the national hospital.

The majority of the prisoners who escaped from the prison in Zinder in 1999 were recaptured; however, others remained at large at year's end.

Human rights monitors, including the International Committee of the Red Cross (ICRC), were granted unrestricted access to prisons and detention centers and visited them during the year.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. Although the Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours, police sometimes violate these provisions in practice. If police fail to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period begins. The law provides for a right to counsel, although there is only one defense attorney known to have a private practice outside the capital. A defendant has the right to a lawyer immediately upon detention. The Government provided a defense attorney for all indigents in felony cases, including minors. Bail was available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented the accused from taking full advantage of these rights. Police, acting under authority given them by the Security Law, occasionally conducted sweeps to detain suspected criminals.

On February 21, police arrested 19 students after forcibly dispersing a demonstration in Niamey; several of the arrested students claimed that they were beaten in detention (see Sections 1.c. and 2.b.). At year's end, eight students remained in custody.

Unlike in the previous year, there were no reports of the arrest of journalists (see Section 2.a.).

Following the 2000 Maradi riots, police arrested approximately 100 persons in Maradi and others in Niamey. In May the prisoners held in Niamey were released; however, at year's end, 20 persons in Maradi remained in custody awaiting trial; they were charged with unauthorized demonstration and threatening public order.

In late May, the 18 soldiers arrested for suspected involvement in the June 2000 kidnaping of a senior military officer, Major Djibrilla Hima, were released pending further investigations (see Sections 1.b. and 1.c.).

The judicial system is overloaded seriously. There are no legal limits on pretrial confinement of indicted persons. Detention often lasts months or years. In 2000 the Justice Ministry made efforts to accelerate the process. For example, in November a multilateral workshop reviewed systemic problems in the judiciary to determine how future donors can best allocate future aid resources as part of a planned overhaul of the judicial system. Some persons have been waiting as long as 6 years to be charged. Of the 550 prisoners in Niamey's Civil Prison, approximately 350 were awaiting trial or had no charges brought against them.

The Constitution prohibits forced exile, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it occasionally was subject to executive interference. Although the Supreme Court on occasion has asserted its independence, human rights groups claimed that family and business ties influence lower courts. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. However, there has been evidence in previous years of increased judicial independence.

Defendants and prosecutors may appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviewed questions of fact and law, while the Supreme Court reviewed only the application of the law and constitutional questions. There also were customary courts.

Traditional chiefs can act as mediators and counselors and have authority in customary law cases as well as status under national law where they are designated as auxiliaries to local officials. Chiefs collect local taxes and receive stipends from the Government, but they have no police or judicial powers and can only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, try cases involving divorce or inheritance. They are headed by a legal practitioner with basic legal training who is advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts are not regulated by law, and defendants may appeal a verdict to the formal court system. Women do not have equal legal status with men and do not enjoy the same access to legal redress (see Section 5).

Defendants have the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers complied with government requests to provide counsel, the Government generally did not remunerate them.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires that police have a search warrant, normally issued by a judge; however, human rights organizations reported that police often conducted routine searches

without warrants. Police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property. The State Security Law also provides for warrantless searches.

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, on several occasions the Government limited these rights in practice. On at least one occasion during the year, government officials initiated lawsuits against journalists for articles that either criticized them personally or criticized the armed forces or for complicity in libelous comments.

The Government publishes a French-language daily newspaper, *Le Sahel*, and its weekend edition. There were approximately 12 private French-language weekly or monthly newspapers, some of which are affiliated loosely with political parties. The private press remained relatively assertive in criticizing government actions. Foreign journals circulated and reported freely. Strict accreditation requirements were imposed on domestic and foreign journalists; however, there have been no reports that any journalists have been denied accreditation. While the press has attacked a recent government proposal to end preferential tax treatment for the purchase of newsprint and other supplies, the Government maintained that the measure is part of the overall effort to resolve chronic fiscal difficulties.

In March the Government brought charges of complicity against an opposition radio journalist after a guest allegedly made libelous remarks about a political rival during a live broadcast. The charges later were dropped when the prosecutor determined that there was no case because no transcript of the interview was available. According to the law used in the case, “those who by publication, distribution, or broadcast by any means cause a crime or an offense to occur or to be attempted will be punished as accomplices.”

In 2000 three journalists from the weekly *l'Enqueteur* newspaper were arrested for reporting false news regarding Nigerien troop movements near the Benin border. The Minister of Interior took legal action against the founder of the weekly, the managing editor, and a reporter. The newspaper publisher, Soumana Maiga was sentenced to 8 months in prison and fined approximately \$710 (500,000 CFA francs); his editor and a reporter received 6-month suspended sentences, and each was fined approximately \$430 (300,000 CFA francs). In late January or early February, Maiga was released on bail after 85 days in prison; he dropped his appeal after his release.

Two *Canard Libere* journalists, who were convicted of “undermining the morale of the armed forces” in 2000, still had not filed planned appeals by year’s end. The 2000 libel case involving Prime Minister Hama Amadou against one of the same *Canard Libere* journalists still was pending at year’s end.

Since literacy and personal incomes are both very low, radio is the most important medium of public communication. The government-owned *Radio Voix du Sahel* transmits 14 hours per day, providing news and other programs in French and several local languages. There were several private radio stations, including *Radio France International*, *Africa Number One*, *Radio et Musique*, *Radio Souda*, *Radio Tenere*, *Radio Anfani*, and *Radio Tambara*; the last five were owned locally and feature popular news programs in local languages, including *Djerma* and *Hausa*. These private radio stations generally were less critical of government actions than were the private newspapers. *Radio Anfani* and *Radio et Musique* presented news coverage that included a variety of points of view. The other private domestic radio stations were smaller and offered little domestic news programming. The government-operated multilingual national radio service provided equitable broadcasting time for all political parties during the year.

During the year, the Government’s Superior Council on Communication continued to allow domestic broadcasting services to rebroadcast programs of foreign origin, such as *Voice of America (VOA)*, *British Broadcasting Corporation (BBC)*, and *Deutsche Welle* programs.

Television is a far less important medium than radio. The government-owned *Tele-Sahel* broadcasts approximately 4 hours every evening, with programming emphasizing news in French and other major national languages. On weekends *Tele-Sahel* is on the air approximately 7 hours a day, with additional time devoted to sports and entertainment. In October the Government added a second channel, *TAL-TV*, which has a similar broadcast schedule. A private television station, *TV Tenere*, broadcasts approximately 7 hours a day on weekdays and 12 hours a day on weekends. In addition to entertainment programs, *TV Tenere* transmits its own evening news program, which includes reports from French and Swiss sources, as well as other French language European news programs in their entirety. The direc-

tor of a private radio station operates a wireless cable television service for the capital, offering access to international channels.

The news coverage of the state-owned media reflects government priorities. Presidential activities and conferences dealing with development issues always are reported. Analysis or investigative reporting on domestic topics was extremely rare.

SONITEL, the state-owned telephone company that was privatized partially during the year, is the country's only Internet service provider (ISP). There are no private ISP's because telecommunications regulations set rates at prohibitive levels. The Government does not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

The Government generally respects academic freedom. In February students protested sporadically in protest of scholarship arrears and education austerity measures (see Section 2.b.). Scholarships for high school students still had not been paid by year's end. As a result of financial problems and student strikes, the 2000–2001 academic year was interrupted in February. In June the university reopened with intensive classes and exams through October; as a result, the 2001–2002 academic year did not begin until December.

b. Freedom of Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government retained the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) is not provided. Political parties legally are permitted to hold demonstrations within a defined area. There were no reports of political parties being denied permission for demonstrations during the year.

On February 21, at Kennedy Bridge in Niamey, police forcibly dispersed a group of students who were protesting scholarship arrears and education austerity measures. According to international observers, police used tear gas to disperse the students, who were armed with sticks, rocks, and Molotov cocktails; numerous students and police officers were injured (see Section 1.c.). In March one police officer died as a result of his injuries. At year's end, 8 of the 19 students arrested following the incident remained in custody (see Section 1.d.).

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. In reaction to rioting led by Islamist groups that engaged in or threatened violence in 2000, the Government banned six such organizations; the organizations remained banned at year's end (see Section 2.c.). Following the terrorist attacks on September 11, the Government banned two additional Islamist organizations because they sent threatening letters to the U.S. Embassy. There are 26 political parties; 2 parties were founded during the year.

c. Freedom of Religion.—The Constitution provides for “the right of the free development of each individual in their . . . spiritual, cultural, and religious dimensions,” and the Government generally respects the freedom to practice religious beliefs, as long as persons respect public order, social peace, and national unity.

No religious group was subsidized, although the Islamic Association had a weekly broadcast on the government television station.

Religious organizations must register with the Interior Ministry. This registration was a formality, and there was no evidence that the Government has ever refused to register a religious organization. The Government must authorize construction of any place of worship; however, there were no reports that the Government refused such construction during the year. Foreign missionaries worked freely, but their organizations must be registered officially as associations. Just after the 1999 coup, the Assemblies of God church in Niamey was notified by the mayor's office that it had to close until the “new order” was established; however, the Assemblies of God church remained open, and no further action was ever taken on the case.

In reaction to rioting led by Islamist groups in November 2000, the Government banned six such organizations (see Sections 2.b. and 5). The Government justified the ban on the grounds that these organizations were responsible for “disturbing the peace.” No mainstream Islamist organizations or human rights organizations have challenged the legality of the bans, which still were in effect at year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement and restricts neither emigration nor repatriation; however, authorities imposed some restrictions on these rights. Security forces at checkpoints monitor the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demand payments or bribes. Attacks by bandits on major routes to the north have declined considerably. Among the Hausa and Peul in the east, some women are cloistered and may leave their homes only if escorted by a man and usually only after dark (see Section 5).

The law does not provide for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, although the country is a signatory to the Convention; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The UNHCR office in the country closed at the end of the year; the UNHCR's regional office in Benin will be responsible for the refugee assistance and protection in the country. It is unclear whether the Government's interministerial National Refugee Eligibility Committee will have the capacity to take over the UNHCR's refugee prescreening duties. The Government offers first asylum, and to date it has offered asylum to several thousand persons primarily from Mali and Chad. A few Chadian refugee families remain in the country.

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

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

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the November 1999 election. However, this has not always been the case; the January 1996 coup, the fraudulent 1996 presidential election, the disruption of local elections in February 1999, and the April 1999 coup effectively disenfranchised citizens in previous years. The 1999 coup led to the installation of a military-led government, which instituted a 9-month transition to a democracy. A 1999 referendum approved a new Constitution that provided for a power sharing-presidential system and granted amnesty to perpetrators of the 1996 and 1999 coups. In late 1999, the first round of presidential elections, a presidential runoff, and legislative elections were held. In November 1999, Tandja Mamadou was elected president with 60 percent of the vote in an election that was considered by international observers to be generally free and fair. Reportedly 39 percent of the country's population participated in the election. In the November 1999 National Assembly elections, the National Movement for the Development of Society and the Democratic and Social Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the assembly. Five of the country's 11 active political parties are represented in the National Assembly. Tandja was inaugurated on December 22, 1999.

Pursuant to the Constitution, the country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. In 2000 Tandja appointed Hama Amadou as Prime Minister.

The Constitution provides for a representative one-chamber National Assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

The Constitution granted a general amnesty to the perpetrators of the 1996 and 1999 coups; the amnesty was approved during the first session of the National Assembly in 2000. The Constitution also allowed governmental authorities to remain in place until new elections were held. In March the late President Bare's political party Rally for Democracy and Progress' (RDP) effort to repeal these constitutional provisions failed by a vote of 69-12 in the National Assembly (see Section 1.a.).

Women traditionally play a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchises many women. This practice was used widely in the 1999 presidential and National Assembly elections. The percentage of women in government and politics does not correspond to their percentage of the population. One woman won a seat in the 83-seat National Assembly; there are 2 female ministers in the Government. The mayor of the city of Agadez, the capital of a district that includes one-third of the country, is a woman. The National Assembly passed a law in 2000 mandating that women would receive 25 percent of government positions, but by year's end, women still did not fill that percentage of government positions.

The percentage of minorities in government and politics does not correspond to their percentage of the population; however, all major ethnic groups are represented in the Government. Although the Government supported greater minority representation in the National Assembly, no seats in the National Assembly are reserved for ethnic minorities. President Tandja, who reportedly is half Peul and half Kanouri, is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the country's population (see Section 5).

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

Several independent human rights groups and associations generally operate without government restriction, investigating and publishing their findings and conclusions that often were highly critical of the Government in their own publications and in the small independent press. Notable among the associations were the Nigerien Association for the Defense of Human Rights (ANDDH); Democracy, Liberty, and Development (DLD); the Nigerien League for the Defense of Human Rights (LNDH); the Association for the Protection and Defense of Nigerien Human Rights (ADALCI); the Network for the Integration and Diffusion of the Rights in the Rural Milieu (RIDD-FITLA); the Niger Independent Magistrates Association (SAMAN); and the Association of Women Jurists of Niger. There were several other women's rights groups. The ICRC was active in the country.

In March the Government began funding the National Commission on Human Rights and Fundamental Liberties, which it had created in 2000. The Commission's mandate includes communication, advocacy, and investigation of human rights abuses, and it has shown signs of independence since its creation. In 2000 the Commission published a credible, well-researched report on the Djibrilla kidnaping case (see Sections 1.b., 1.c., and 1.d.). During the year, the Commission issued a report that found that the Government violated laws and regulations concerning traditional chiefs when it removed the Sultan of Zinder. Elements of civil society successfully opposed a government attempt to alter the composition of the Commission during the year.

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

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion. However, in practice there were instances of discrimination against women, children, ethnic minorities, and persons with disabilities, including, but not limited to, limited economic and political opportunities.

Women.—Domestic violence against women was widespread, although reliable statistics were not available. Wife beating reportedly was common, even in upper social classes. Families often intervened to prevent the worst abuses, and women may (and do) divorce because of physical abuse. While women have the right to seek redress in the customary or modern courts, few do so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations reported that prostitution often was the only economic alternative for a woman who wants to leave her husband.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by several ethnic groups in the western department of Tillaberi (which includes Niamey and the towns of Say, Torodi, and Ayorou) and the eastern department of Diffa. In July the National Assembly outlawed FGM; however, some observers believed the Government has not publicized sufficiently the fact that the practice is now a criminal act.

A 1998 study by CARE International indicated that 5 percent of women between 15 and 49 years of age had undergone FGM; however, a 1999 symposium cited a World Health Organization global study of 20 percent. Statistics regarding this practice were not considered to be fully reliable. Clitoridectomy was the most common form of FGM. The Government worked closely with a local NGO, UNICEF, and other donors to develop and distribute educational materials at government clinics and maternal health centers.

Prostitution, which is illegal and hidden, is more prevalent near major mining and military sites. Child prostitution was a problem (see Section 6.d.).

Despite the Constitution's provisions for women's rights, the deep-seated traditional belief in the submission of women to men results in discrimination in education, employment, and property rights. Discrimination is worse in rural areas, where women do much of the subsistence farming as well as child-rearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women have made only modest inroads in civil service and professional employment and remained underrepresented in these areas.

Women's inferior legal status was evident, for example, in head of household status: A male head of household has certain legal rights, but divorced or widowed women, even with children, are not considered to be heads of households. Among the Hausa and Peul ethnic groups in the east, some women are cloistered and may leave their homes only if escorted by a male and usually only after dark. In 1999 the Government ratified the Convention for the Elimination of All Forms of Discrimination Against Women; in 2000 the Ministry of Justice formed a committee of

legal scholars, which began reviewing appropriate law. Islamic groups criticized the ratification and complained that they were not consulted beforehand. Women's groups so far have been silent on the ratification, allegedly due to fear of reprisals.

National service was mandatory for all young women who have completed university studies or professional training. National service lasts from 18 months to 2 years, and women can serve as teachers, health service workers, or technical specialists; however, military service was not an option.

Children.—Although the Constitution provides that the Government promote children's welfare, financial resources are extremely limited. The minimum period of compulsory education is 6 years; however, only approximately 32 percent of children of primary school age attend school, and approximately 60 percent of those who finish primary schools are boys. The majority of young girls are kept at home to work and rarely attend school for more than a few years, resulting in a female literacy rate of 8 percent, compared with 23 percent for men.

Some ethnic groups allowed families to enter into marriage agreements on the basis of which young girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother-in-law. During the year, the National Assembly considered changing the law to prohibit this practice and establish a minimum age for marriage; however, no legislation was passed by year's end. In 2000 the Minister of Justice formed a commission to examine the problem of child brides; at year's end, the commission's work was ongoing.

FGM is performed on a small percentage of girls (see Section 5, Women).

There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family (see Section 6.c. and 6.d.). Child prostitution was not criminalized specifically, and there is no precise age of consent; however, the law condemns "indecent" acts towards minors, but it was left to a judge to determine what constitutes an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" are punishable by 3 to 5 years in prison.

Child labor in the nonformal sector occurs (see Sections 6.c. and 6.f.).

Persons with Disabilities.—The Constitution mandates that the State provide for persons with disabilities; however, the Government has yet to implement regulations to mandate accessibility to buildings and education for those with special needs. Regulations do not mandate accessibility to public transport, of which there is little. Societal discrimination against persons with disabilities exists.

In August the mayor of Niamey reportedly established a program to locate, register, and put in psychiatric care persons with mental disabilities wandering the streets. Observers reported that many persons with mental disabilities were rejected by their families due to the stigma surrounding mental illness in the country.

Religious Minorities.—There generally were amicable relations between the various religious communities; however, there have been instances when members of the majority religion (Islam) were not tolerant of the rights of members of minority religions to practice their faith. The cities of Say, Kiota, Agadez, and Madarounfa are considered holy by the local Islamic communities, and the practice of other religions in those cities was not as well tolerated as in other areas.

In 2000 several hundred Muslims rioted in the provincial capital of Maradi, burned a Protestant church and a nearby seminary facility belonging to the Abundant Life Church, and looted houses and an office at a compound of a foreign missionary organization. The police arrested 100 persons in connection with the violence in Maradi and banned 6 Islamist groups; at year's end, 20 persons remained in prison (see Sections 1.d. and 2.c.). At year's end, the leaders of the riots were in prison awaiting legal action.

Starting in 1998, Southern Baptist missionaries in Say (30 miles south of Niamey) faced harassment by members of the majority Islamic community. Upon notifying authorities, the missionaries were told that, while it was within their rights to be there, the local police could not ensure their safety. The problem continued through September 1999, when the missionaries decided to move away. One family has relocated to Gotheye (north of Niamey) and the other family continued its missionary activities in the region but no longer lives in Say. In May 2000, the same Islamic activists in Say threatened to burn down the meeting place of the local Christians who remained and beat or have arrested a local Christian man in the village of Ouro Sidi who continued to work with the Southern Baptists. There were no reports that such threats were ever carried out during the year.

National/Racial/Ethnic Minorities.—The Hausa and Djerma ethnic groups make up approximately 56 percent and 22 percent, respectively, of the country's population. These two groups also dominated government and business. Tandja Mamadou is the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris have few representatives in the

Government, and many of these ethnic groups asserted that the Hausa and Djerma groups discriminated against them. The Government increased education for ethnic minorities; health care for minorities was at the same level as the rest of the population. It supported the 1995 peace accord calling for special development efforts in the north where the Tuareg population is dominant. However, nomadic people, such as Tuaregs and many Peul, continued to have less access to government services.

Limited security issues existed in the northern areas as a result of continued conflict over land use between farming and herding ethnic groups. Occasionally tensions increased in limited areas, but no serious or large scale problems were reported during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides formal recognition of workers' right to establish and join trade unions; however, more than 95 percent of the work force was employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerien Workers (USTN), a federation consisting of 38 unions, represents the majority of salary earners; most are government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerien Teachers (SNEN) professed political autonomy, but they have informal ties to political parties. There were several breakaway union confederations and independent teachers' and magistrates' unions. On January 5, breakaway members of the USTN founded the Confederation of Forces of Democratic Workers (CFDT). The customs workers union, which the Government dissolved in 1997, was authorized to resume operations during the year; however, the police union remained suspended.

The Constitution provides for the right to strike, except for security forces and police. The law specifies that labor must give notice and begin negotiations before work is stopped; public workers must maintain a minimum level of service during a strike; the Government can requisition workers to provide minimum service; and striking public sector workers may not be paid for the time they are on strike. The latter condition already prevailed in the private sector. The International Labor Organization (ILO) has criticized a 1996 legal order that says striking state employees can be requisitioned in exceptional cases arising as a result of the need to preserve the general interest.

In October telecommunications workers went on strike to protest the planned partial privatization of SONITEL.

Unlike in the previous year, there were no strikes or work stoppages by judiciary, communications, health care, and education workers due to government inability to pay workers' salaries.

In October 2000, teachers went on strike for 4 weeks. In November 2000, the judge ordered the teachers to stop their "illegal and savage" strike and return to work. The teachers ended their strike in November 2000 and resumed normal work. The Government agreed to resume annual salary increases and pay teachers 2 months of backpay in each of the next 3 years; a number of teachers also accepted a "land for wage arrears" offer.

The USTN is a member of the Organization of African Trade Union Unity and is affiliated with the International Confederation of Free Trade Unions; it receives assistance from some international unions. Individual unions such as the teachers union are affiliated with international trade union secretariats.

b. The Right to Bargain Collectively.—In addition to the Constitution and the Labor Code, there is a basic framework agreement between the USTN, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. The Labor Code is based on ILO principles. It protects the right to organize and prohibits antiunion discrimination by employers; labor unions reported no such discrimination. In private and state-owned enterprises, unions widely used their right to bargain collectively with management without government interference for wages greater than the statutory minimum as well as for more favorable work conditions. Collective bargaining also exists in the public sector. The USTN represents civil servants in bargaining with the Government. Agreements between labor and management apply uniformly to all employees.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced or compulsory labor, except by legally convicted prisoners; however, although slavery is prohibited by the Constitution, a traditional form of slavery still is practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions (see Section 6.f.). In July the National Assembly passed revisions to the penal code

to include new punishable offenses for crimes against the practice of slavery; however, a presidential promulgation to implement the new revisions was not issued by year's end. Persons are born into a traditionally subordinate caste and are expected to work without pay for those above them in the traditional social structure. None of these individuals appear to have been forced into servitude. Individuals can change their situations and are not pursued if they leave their positions; however, most do not and accept their circumstances as natural. A local NGO, Timidria, worked actively against this practice.

Trafficking in persons, including slaves, occurs (see Section 6.f.).

The Labor Code does not prohibit specifically forced and bonded labor by children (see Section 6.d.). There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law permits child labor in nonindustrialized enterprises under certain conditions; however, law and practice prohibit child labor in industrial work. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age were limited to a maximum of 4½ hours per day and certain types of employment so schooling may continue.

The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors enforce child labor laws.

Child labor practically was nonexistent in the formal (wage) sector, and there were no known instances of the use of child labor in factories; however, children worked in the unregulated agricultural, commercial, and artisan sectors, and some, especially foreign youths, were hired in homes as general helpers and baby sitters for very low pay. The majority of rural children regularly worked with their families from a very early age—helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children were kept out of school to guide a blind relative on begging rounds. Others sometimes were employed by marabouts (Koranic teachers) to beg in the streets (see Section 6.f.). There was no official recognition of this labor.

There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family (see Section 5). Child prostitution was not criminalized specifically, and there is no precise age of consent.

In 2000 the Government ratified ILO Convention 182 on the worst forms of child labor. The Ministry of Labor, which is responsible for implementing the convention, was working with UNICEF and the International Program on the Elimination of Child Labor to determine the extent of the problem in the country.

The law does not prohibit specifically forced and bonded labor by children; however, there were no reports that such practices occurred. There were credible reports that a form of slavery was practiced among members of the Tuareg ethnic group (see Section 6.c.).

Trafficking in persons, including of slaves, occurs (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector; however, minimum wages were not sufficient to provide a decent standard of living for workers and their families. The lowest minimum wage is \$33 (24,565 CFA francs) per month. Additional salary is granted for each family member and for such working conditions as night shifts and required travel, at approximately \$25 (18,625 CFA francs) per month. Government salaries substantially were in arrears. Most households have multiple earners (largely in informal commerce) and rely on the extended family for support.

The legal workweek is 40 hours with a minimum of one 24-hour rest period; however, for certain occupations the Ministry of Labor authorizes longer workweeks of up to 72 hours. There were no reports of violations.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focused on safety violations only in the most dangerous industries: Mining; building; and manufacturing. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers are in many cases not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs.

The Labor Code also protects foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there was evidence that the country is a transit point and destination for a small number of trafficked persons. Internal trafficking occurs, and there was anecdotal evidence that organized rings may victimize young girls who come to work as household helpers.

Trafficking in persons generally was conducted by small-time operators who promised well-paid employment in Niger. Victims, primarily from Benin, Togo, Nigeria, and Ghana, are escorted through the formalities of entering the country, where they find that their employment options are restricted to poorly-paid domestic work or prostitution. Victims also must use a substantial portion of their income to reimburse the persons who brought them to Niger for the cost of the trip. Compliance is enforced by "contracts," which are signed by illiterate victims before they depart their countries of origin; alternatively, the victim's travel document simply is seized. A local NGO also reported that some rural Nigerien children are victims of domestic trafficking in which the victim (or his/her family) is promised a relatively decent job only to be placed in a home to work as a servant. The victims must use their earnings to reimburse the persons who brought them to the city.

Internal trafficking, which is rooted in the traditions and poverty that underlie the country's largely informal economy, includes the child marriages of girls and the indenturing of boys to Koranic teachers (see Section 5). In response to economic hardship, some parents arranged for their young daughters to marry older men, presumably without their consent, and then send them to join their husband's families. Similarly some rural parents send their sons to learn the Koran in the cities where, in return for their education, the boys support their teachers by begging on the streets (see Section 6.d.).

In August a Nigerian national was arrested for attempting to escort eight young women from Nigeria through the country on their way to Italy, allegedly for prostitution.

In September a 17-year-old former slave from Niger addressed the U.N. Conference Against Racism in South Africa. She told the conference she had been brought up in slavery, like her mother and grandmother (see Section 6.c.). At the age of 15, the Tuareg clan sold her for \$300 (223,500 CFA francs) to a trader in Nigeria, from whom she escaped; she said Tuareg clans in the country continued to trade in black slaves.

In 2000 the Justice Minister stated that the Government intended to study the issue of trafficking as part of the more comprehensive legal modernization effort launched by a commission of legal experts (see Section 1.e.).

NIGERIA

Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature. On May 29, 1999, President Olusegun Obasanjo of the Peoples Democratic Party (PDP) was inaugurated to a 4-year term after winning elections in February 1999 that were marred by fraud and irregularities perpetrated by all contesting parties. However, most observers agreed the elections reflected the will of the majority of voters. These elections marked the end of 16 years of military-led regimes. The Constitution provides for an independent judiciary; however, in practice the judicial branch remains susceptible to executive and legislative branch pressure, is influenced by political leaders at both the state and federal levels, and suffers from corruption and inefficiency.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement. The Constitution prohibits local and state police forces. Internal security is the duty of the State Security Service (SSS). "Rapid Response Teams," staffed by police, remained intact in most states, but these teams had a reduced role and a less menacing presence than in previous years. The police were unable to control ethno-religious violence on numerous occasions during the year, and the Government increased its reliance on the army to quell internal disorder. The degree of government control over the Rapid Response Teams and the national police force continued to improve during the course of the year. Members of the security forces, including the police, anticrime squads, and the armed forces committed numerous, serious human rights abuses.

The economy, which had been in decline for much of the last 3 decades, grew 3.8 percent during the year. Further economic growth was hindered by inadequate infrastructure, endemic corruption, and general economic mismanagement. Most of the population of approximately 120 million was rural and engaged in small-scale agriculture. The agricultural sector employed more than 65 percent of the workforce but accounted for less than 36 percent of gross domestic product (GDP). The agriculture and manufacturing sectors deteriorated considerably during the oil boom decades and years of military rule. The collapse of market agriculture contributed significantly to the country's urbanization and increased unemployment. Although the great bulk of economic activity is outside the formal sector, recorded GDP per

capita was \$250 (28,000 naira). Much of the country's wealth continued to be concentrated in the hands of a small elite due to: corruption; nontransparent government contracting practices; and other systems that favor the wealthy, including a banking system that impedes small and medium investors and regulatory and tax regimes that are not always enforced impartially. The country's ports and roads are in disrepair, and the water and power infrastructure is inadequate. However, the Federal Government and various states began improving infrastructure with some success, such as the privatization of the telephone company (NITEL), the auction of two licenses for mobile telephones, and the rehabilitation of power plants. Chronic fuel shortages, which afflicted the country for several years, mostly have been alleviated by improvements in domestic refineries and partial deregulation of prices. Food production improved during the year due in part to record rainfalls; however, much of the agricultural produce was lost due to poor transportation infrastructure and road closures caused by ethno-religious violence. A significant percentage of the country's population live in poverty and are subject to malnutrition and disease. During the year, the Government reduced controls on the private sector and increased budget allocations for education and health care.

The Government's human rights record was poor; although improvements continued in several areas during the year, serious problems remain. The national police, army, and security forces committed extrajudicial killings and often used excessive force to quell several incidents of ethno-religious violence. In the year's most egregious case, army soldiers reportedly killed approximately 200 unarmed civilians and destroyed much of the town of Zaki Biam in Benue State in apparent retaliation for the killing of 19 soldiers. Army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were no reports of torture of political dissidents. The Government continued to take steps to curb torture and beatings of detainees and prisoners. In most cases, neither the state anticrime task forces, the police, nor the armed forces were held accountable for excessive, deadly use of force or the death of persons in custody. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning. Two amputation sentences were carried out during the year. In September two persons, Mohammed Wada and Adamu Idi, were found guilty of theft and sentenced to amputation by a Shari'a court in Katagum, Bauchi State; however, the sentences were not carried out by year's end. No sentences for stoning were carried out during the year. Prison conditions were harsh and life threatening, and along with the lack of food and medical treatment, contributed to the death of numerous inmates. Police and security forces continued to use arbitrary arrest and detention. Prolonged pretrial detention remains a major problem. The judiciary is subject to political influence, and is hampered by corruption and inefficiency. The judicial system often was incapable of providing criminal suspects with speedy and fair trials. Government authorities generally respected citizens' privacy rights, however, authorities at times continued to infringe on these rights. The Government generally respected freedom of speech and of the press; however, there were problems in some areas. The Government generally respected freedom of association and assembly; however, it placed some limits on them in practice. Police and security forces banned several public meetings and demonstrations during the year. The Government restricts freedom of religion in certain respects. The implementation of an expanded version of Shari'a law in 12 northern states continued, which challenged constitutional protections for religious freedom and occasionally sparked ethno-religious violence. The Government occasionally restricted freedom of movement, particularly during periods and in areas of unrest. In 1999 the Government established a governmental panel, the Human Rights Violations Investigation Panel (HRVIP), to review cases of human rights violations since 1966; public hearings before the panel in Abuja, Lagos, Kano, and Port Harcourt concluded during the year, and the Panel's report is due in early 2002. The Federal Government inaugurated the National Action Plan for Human Rights Steering Committee and Coordinating Committee, which is expected to assess and report on human rights in the country, and make and implement recommendations to improve human rights.

Domestic violence against women remained widespread, and some forms were sanctioned by traditional, customary, or Shari'a law. Discrimination against women remained a problem. Female genital mutilation (FGM) remained widely practiced, and child abuse and child prostitution were common. Localized discrimination and violence against religious minorities persisted. Ethnic and regional discrimination remained widespread, and interethnic, religious, and regional tensions increased significantly. Thousands of persons were killed in ethno-religious violence throughout the country. Some members of the Ijaw ethnic group in the oil-producing Niger Delta region who seek greater local autonomy continued to commit serious abuses, including killings and kidnappings. Some restrictions on worker rights continued;

however, there were improvements during the year. Some persons, including children, were subjected to forced labor. Child labor continued to increase. Trafficking in persons for purposes of prostitution and forced labor was a problem, and collusion of government officials in trafficking was alleged. Vigilante violence increased throughout the country, particularly in Lagos and Onitsha, where suspected criminals were apprehended, beaten, and sometimes killed.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—National police, army, and security forces committed extrajudicial killings and used excessive force to quell several incidents of ethno-religious violence during the year. The Government did not use lethal force to repress nonviolent, purely political activities; however, lethal force was used when protests or demonstrations were perceived as becoming violent or disruptive, or in the apprehension and detention of suspected criminals. State anticrime task forces remained the most frequent human rights offenders. However, in most cases in which abuses were committed, neither the state anticrime task forces, the police, nor the armed forces were held accountable for excessive, deadly use of force or the deaths of persons in custody. They operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects (see Section 1.d.). Since taking office, President Obasanjo has preferred to let the police deal with civil disturbances, sending in military reinforcements only when the police were unable to restore order. However, the Government deployed the army numerous times during the year to restore order after civil unrest, and the army committed numerous abuses while performing this role, in part due to a lack of training. For example, in October army soldiers killed approximately 200 unarmed civilians, primarily ethnic Tiv, and destroyed much of the town of Zaki Biam in Benue State in the apparent retaliation for the killing of 19 soldiers. Multinational oil companies and domestic oil producing companies subcontract police and soldiers from area units particularly to protect the oil facilities in the volatile Niger Delta region. Freelance security forces and former security forces accounted for a significant portion of the violent crime during the year.

The police, military, and anticrime taskforce personnel committed numerous extrajudicial killings in the apprehension and detention of suspected criminals. Police were instructed to use deadly force against suspected vandals near oil pipelines in the Niger Delta Region, against the Oodua Peoples Congress (OPC) vigilante group in Lagos State, and allegedly against participants in the Jos and Kano riots that took place in September and October, respectively. A police raid aimed at apprehending armed robbers resulted in the deaths of at least four unarmed Igbo traders.

Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence, primarily in the oil and gas regions of the Delta states and in eastern Benue State. According to Human Rights Watch, soldiers, naval personnel, and paramilitary Mobile Police deployed across the Niger Delta carried out summary executions, assaults, and other abuses on an ongoing basis (see Section 5). Confrontations between increasingly militant “youths” (who tend to be unemployed males between the ages of 16 and 40), oil companies, and government authorities continued during the year. In June in the Khana local government area, mobile police shot and killed an allegedly unarmed Ogoni man. In July a police officer protecting oil contractors in Bayelsa State killed a local youth, reportedly after the youth tried to disarm him; no action was taken against the police.

The Government deployed the army numerous times during the year to restore order after ethno-religious violence, which increased during the year, became violent (see Section 5). There were credible reports that soldiers on occasion used excessive force while attempting to end such violence. In September the military was deployed in Jos, Plateau State, to quell a major outburst of ethno-religious violence (see Section 5); approximately 2,300 persons were killed before the military restored order. By October army troops were maintaining order in Kaduna, Jos, Tafawa Balewa, Kano, and a significant part of eastern Benue, eastern Nasarawa, and western Taraba states.

On October 12, 600 to 1,000 Muslims peacefully demonstrated in Kano against U.S. and allied air strikes against Afghanistan. Several hours after the conclusion of a peaceful demonstration against U.S. military action in Afghanistan, rioting broke out in the largest marketplace in the city of Kano. While sparked initially by street thugs, the violence later took on religious and ethnic overtones. A number of churches and three mosques reportedly were burned during the fighting. The fol-

lowing morning, a mob of predominantly Hausa youths attacked shopkeepers and looted shops in the city's major market. During the riots, 100 persons were killed. The army was called out to restore order. Some citizens alleged that the army and police used excessive and lethal force and that several deaths came at the hands of the security forces. In November police reportedly arrested and charged more than 200 persons in connection with the violence; according to the head of the police in Kano State, 150 persons were taken to court. After order was restored, Governor Kwankwaso held a series of meetings with local ethnic and religious leaders to stem further outbreaks and to rebuild trust between the communities.

On October 22 and 23, in apparent retaliation for the killing of 19 soldiers on October 12, army soldiers reportedly killed approximately 200 civilians, primarily ethnic Tiv, and looted the town of Zaki Biam in Benue State. Tens of thousands of persons reportedly fled the area as a result of the violence. The Government announced the establishment of a commission of inquiry to investigate the killings; however, the commission had not been inaugurated by year's end.

Violence and lethal force at police roadblocks and checkpoints decreased during the year; however, some instances of such violence continued. In August in Ebonyi State, the police killed four members of the PDP at a checkpoint. The victims included the chairman of the Ishielu Local Government, Onyebuhi Eche, Ifeanyi Nnanji, Gbonna Odembaigwe and Uche Frank. During the year, an upsurge in violent crime in Lagos led to an increase in the number of roadblocks and checkpoints at major intersections, without an increase in police misconduct or violence (see Section 2.d.).

Police used excessive force to suppress protests (see Section 2.b.). In February outside the main mosque in Gombe State, police killed several persons while dispersing Muslim protesters who reportedly were attacking and damaging buildings, such as the police barracks (see Section 2.b.).

Harsh and life-threatening prison conditions and denial of proper medical treatment contributed to the death of numerous inmates (see Section 1.c.). Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment. There were reports that police killed persons suspected of belonging to the OPC if they found ceremonial cuts or marking on the detainees' backs.

There were only a few cases in which members of the police were held accountable for abuses. In September there were unconfirmed reports that police shot and killed 22 detainees who attempted to escape from Jos prison.

In February police reportedly killed 10 persons and destroyed the headquarters of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) in Okigwe; several MASSOB leaders, including Ralph Uwazuruike, were arrested (see Section 1.d.). The Constitutional Rights Project (CRP), the pan-Yoruba group Afenifere, and the Catholic Archbishop of Lagos publicly criticized the police tactics used to deal with MASSOB.

In April three policemen in Kogi State were sentenced to death by hanging after they were found guilty of theft and murder. The policemen were accused of stopping a car, killing five persons, and stealing the passengers' money. The sentence was not carried out by year's end.

There were no reports of any investigation or action taken against the police in Lagos who reportedly killed 509 suspected armed robbers and injured 113 robbery suspects during the course of making 3,166 arrests in 2000; not all of those killed were OPC members.

There were no developments in the May 2000 alleged killing by security forces of a young woman who obstructed the motorcade of Lagos Deputy Governor.

No action was taken against the members of the security forces responsible for killing persons in the following cases from 2000: The August killing of a Nnamdi Azikiwe University student; the July killing of 1 person when a demonstration was dispersed forcibly; the July killing of 1 person when a strike was dispersed forcibly; the June killings of 2 persons in Abuja; the June killings of 5 persons for suspected vandalization; and the April and March killings of 28 Delta youths near oil flow stations.

The HRVIP, also known as the Oputa Panel, continued hearings during the year into 150 cases of killings by members of the security forces (see Section 4). The Panel's report was expected to be released in early 2002. In 2000 the Civil Liberties Organization (CLO), a credible human rights organization, filed a petition with the National Human Rights Commission and the Oputa Panel concerning the 1999 death in detention of Godfrey Opuoru. In 1999 Mike Okiro replaced Sunday Aghedo, police commissioner in Lagos state, under whose command the death occurred. The Oputa Panel ordered the police to reinvestigate the case; however, there were no reports that the police had reopened the case by year's end.

The Government did not address the 1999 leveling of Odi in Bayelsa State by federal troops. The Government did not hold accountable any of the officers or soldiers involved in the destruction of the town and the killing of several hundred inhabitants; there were newspaper reports that some of the soldiers were promoted. Trials against Keniwer Imo Neweigha, Monday Diongoli, Timi Epengele, Onoriode David, Ebi Clifford Saibu, Derioteidou Aganaba, Timinepre Keren, Joshua Godspower, John Zitua, and Benson Odiowei for the alleged murders of 12 policemen and 6 civilians that sparked the Odi incident, were ongoing at year's end. When the prosecution could not produce Odiowei for trial in 2000, the case was postponed to a later date.

The prosecution of Hamza al-Mustapha, Mohammed Abacha, Mohammed Rabo Lawal, Lateef Shofalan, Mohammed Aminu, and Sergeant Rogers Mshiella for the 1996 murder of Kudirat Abiola, a prominent prodemocracy activist and the wife of Moshood Abiola, was adjourned repeatedly during the year; defense lawyers for each individual had filed numerous motions for adjournment in the Lagos High Court.

The Government continued to investigate or detain former Abacha government officials and family members, including former Minister of the Interior Capital Territory Jerry Useni, former National Security Advisor Ismaila Gwarzo, Abacha's wife Maryam, Abacha's son Mohammed, and Colonel Ibrahim Yakassai, for the murder and attempted murders of other prominent prodemocracy activists in Lagos from 1996 to 1998; Colonel Yakassai was being held for alleged involvement in the death of Shehu Musa Yar'adua. All of the cases were ongoing at year's end.

On September 20, a former security aide testified before the HRVIP that Moshood K.O. Abiola died in prison of a "natural cause." In 1994 General Sani Abacha detained Abiola and charged him with treason when he declared himself president on the basis of the 1993 election.

On August 19, unknown assailants shot and killed Rivers State Assemblyman Monday Ndor outside his residence. No additional information was available at year's end.

In December Osun State Lawmaker Odunayo Olagbaju was killed in political violence; the incident was under investigation at year's end.

On December 23 in Ibadan, Justice Minister Bola Ige was killed in his home. There was widespread speculation that Ige and others were killed in connection with the political dispute between the Osun State Governor, Bisi Akanda, and Osun State Deputy Governor, Iyiola Omisore. By year's end, the police reportedly had detained a 27-year-old man who confessed to being a member of an eight-man gang who shot Ige in exchange for \$8,960 (1 million naira). However, the suspect was considered to be of questionable sanity, and there reportedly were inconsistencies in his statement; his confession was found not to be credible, and he was released.

Killings carried out by organized gangs of armed robbers remained commonplace throughout the year. On July 28, in the town of Awkuzu, a gang of at least 30 armed robbers reportedly killed 22 residents, allegedly in retaliation for the executions of suspected criminals by the Bakassi Boys earlier in the year.

In Anambra State, the state government supported and paid the vigilante group known as the Bakassi Boys. Like most vigilante groups, the Bakassi Boys killed suspected criminals rather than turn them over to police; however, in some cases, the Bakassi Boys chose to mutilate alleged criminals, such as cutting off their hands or arms, rather than killing them outright. They also were accused of harassing and threatening political opponents of the state government. On May 29, the Bakassi Boys tortured and killed between 25 and 36 suspected criminals in Onitsha. They reportedly stabbed them with machetes and knives as bystanders cheered; the victims' bodies then were set on fire. In July members of the Bakassi Boys hacked to death four suspected armed robbers in Imo State.

Other organized vigilante groups in large cities, particularly Lagos, Kano, and Onitsha, committed numerous killings of suspected criminals. These vigilante groups engaged in lengthy and well-organized attempts to apprehend criminals after the commission of the alleged offenses. In Lagos State, the vigilante group known as the OPC clashed repeatedly with the police over their protection of Yoruba neighborhoods and over political issues. The OPC continued to function as a vigilante anticrime force despite President Obasanjo's "shoot-on-sight" order issued against them in 1999. During the year, there were fewer OPC vigilante killings than in previous years; however, on August 16, the OPC reportedly beheaded four suspected robbers and set their bodies on fire in Lagos State. The OPC also reportedly crucified a man in the Surelere district of Lagos.

In August Ganiyu Adams, a leader of the OPC, was arrested and charged in Lagos State with murder and robbery; Adams had been wanted by the police since the 1999 riots sparked by the OPC. In September the OPC announced that it would stop its vigilante activities. In October Adams again was arrested and charged with

murder, stealing, robbery, and illegal possession of firearms; on October 30, he was released on bail.

There were no developments in the 2000 incident in which an OPC demonstration against Libya's expulsion of several Nigerian citizens resulted in a number of injuries and the death of a guard at a foreign embassy. There also were developments in the 2000 clashes between the OPC and police in Ilorin and Lagos in which more than 100 persons were killed, buildings in Lagos were destroyed, and the Government outlawed the OPC.

There also were numerous reports of street mobs apprehending and killing suspected criminals during the year. The practice of "necklacing" criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it, burning the victim to death) caught in the act occurred in several cities.

On October 4, 4 persons were killed and 19 were injured critically during violent clashes between supporters of the All People's Party (APP) and PDP in Gusau, Zamfara State.

During the year, lethal interethnic, intra-ethnic, and interreligious violence continued to escalate (see Section 5). Communal violence in the Niger Delta decreased during the year, but ethnic rivalries and disputes between local communities over resources still led to deadly clashes (see Section 5).

During the year, members of student organizations, commonly known as cults, occasionally killed students from rival organizations.

b. Disappearance.—There were no reports of politically motivated disappearances during the year; however, in 2000 the OPC charged that the police were responsible for the disappearance of at least two of its members.

Members of minority ethnic groups in the oil-producing areas kidnaped foreign and local oil company employees to press their demands for more redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation and for specific projects in their areas. In all instances, the victims were released unharmed after negotiations between the captors and the oil firms; the firms usually paid ransoms and promised improved conditions.

There also were numerous instances of strictly criminal kidnaping, in which the perpetrators' sole objective was ransom for the release of the victims. During the year, there were a greater number of kidnapings by criminals to extort money than for "political" reasons. Some kidnapings, particularly in the Delta, appear to have been part of longstanding ethnic disputes over resources. Due to limited manpower and resources, the police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. A lack of resources prevented judicial investigations from taking place so that kidnapings routinely were not investigated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such abuses, and the law provides for punishment for such abuses; however, during the year, army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. The law prohibits the introduction into trials of evidence obtained through torture.

Different versions of criminal Islamic Shari'a law were in place in 12 northern states by year's end (see Section 1.e.). Shari'a courts delivered "hadd" sentences such as amputation for theft, caning for fornication and public drunkenness, and death by stoning. The appellate courts have yet to decide whether such punishments constituted "torture or . . . inhuman or degrading treatment" as stipulated in the Constitution. Caning as a punishment under common law, the Northern Nigerian Penal Code, and Shari'a law has not been challenged successfully in the court system as a violation of the cruel and inhuman punishment clause in the Constitution. Stoning and amputation also have not been challenged under the Constitution. There were two amputations carried out during the year despite a larger number of sentences. Shari'a courts handed down their first death sentences during the year. In both common law and Shari'a courts, indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced; however, all accused persons have the right to appeal. The Federal Government has instituted a panel of legal scholars to draft a uniform Shari'a criminal statute for all northern states to replace divergent Shari'a statutes adopted by the states.

On May 3, Lawal Isa had his right hand amputated in Zamfara for stealing three bicycles. On July 6, the right hand of Umaru Aliyu was amputated in Sokoto for the theft of a goat. In July a Shari'a court in Kebbi State sentenced a 15-year-old boy to amputation of one of his hands for stealing \$286 (32,000 naira) from a businessman. In August a Shari'a court in Zamfara State sentenced Amina Abdullahi to 100 lashes for having an extramarital affair.

In September an Islamic court in Kebbi State sentenced a man to be stoned to death for sodomizing a 7-year-old boy (see Section 5). The sentence had not been carried out at year's end, and the man remained in custody.

In September in Sokoto, Safiya Hussaini was convicted of adultery by a local Shari'a court, which found her pregnancy to be proof of adultery; she was not married at the time of the pregnancy. She was sentenced to death by stoning, but the sentence was not executed by year's end. In October she filed an appeal, challenging the legal basis for the decision. Two domestic human rights organizations strongly criticized the death sentence, and an international NGO asked President Obasanjo to intercede in the matter.

In January Bariya Ibrahim Magazu, a 17-year-old girl, was given 100 cane strokes following her September 2000 conviction for fornication and slander. She also was sentenced to an additional 80 lashes for naming in court but not being able to prove who the possible father of the child was; however, the additional 80 lashes were not administered. Prior to the execution of the sentence, Baobab, a domestic human rights NGO, filed an appeal on her behalf.

Security forces occasionally beat and detained journalists during the year (see Section 2.a.).

Hamza Al Mustapha, Muhammed Rabo Lawal, Lateef Shofolahan, Mohammed Aminu, Col. Yakubu, Ishaya Bamaiyi, James Danbaba, and Rogers Mshiella were detained and charged during the year with the 1996 attempted murder of Guardian newspaper publisher Alex Ibru; however, the case was postponed in October. During the year, Bamaiyi and Mustapha appeared before the HRVIP in Abuja; they previously had appeared before the HRVIP in Lagos in 2000.

No action was taken against the police who reportedly killed 509 suspected armed robbers robbery suspects in Lagos State in August 2000 or the police who killed 2 persons during a 5-day petroleum strike in June 2000.

No action was taken against army personnel responsible for rapes and other abuses in Delta, Bayelsa, and Rivers States reported in 1999.

After the November 1999 release of Jerry Needam, editor of the Ogoni Star newspaper, the government representatives failed to appear in court for any hearings relating to his case. Police reportedly beat Needam, forced him to sign a confession, and did not allow him access to medical treatment during his detention in 1999.

The HRVIP (Oputa Panel) heard several cases during the year (see Sections 1.a. and 4). On January 26, seven women of the Ogoni ethnic minority appeared before the HRVIP and accused soldiers of the Rivers State Internal Security of raping them in 1993 and 1994. In February Ohaneze Ndigbo, an Igbo cultural organization, asked the HRVIP to investigate atrocities, including genocide, pogroms, mistreatment of refugees and war prisoners, and bombing of civilian targets, allegedly committed against Igbos between 1966 and 1970.

On June 10, a bomb exploded in the House of Assembly in Yenagoa, Bayelsa State. According to press reports, the principal suspect is the former speaker of the house, Heineken Lokpobiri, who was impeached the following day (see Section 3); he was being sought for questioning.

In 1999 the trial against former Army Chief of Staff Ishaya Bamaiyi for the attempted murder in 1996 of Guardian newspaper publisher Alex Ibru began. Hamza al-Mustapha, former Lagos Police Commissioner James Danbaba, and Colonel Yakubu, also were charged in the attempt on Ibru but their trials were pending at year's end. All of the defendants were in detention at Kiri Kiri maximum-security prison at year's end.

In the numerous ethnic clashes that occurred throughout the year (see Sections 1.a. and 5), thousands of persons were beaten or injured severely. Police and security forces failed to respond to these and most other criminal acts in a timely manner and were slow to protect Christians and Muslims caught in ethno-religious conflicts in Plateau, Kaduna, Kano, and Benue states. The police generally lacked the resources to control criminals and mobs fomenting civil unrest (see Sections 1.a. and 1.b.).

On January 1, an Islamic vigilante group known as Hisbah reportedly caned in public a Christian trader 80 times after he was found with a bottle of gin.

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Many prisons held 200 to 300 percent more persons than they were designed to hold. The Government acknowledged the problem of overcrowding as the main cause of the harsh conditions common in the prison system. According to government sources, approximately 45,000 inmates were held in a system of 148 prisons and 83 satellite prisons, with a maximum designed capacity of 33,348 prisoners. Some human rights groups estimate a higher

number of inmates—perhaps as many as 47,000 (see Section 1.d.). Several times in 2000, authorities attempted to ease congestion in some smaller prisons. For example, in honor of the Eid-El-Kabir in March 2000, the Governor of Kano State released 159 prisoners, 52 of whom were pretrial detainees held without charge. Those released also were provided with travel funds to return to their homes. During the year, the Governor of Kaduna State, on the recommendation of a state court judge, made a similar release of prisoners.

In December five teenagers were released from Suleja prison, in Niger State, through the help of local NGO's.

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. A reputable human rights organization estimated in 1999 that at least one inmate died per day in the Kiri Kiri prison in Lagos alone. According to the Prisoners Rehabilitation and Welfare Action (PRAWA) a nongovernmental organization (NGO), dead inmates promptly are buried on the prison compounds, usually without notifying their families. A nationwide estimate of the number of inmates who die daily in the country's prisons is difficult to obtain because of poor record keeping by prison officials. PRAWA and other NGO's alleged that prison conditions were worse in rural areas than in urban districts.

In practice women and juveniles are held with male prisoners, especially in rural areas. The extent of abuse in these conditions was unknown. In most cases, women accused of minor offenses are released on bail; however, women accused of serious offenses are detained. There is no formalized procedure regarding the separation of detainees and convicted prisoners, and the method of confinement solely depends on the capacity of the facility; as a result, detainees often are housed with convicted prisoners.

In March the Chairman of the National Human Rights Commission (NHRC) visited Owerri Prison in Imo State. According to reporting, 90 percent of those in prison were awaiting trial. Multiple adjournments in some cases had led to serious delays (see Section 1.d.).

In 2000 President Obasanjo directed the Ministry of Justice to create a judicial administration committee to address the questions of overcrowding, prison conditions, and rehabilitation. The NHRC began working with the Ministry of Justice and the Legal Resources Consortium during the year to draft a new prisons bill to conform with minimum standard rules of prisons practice and provisions of the U.N. The NHRC also has urged the Federal Government and police not to detain persons in civil cases.

During the year, the Government allowed international and domestic NGO's, including PRAWA and the International Committee of the Red Cross (ICRC), regular access to prisons; however, it did not allow them continuous access to all prisons. PRAWA and the ICRC published newsletters on their work. The Government admits that there are problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. However, groups such as Rotary International report difficulties at the local level in gaining access to prisons and jails to do rehabilitation programs.

In August local media reported that the Inspector General of the police decided to transfer all current members of the Lagos-based Anti-Robbery Squad (SARS) known as the "Scorpions." Reportedly there had been numerous allegations against SARS officers for corruption, including aiding and abetting criminal groups.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces generally did not observe these prohibitions. Police and security forces continued to use arbitrary arrest and detention.

Police and security forces are empowered to make arrests without warrants if they believed that there was reason to suspect that a person had committed an offense; they often abused this power. Under the Fundamental Rights Enforcement Procedures Rules of the Constitution, police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to a station for processing within a reasonable amount of time. By law police

must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to legally mandated procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods of time. The provision for bail often was arbitrary or subject to extrajudicial influence. In many parts of the country, there was no functioning system of bail, so many suspects were held in investigative detention for sustained periods of time. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attend court proceedings, police often demand an additional payment.

On March 23, police in Gombe arrested 19 reportedly peaceful persons for unlawful assembly (see Section 2.c.).

In August Ganiyu Adams, a leader of the OPC, was arrested and charged in Lagos State with murder and robbery; Adams had been wanted by the police since the 1999 riots sparked by the OPC. In September the OPC announced that it would stop its vigilante activities. In October Adams again was arrested and charged with murder, stealing, robbery, and illegal possession of firearms; on October 30, he was released on \$85 (20,000 naira) bail.

In August security agents arrested and detained for 27 days without charge Sheik Yakubu Musa, a Katsina-based Islamic scholar; the Abuja High Court later ordered his release.

On September 23, authorities arrested and detained without charge six Pakistani Muslim scholars in Benue State (see Section 2.c.). On November 16, in Sagamu, Ogun State, police arrested the same six Pakistani nationals for alleged incitement of a religious crisis; on November 18, the Immigration Services deported them.

Security forces detained journalists on a few occasions during the year (see Section 2.a.). Students in general no longer are singled out for arrest because of political activities; however, many students were detained during the year for allegedly taking part in cult or criminal activities on university campuses (see Section 2.a.).

Human Rights Watch reported that the police arrested hundreds of MASSOB members and detained many without charge; MASSOB leader Ralph Uwazuruike was arrested several times during the year.

In 2000 the Committee for the Defense of Human Rights reported that 302 OPC members were arrested following clashes with the police in Lagos. Of those detainees, 95 were released in 2000. The remaining detainees were not able to obtain legal representation and either could not make bail or were not eligible for bail due to the charges brought against them.

Ogoni activists who were arrested in 2000 were detained briefly and released by the end of 2000.

Lengthy pretrial detention remained a serious problem. According to the Constitution, persons charged with offenses have the right to an expeditious trial; however, in practice this right was not respected. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). The Controller-General of prisons estimated that two-thirds of prisoners are detainees awaiting trial who have not been charged (see Section 1.c.). The NHRC urged the courts, the Ministry of Justice, and the police to expedite cases awaiting trial. In January the Minister of State for Internal Affairs reportedly said that there were 45,000 inmates in the prison system, 75 percent of whom were awaiting trial. Many of the pretrial detainees held without charge had been detained for periods far longer than the maximum allowable sentence for the crimes for which they were being held. Police cited their inability to securely transport detainees to trial on their scheduled trial dates as one reason why so many of the detainees were denied a trial.

Persons who happen to be in the vicinity of a crime when it is committed normally are held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently are asked to return repeatedly for further questioning. Police continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest. There were reports that Imo State prison officials work with some pretrial detainees to blackmail those who knowingly or unknowingly purchased stolen goods from the detainees. These persons, usually prominent individuals residing in larger cities such as Abuja and Lagos, are remanded to Imo State custody and told that they also will be prosecuted for the transfer of stolen goods; however, if they pay a bribe, they are released, as is the pretrial detainee who colluded with the prison officials.

There were no reports of political detainees during the year.

In 2000 Ismaila Gwarzo, the national security advisor to former Head of State General Sani Abacha, was placed under house arrest without any charges being brought. He remained restricted to his hometown in Kano State at year's end.

The Constitution prohibits the expulsion of citizens, and the Government does not use forced exile. Many citizens who had lived abroad due to fear of persecution under previous military regimes continued to return to the country during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary remained subject to executive and legislative branch pressure, was influenced by political leaders at both the state and federal levels, and suffered from corruption and inefficiency. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes in order to expedite cases.

Under the Constitution, the regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There also are Shari'a (Islamic) and customary (traditional) courts of appeal for each state and for the Federal Capital Territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. However, in practice fear of legal costs, delays, distance to alternative venues, and individual preference caused many litigants to choose the customary and Shari'a courts over the regular venues. Shari'a courts, which have begun to function in 12 northern states, carried out 2 amputations during the year (see Section 1.c.).

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes. Understaffing of the judiciary, inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continued to result in considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.).

Trials in the regular court system are public and generally respect constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges easily are bribed or "settled," and that litigants cannot rely on the courts to render impartial judgements. Most prisoners are poor and cannot afford to pay the costs associated with moving their trials forward, and as a result they remain in prison. Wealthier defendants employ numerous delaying tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. This, and similar practices, clogged the court calendar and prevented trials from starting.

Many courts are understaffed, and personnel are paid poorly. Judges frequently fail to appear for trials, often because they are pursuing other means of income. In addition court officials often lack the proper equipment, training, and motivation to perform their duties, again due primarily to their inadequate compensation.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims usually is accorded less weight in Shari'a courts (see Section 5).

The Movement for the Survival of the Ogoni People (MOSOP) and the Saro-Wiwa family continued to petition President Obasanjo, the Minister of Justice, and the Oputa Human Rights panel to reverse the verdict of the Auta Tribunal that convicted Saro-Wiwa and the Ogoni-9 in October 1995. At year's end, the Government had not responded to the 2-year-old appeal to clear the names of Saro-Wiwa and the Ogoni activists, who were executed by the regime of Sani Abacha in November 1995.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, although government authorities generally respected these prohibitions, authorities at times continued to infringe on these rights.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest. Human rights groups called for the police to end the practice.

Although the expanded Shari'a laws technically do not apply to Christians, the Christian minority, especially in Zamfara and Sokoto states, was subjected to many of the social provisions of the law, such as the separation of the sexes in public transportation vehicles (a law that was repealed after only 2 weeks), and in health

facilities, the segregation by gender of school children, and bans on the selling of alcohol (see Section 2.c.). At least one Christian was punished for violating Shari'a laws (see Section 1.c.).

Purdah continued in parts of the country leading to continued restrictions on the freedom of movement of women (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there were problems in some areas.

During the year, 25 injured soldiers were sentenced to life imprisonment for “mutiny” and “disobedience” by a court martial after publicly protesting their treatment by military officials. The soldiers had alleged medical neglect, substandard treatment, and non-payment of allowances after they returned injured from serving in the Nigerian contingent of ECOMOG forces in Liberia and Sierra Leone.

The Government owns and controls numerous publications; however, there is a large and vibrant private domestic press that frequently is critical of the Government. There are two national, government-owned daily newspapers in English, the *New Nigerian* and the *Daily Times*. The *New Nigerian* publishes an additional Hausa edition. Several states own daily or weekly newspapers that also are published in English. They tend to be produced poorly, have limited circulation, and require large state subsidies to continue operating. By the end of 2000, five major daily newspapers, one newsmagazine, and several sensational evening newspapers and tabloid publications had begun publication. Two newspapers began publishing during the year.

On May 26, 1999, in the last days of Abubakar regime, Decree 60 was signed into law and created the Nigerian Press Council, which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. The Nigerian Union of Journalists (NUJ), the professional association of all Nigerian journalists, immediately criticized it as “an undisguised instrument of censorship and an unacceptable interference with the freedom of the press.” Decree 60 attempted to put control of the practice of journalism into the hands of a body of journalists who were appointed by and received payment from the Government. In 1999 the NUJ and the Newspaper Proprietors Association of Nigeria (NPAN) rejected the creation of the Press Council. The NPAN called the decree unconstitutional and a violation of press freedom, because there already were enough laws concerning the operation of the press. The decree, which virtually made members of the council employees of the Government, also contained a number of provisions inimical to the operation of a free press. Among other provisions, Decree 60 gave the Press Council the power to accredit and register journalists and the power to suspend journalists from practicing. Decree 60 required that publications be registered by the Council annually through a system entitled “Documentation of Newspapers.” In applying for registration, publishers were expected to submit their mission statements and objectives and could be denied registration if their objectives failed to satisfy the Council. The penalties for practicing without meeting the Council’s standards were a fine of \$2,200 (250,000 naira) or imprisonment for a term not to exceed 3 years. The decree also empowered the Council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journalists. Under the decree, publishers were expected to send a report of the performance of their publications to the Council; failure to do so was an offense that carried a fine of \$900 (100,000 naira). The Nigerian Press Council opened an office and hired staff in Abuja; however, it did not take any official action during the year. Many journalists believe that the existence of the decree and the Council are significant limitations on freedom of the press.

Editors report that government security officers sometimes visit or call to demand information about a story or source; however, journalists and editors no longer fear suspension or imprisonment for their editorial decisions. State broadcasters and journalists remain important tools for civilian governors; these officials use the state-owned media to showcase the state’s accomplishments and to promote their own political fortunes.

During the year, there were a few cases of threats against and attacks on the press. In April police beat a photographer and destroyed the film in his camera when he attempted to photograph a suspect leaving the Lagos High Court.

In May Imo State security personnel raided newsstands where they seized and burned publications that carried stories on activities of MASSOB, a group advocating the revival of the Biafran Republic.

In June police arrested, detained, and charged with libel Nnamdi Onyeuma, editor of the weekly magazine *Glamour Trends*, in connection with a story alleging that

President Obasanjo received a \$1 million (115 million naira) allowance for each of his many foreign trips. Onyeuma was released on bail awaiting court action at year's end.

During the year, governors from Kano, Imo, and Zamfara States were involved in disputes with journalists and publicly threatened the media. State governments also have threatened and detained journalists who have criticized their policies. During the year, a journalist temporarily lost his accreditation to cover the State House in Imo State because of an article critical of the Governor's wife.

In 2000 Ebonyi State police detained for approximately 2 weeks two journalists with the Ebonyi Times, Emmanuel Okike-ogah and Ogbonaya Okorie, for publishing what the state government described as "seditious articles in an unregistered newspaper." Also in 2000, police in Aba, Abia State, arrested and detained for 2 days Ademola Adegbamigbe of The News magazine, and a professional photographer who Adegbamigbe had hired to assist him, while covering the civil violence following the introduction of Shari'a law in the north (see Section 2.c.).

Because newspapers and television are relatively expensive and literacy levels are low, radio remains the most important medium of mass communication and information. There is a national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcasts in English, Hausa, Yoruba, Igbo, and other languages; 51 state radio stations broadcast in English and local languages. There were six private radio stations operating during the year. No new private radio licenses were issued during the year by the National Broadcasting Commission (NBC), the body responsible for the deregulation and monitoring of the broadcast media. Ten applications pending from 1999 still were awaiting NBC approval at year's end.

International broadcasters, principally the Voice of America and British Broadcasting Corporation, as well as Deutsche Welle and others, broadcast in English and Hausa and are an important source of news in the country.

In January police beat, arrested, and detained Igha Oghole, a journalist with Radio Benue, Makurdi, after he insisted on conducting a scheduled interview with the police commissioner rather than interviewing his subordinate.

The National Television Station, NTA, is federally owned, while 30 states also operate television stations. There are nine privately owned television stations that broadcast domestic news and political commentary. There are two private satellite television services. The law requires local television stations to limit programming from other countries to 40 percent and restricts the foreign content of satellite broadcasting to 20 percent, but the Government does not restrict access to, or reception of, international cable or satellite television.

During the year, the NBC threatened to take private television and radio stations off the air when the stations refused to pay 2.5 percent of their gross income to the NBC; the Independent Broadcasters Association of Nigeria (IBAN) challenged the fees in court. In October President Obasanjo set the annual fee for the broadcasters at \$1,300 (150,000 naira). During the year, the NBC also prevented the commissioning of the Here and There television station in Oyo State, ruling that the original license had expired. The NBC also challenged expansion plans by African Independent Television (AIT), a part of Daar Communications, claiming that AIT's global and terrestrial licenses do not allow them to act as a network.

While private television and radio broadcasters remained economically viable on advertising revenues alone, despite the restrictions that the Government imposed on them, government-sponsored broadcasters complained that government funding and advertising were inadequate for their needs.

No action was taken about the potentially improper use of the police in the 2000 case in which Abuja FCT police accompanied Yusuf Mamman, an Alliance for Democracy (AD) faction leader, to the AD headquarters in Abuja to prevent a rival faction leader, Adamu Song, from holding a press conference.

Since the 1999 elections, foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas, and many of the obstacles that previously frustrated foreign journalists were removed. Officials within the Ministry of Information became more accommodating to requests from foreign journalists.

The Government did not restrict Internet access, although unreliable and costly telephone service limited access and hindered service providers. NITEL competed with dozens of privately owned Internet service providers (ISP's).

The Government continued to take concrete steps to address the problems in the education sector and to restore academic freedom. In 1999 President Obasanjo approved the establishment of four new private universities, but the quality of secondary education remained poor. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses continued to hamper educational progress. On several occasions during the year, protests by students

resulted in harassment and arrest by police forces. For example, in 2000 protests during the country's Independence Day celebrations resulted in the arrests of two students in Lagos (see Section 1.d.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right, although some limits remained. Police and security forces banned several public meetings and demonstrations during the year.

The Government continued to nominally require organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in many states due to religious tensions in these parts of the country. For example, various northern states, including Plateau, Kano, Zamfara, and Kaduna, banned public gatherings immediately following periods of ethno-religious violence, but they did so in consultation with a number of religious and traditional groups, as well as local governments, in order to prevent a recurrence of the violence. In September the Kaduna State government extended its ban on processions, rallies, demonstrations, and meetings in public places in order to prevent repetition of the violence that followed the announcement of the enactment of Shari'a law in 2000 (see Sections 1.a. and 2.c.). In September a political rally in Zamfara State became violent, prompting a temporary ban on public political rallies in the state. On October 31, the Ondo State government banned open-air religious meetings by both Christians and Muslims in an attempt to prevent religious violence (see Section 5). In October a security forces committee banned all political, cultural, and religious meetings in Plateau State following ethno-religious violence in Jos, the state capital (see Section 5).

Police regularly disrupted meetings of the OPC, and maintained a ban on the organization. In May police cancelled a planned meeting of southern governors in Enugu, reportedly because the meeting was "capable of creating disharmony." In March the Government banned a seminar on Islamic law that was planned in Zaria. In July the police banned the meeting of a group known as the Fourth Dimension, led by former Vice President Augustus Aikhomu, because of violence that occurred at a prior meeting in Benin City. In October the police banned for security reasons a PDP rally scheduled to take place in Sokoto on October 4 and 5. In December in Rivers State, police dispersed a rally of the National Youth Council of Ogoni People because the group reportedly had not received authorization to hold the demonstration.

On February 24 in Gombe State, 10 persons were killed and 3 persons were injured when youths claiming to be Shi'ite Muslims clashed with police during a protest following the visit of Israeli Ambassador Itzhak Oren. The youths also burned two churches and a nightclub.

The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice; however, there were exceptions. Although the Constitution allows the free formation of political parties, only three parties were registered with the INEC. The Constitution requires parties to have membership in two-thirds of the country's 36 states.

c. Freedom of Religion.—The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance; however, the Government restricted these rights in certain respects. The implementation of an expanded version of Shari'a law in 12 northern states continued, which challenged constitutional protections for religious freedom and occasionally sparked ethno-religious violence.

The Constitution prohibits state and local governments from adopting an official religion; however, some Christians have alleged that Islam has been adopted as the de facto state religion of several northern states, given the reintroduction of Shari'a criminal law, and the continued use of state resources to fund the construction of mosques, the teaching of Alkalis (Muslim judges), and pilgrimages to Mecca (Hajj). However, state funds also are used to fund Christian pilgrimages to Jerusalem. In general states with a clear Christian or Muslim majority explicitly favor the majority faith. There are 36 states in the country; governors have autonomy in decision-making but derive their resources from the federal Government. Both the federal and state governments are involved in religious matters, including the regulation of mandatory religious instruction in public schools, subsidized construction of churches and mosques, state-sponsored participation in the Hajj, and pilgrimages to Jerusalem. Approximately half of the population is Muslim, approximately 40 per-

cent Christian, and approximately 10 percent practice traditional indigenous religion or no religion.

The Constitution provides that states may elect to use Islamic (Shari'a) customary law and courts. Until the reintroduction of criminal Shari'a by Zamfara State in January 2000, the jurisdiction of Shari'a courts, which are part of the regular court system, had been limited to family or personal law cases involving Muslims, only if both litigants agreed to settle their disputes in Shari'a courts, or to civil disputes between Muslims who consent to the courts' jurisdiction. Elements of Shari'a also had been present in the northern penal code, which had been applicable in the north since independence. However, the Constitution states that a Shari'a court of appeal may exercise "such other jurisdiction as may be conferred upon it by the law of the State." Some states have interpreted this language as granting them the right to expand the jurisdiction of existing Shari'a courts to include criminal matters (see Section 1.e.). In October 1999, the governor of Zamfara State, Ahmed Sani, signed a bill that established Shari'a courts and courts of appeal in Zamfara State, and another bill that constituted the Shari'a penal code; the bills took effect on January 27, 2000. Zamfara's law adopted traditional Shari'a in its entirety, with the exception that apostasy was not criminalized. After the adoption of Shari'a in Zamfara, other northern states began to implement forms of expanded Shari'a. At the end 2000, 12 northern states had adopted variations of Shari'a law—Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to the new Shari'a provisions is compulsory for Muslims in some states and optional in others.

The Constitution also provides that the Federal Government is to establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end.

On November 2, Kaduna State implemented a modified version of Shari'a law. According to state Governor Ahmed Makarfi, Islamic punishments are not being incorporated into the criminal code in Kaduna, as has happened in several other northern states.

Although religious belief or adherence is not required for membership in registered political parties, in May the Zamfara State house assembly suspended for 3 months two of its Muslim members, Ibrahim Musa Murai and Abdullahi Majidadi Kurya, for not supporting bills introduced by the governor. They were accused of not showing full support for a compulsory closing of businesses, schools, and hospitals during Friday prayers and an enforced zakkat (alms) payment to assist the needy.

Christian and Islamic groups planning to build new churches or mosques are required to register with the Corporate Affairs Commission (CAC). The law requires that such groups name a board of trustees, place a notice of the group's intent to organize in three nationwide newspapers, and send trustee information to the CAC. If no objections are received, the group can proceed with its meetings. This law was put into effect to stem the proliferation of new buildings in the absence of zoning laws, to resolve legal questions arising from disputes over church ownership and control, to provide a single registry for government reference in the event that compensation is demanded following civil disturbances, and to allow for legal solemnization of marriages. The CAC did not deny registration to any religious group during the year; however, some religious groups experienced delays in obtaining permission from local zoning boards to build houses of worship.

Although distribution of religious publications generally remained unrestricted, the Government continued to enforce lightly a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of religious (Christian) literature. Similar discrimination against the use of state-owned media for Muslim programming was reported in the south.

On September 23, six Pakistani Muslim scholars were arrested in Benue State and detained without being charged. On November 16, in Sagamu, Ogun State, police arrested the same six Pakistani nationals for alleged incitement of a religious crisis; on November 18, the Immigration Services deported them (see Section 1.d.).

The Government continued to enforce a ban on the existence of religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship. According to the Constitution, students are not required to receive instruction relating to a religion other than their own; however, public school students throughout the country were subjected to mandatory Islamic or Christian religious instruction. Islamic studies are mandatory in public schools in Zamfara and other northern states, to the exclusion of Christianity. State authorities claim that students are permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative

instruction; however, in practice the dominant religion of the state is taught in the school, and students cannot use these other mechanisms. There are reports that Christianity is taught in the same manner in Enugu and Edo states, and that Muslim students cannot access Koranic teaching in the public schools. During the year, Christian Association of Nigeria (CAN) leaders volunteered to place teachers of Christianity in Zamfara and Sokoto state schools, where students alleged that they were being forced to take courses in Islamic religious knowledge in order to graduate. Governors of both states accepted the offer of assistance and stated that they had not been aware of the problem; however, CAN did not provide any teachers in either state during the year. They indicated that schools in rural areas may not have qualified teachers of Biblical or Christian education classes, and that students in such schools have a right to opt out of Koranic knowledge classes, which otherwise would be required.

The law prohibits religious discrimination; however, reports were common that government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts.

Christians in the predominantly Muslim northern states also alleged that local government officials used zoning regulations to stop or slow the establishment of new Christian churches. Officials have responded that many of these new churches are being formed in traditionally residential neighborhoods that were not zoned for religious purposes. The CAN offices in Zamfara and Sokoto states alleged that local authorities there delayed or denied to Christians certificates of occupancy (CO's), which are required to show title to land. For example, the Catholic Church in Zamfara State has been unable to retake possession of a clinic that was confiscated during a period of military rule in the 1970's. Renewal of the CO for the church building was approved; however, the Church has been unable to obtain a CO to re-occupy the clinic building and the adjoining land. Zamfara and Sokoto State officials denied that discrimination was behind the cases cited by CAN. State officials said the certification boards were dealing with a large backlog of cases for all persons, regardless of religious faith.

As the result of ethno-religious violence related to the expansion of Shari'a criminal law since 2000 in Kaduna, Plateau, Kano, Gombe, and Bauchi (see Section 5), several northern state governments banned public proselytizing, although it is permitted by the Constitution. The Katsina and Plateau state governments enacted and maintained a ban on public proselytizing for security reasons during the year. Some states relaxed these restrictions informally during the year and allowed some public proselytizing by Christians and Muslims. Missionaries reported that law enforcement officials harassed them when they proselytized outside of their designated zones. During the year, Kaduna maintained a ban, enacted in 2000, on all forms of "processions, rallies, demonstrations, and meetings in public places." Such bans were viewed as necessary public safety measures after the ethno-religious conflicts (see Section 5). On October 31, the Ondo state government banned open-air religious meetings by both Christians and Muslims in a bid to prevent religious violence. However, large outdoor religious gatherings continued to be quite common, especially in the southern part of the country. In November in Osogbo, Osun State, religious rioting reportedly led to at least one death and the destruction of several places of worship.

The Federal Government tacitly has acknowledged the ability of states to implement criminal Shari'a. However, the Federal Government has instituted a committee charged with the responsibility to draft uniform Shari'a criminal and procedural laws that could be adopted by all states, instead of the existing state-drafted statutes that differ in many respects (see Section 1.c.).

Although the expanded Shari'a laws technically do not apply to non-Muslims, the non-Muslim minority in some states has been subjected to many of the social provisions of the law, primarily the ban on the sale of alcohol. Consumption of alcohol by non-Muslims has not been criminalized; however, its sale and public consumption have been restricted throughout most of the north, except on Federal Government installations such as military and police barracks. All Muslims in states that expanded Shari'a to criminal matters are subject to the new Shari'a criminal codes. All cases involving only Muslims must be heard by a Shari'a court. Other states with Shari'a law still permit Muslims to choose common law courts for criminal cases; however, societal pressure forces most Muslims to use the Shari'a court system. Various human rights groups have challenged the constitutionality of criminal Shari'a, but these suits have failed for lack of a plaintiff with adequate legal standing.

In March journalists covering the implementation of Shari'a law in Bauchi State were warned by the governor, Ahmed Mu'azu, that they would be prosecuted if they

misrepresented the Government's position on Shari'a; however, no journalists were arrested by year's end.

A number of states sanctioned private vigilante Shari'a enforcement groups that have formed in states with expanded Shari'a law. In Zamfara State, Governor Ahmed Sani vested the local vigilante group with full powers of arrest and prosecution because he believed that the police were not enforcing the new Shari'a laws. Governor Saminu Turaki of Jigawa State also mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. In April the Katsina Arts and Musicians Association wrote to the Katsina House of Assembly protesting the arrest and detention of Sirajo Mai Asharalle. Asharalle was arrested by the state-sanctioned Rundunar Adalci vigilante group while performing music at a local function, but was released soon after his arrest. The performance of music and dancing was banned under the Shari'a law introduced by Katsina State.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and in general, the Government respected these rights; however, police occasionally restricted freedom of movement by setting up roadblocks and checkpoints and enforcing curfews in areas with ethno-religious violence. For example, in October a dusk-to-dawn curfew was imposed in Makurdi and Gboko, Benue State, following ethno-religious violence in the region. Roadblocks and checkpoints routinely are used by law enforcement agencies to search for criminals and to prevent the transport of bodies from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence (see Sections 1.a. and 1.c.). Unlike in the previous year, there were no reports of government officials restricting mass movements of individuals fleeing ethnic unrest.

Violent clashes between ethnic Hausa and various non-Muslim ethnic groups in Jos, Tafawa Balewa, and Kano resulted in the imposition of dusk-to-dawn curfews following the deaths of numerous persons (see Sections 1.a. and 5). In September and October, Tiv youths set up roadblocks in eastern Benue to harass and kill ethnic Jukuns (see Section 1.a.).

The Constitution also prohibits the denial of exit or entry to any citizen, and the Government generally respected this law. The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed; however, this provision was not enforced strictly. Some men take their wives' and children's passports and other identification documents with them while traveling abroad to prevent their family from leaving the country (see Section 5). In August General Jeremiah Useni, a retired general and former Minister of the Federal Capital Territories under the Abacha regime, was prevented from traveling outside the country, and his passport was confiscated; the Federal Government provided no reason for this action, but it was assumed widely to be related to allegations of corruption.

Prominent human rights and prodemocracy activists who fled the country during the regime of General Sani Abacha continued to return to the country, as did many economic migrants. There were no reports that the Government denied passports to political figures or journalists or interrogated citizens who were issued visas to foreign countries; however, there have been sporadic but unconfirmed reports that persons still were questioned upon entry or exit to the country at Murtala Muhammed international airport. These persons, all of whom were opponents of the Abacha regime, were identified in immigration computer systems as individuals to be questioned by immigration or security officers. For example, Dr. Olua Kamalu, deputy president of MOSOP, reported that the SSS seized his passport in 2000. Kamalu was planning a trip to Ghana to attend a visa interview at a foreign embassy.

During periods of ethno-religious violence, numerous persons were displaced from their places of residence. For example, in September and October several hundred thousand persons were displaced due to the ethnic conflict in Benue and Nasarawa states (see Section 5). In July Bauchi Governor Mu'azu acknowledged that almost the entire Hausa community in Tafawa Balewa either had departed or been killed in the conflict (see Section 5). In October following ethno-religious violence in Kano, many Igbo and Yoruba residents sent their families south. At year's end, there were reports of at least 100,000 persons displaced in the country's central region as a result of communal clashes and army attacks against several communities (see Sections 1.a. and 5). Many persons fleeing ethno-religious violence first found refuge in military barracks, police compounds, and other public places; some persons still were living in such government buildings at year's end. Thousands of persons, both Christian and Muslim, were displaced internally following the Kaduna riots in 2000; most returned to their homes during the year.

Many returnees remained apprehensive about continuing to work in these areas, with some returning only to finish business contracts or to sell their homes in order to arrange a more permanent departure.

A few hundred residents of the Odi village, razed by soldiers in 1999, have returned to the area; however, the Federal Government has not provided them with assistance to reconstruct their village (see Section 1.a.).

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the Lagos office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian agencies in assisting refugees through the National Commission for Refugees and its Federal Commissioner. The Eligibility Committee, which governs the granting of refugee status, asylum, and resettlement, reviews refugee and resettlement applications. A representative from the UNHCR participates in this committee. The issue of the provision of first asylum has not arisen since the establishment of the National Commission for Refugees under Decree 52.

At the end of 2000, there were 6,933 recognized refugees: 13 from Angola; 23 from Benin; 4 from Cameroon; 1,703 from Sierra Leone; 3,194 from Chad; 74 from Sudan; 1,561 from Liberia; 69 from Cote d'Ivoire; and 292 from other countries. The Government also provided residence in the country to 3 Cameroonians, 3 Chadians, 5 Sudanese, 13 Liberians, and 17 persons from other 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

The Constitution provides citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage. Citizens exercised this right in national elections for president and the National Assembly in February 1999. Voter apathy and widespread fraud marred the legislative elections; however, the turnout increased for the presidential race, which proceeded peacefully with reports of only a few violent incidents. The Independent National Electoral Commission (INEC) certified former President Olusegun Obasanjo's victory over Chief Olu Falae with a reported 62 percent of the vote.

Irregularities occurred at each stage of the electoral process, particularly the presidential nominating convention and election in which, for example, large sums of money were offered by both political camps to delegates to vote against political opponents. During the presidential election, international observers and foreign diplomats witnessed serious irregularities in procedures. All three parties engaged in the local purchase of false ballots and fraudulent tally sheets so that there were vast discrepancies between what observers saw and inflated tallies in some areas. In addition there were administrative problems such as late delivery of voting materials at a large number of polling stations. Those areas with the worst problems were the southern tier of states in the Niger Delta region, several states in Igboland, and several north central states. The production of "ghost votes" in these states amounted to as much as 70 or 80 percent of the total reported votes. Although all parties engaged in attempts to rig the vote, the PDP machine in the Delta and Igboland was responsible for the worst excesses. These votes may have added an estimated 15 percent to Obasanjo's total figure; however, observers believe that even if they were thrown out, he still would have maintained roughly a 15 percent lead over Falae's total. International observers confirmed the results and stated that, despite widespread fraud, Obasanjo's victory reflected the will of most voters. Although Falae initially protested the election results, eventually he dropped his legal challenge. The INEC issued a report on the conduct of the election in July 1999 that documented the fraud. Obasanjo, 109 senators, 360 members of the House of the National Assembly, and 36 governors and state assemblies assumed office in May 1999.

The President, Vice President, and other national and state officials serve 4-year terms. The next state and national elections are scheduled for 2003, while local government elections are scheduled for 2002. The INEC is working with several international electoral assistance organizations to help improve the process in 2003; however, no INEC officials have faced disciplinary action as result of their alleged involvement in corrupt activities that marred the 1999 election.

The Constitution outlaws the seizure of the Government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. Early in the year, members of the executive branch allegedly attempted to remove Speaker Ghali Na'abba; however, evidence of widespread fraud and corruption in the attempt to

buy votes for the removal of Na'abba forced the executive branch to abandon the effort. Several other public officials were scrutinized closely by the press, public, and legislative investigators.

The political system remains in transition. The three branches of the Government acted somewhat independently. Despite his party's substantial majority in the legislature, the President was not able to exercise authority without legislative oversight and inclusiveness. The Senate and the House of Representatives took legislative responsibilities such as budget review and oversight, the election reform initiative, and resource allocation seriously. President Obasanjo created several commissions to investigate past government contracts and human rights abuses, which were overwhelmed with applications to present evidence of wrongdoing (see Section 4). However, the judicial branch remained weakened by years of neglect and politicization (see Section 1.e.).

The Constitution was promulgated in May 1999. The constitution-writing process was criticized for not being open to enough participants and for not being subjected to wider debate on the country's federal structure, revenue allocation and power-sharing formulas, and minority ethnic groups' rights. Complaints about the Constitution persisted, and there were continued calls for a national conference to re-examine the constitutional and political structure of the country.

In early December, the President signed an electoral law that rescheduled local elections from 2002 to 2003. State governors and state assemblies contested the provision as an infringement on the states' constitutional powers to control local government. The law allows new political parties to participate in local elections in 2003; however, it prohibits their participation in state and national elections until 2007. Both houses of the National Assembly were debating the possible repeal of the prohibition at year's end.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there were no legal impediments to political participation or voting by women. Men continued to dominate the political arena, and NGO's continued to protest the limited representation of women in the political process. Although there are more than 500 ministerial and National Assembly positions, there are only 6 female ministers, 3 female senators, and 12 female representatives. Women's rights groups lobbied local and state governments, as well as the Federal Government, to adopt a 30 percent affirmative action program; however, these efforts were unsuccessful.

There are no legal impediments to participation in government by members of any ethnic group. The Constitution requires that government appointments reflect the country's "federal character." However, there are more than 250 ethnic groups, and it is difficult to ensure representation of every group in the Government (see Section 5). The federal- and state-level ministers generally are selected to represent the country's and state's regional, ethnic, and religious makeup. President Obasanjo has attempted to create an ethnically inclusive Government. Despite this effort, many groups complained of insufficient representation.

Middle-belt and Christian officers dominate the military hierarchy. In 1999 President Obasanjo retired all military officers who held political office, which meant that a disproportionate number of northern Hausa officers—who dominated the upper ranks under the previous military regimes—left the service. In 2000 there were few military retirements, and although they appear to reflect an ethnic or religious bias, some in the north believe that the northern Hausa are underrepresented in the military.

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

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. Criticisms of the Government's past human rights record were abundant in various media. High-level government officials noted that the human rights community assisted in the advancement of democracy. Human rights activists complained during the year that President Obasanjo and members of his Government did not meet with them as frequently as they did in 2000.

The Catholic Secretariat, a local sectarian interest group, continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels have included a number of NGO's, media, and religious leaders. Each session ended with recommendations to the Government on how best to resolve these issues. The Government had not responded to any of these recommendations by year's end.

On October 29, the CRP called on President Obasanjo to take responsibility for retaliatory attacks by the army against Tiv communities in central Benue State (see Section 1.a.). A number of groups spoke out against the events in Benue and called for a full investigation.

The ICRC is active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health (see Section 1.c.).

The NHRC, which is tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGO's, and was working to establish its credibility as an independent monitoring body. The NHRC is chaired by retired Justice Uche Omo and includes 15 other members. The NHRC was establishing zonal affiliates in each of the country's six political regions during the year. The NHRC is supposed to work closely with NGO's that are devoted to human rights issues. Since its inception, the NHRC has been denied adequate funding to do its job properly. At year's end, the NHRC had created a strategic work plan through 2002 and inaugurated steering and coordinating committees for the national action plan to be deposited with the UNCHR. During the year, it assisted in appealing a number of Shari'a verdicts in the north (see Sections 1.c. and 1.e.).

The HRVIP, commonly known as the Oputa panel, is a one-time panel that was established in 1999 by President Obasanjo to investigate human rights abuses dating back to 1966 and the time of the first military coup. The Oputa Panel can recommend courses of action to the justice system for perpetrators of past abuses, something the NHRC does not do. According to Justice Oputa, the chair, the panel's primary goal is to provide the country with a systematic examination of past human rights abuses to develop a national consensus on the boundaries of acceptable behavior by government entities as well as individuals. The panel heard cases throughout the year, mostly involving allegations of unlawful arrest, detention, and torture as far back as the 1966 Biafran War (see Sections 1.a. and 1.c.). The panel also heard cases in which the rights of groups were violated. The Oputa Panel held extensive hearings in Lagos, Abuja, Port Harcourt, and Kano during the year, and has taken evidence in the claims of more than 10,000 petitioners.

On January 20, according to newspaper reports, HRVIP Chairman Justice Chukwudifu Oputa apologized to the Ogoni ethnic minority on behalf of the Government for events in recent years.

In September President Obasanjo appeared before the panel to explain his role in army actions during his tenure as military head of state in the late 1970's. The family of late musician Fela Kuti claimed that Obasanjo was involved in a 1979 army raid in which Kuti's mother was killed.

During the year, former Heads of State, General Ibrahim Babangida, General Abdulsalami Abubakar, and General Muhammadu Buhari refused to appear to answer questions about human rights abuses under their respective regimes. The Panel concluded its hearings by year's end, and report of its findings was scheduled to be released in early 2002.

The Federal Government inaugurated the National Action Plan for Human Rights Steering Committee and Coordinating Committee, which includes the Ministers of Justice, Foreign Affairs, Internal Affairs, Women and Youth Development, and Labor, as well as the Senate and House Chairmen of the National Assembly Human Rights Committees. As part of the National Action Plan, the Committees is expected to assess and report on human rights in the country, and make and implement recommendations to improve human rights.

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

The Constitution provides citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persisted, occasional religious violence was a problem, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between citizens and the security forces and between groups of citizens.

Women.—Domestic violence is a problem. Reports of spousal abuse are common, especially those of wife beating. Police normally do not intervene in domestic disputes, which seldom are discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group has estimated that spousal abuse occurs in 20 percent of adult relationships. In more traditional areas

of the country, courts and police are reluctant to intervene to protect women who accuse their husbands formally if the level of alleged abuse does not exceed customary norms in the areas. Rape and sexual harassment continued to be problems.

The Federal Government publicly opposes female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health; however, it has taken no legal action to curb the practice. There are no federal laws banning FGM; however, a federal law banning FGM was pending before the National Assembly at year's end. Because of the considerable problems that anti-FGM groups faced at the federal level, most are refocusing their energies to combat FGM at the state and local government area (LGA) level. In 2000 Edo, Ogun, Cross River, Osun, Rivers, and Bayelsa States banned FGM. In Edo State, the punishment is a \$10 (1,000 naira) fine and 6 months' imprisonment. In addition once a state legislature criminalizes FGM, NGO's have found that they must convince the LGA authorities that state laws are applicable in their districts.

The Women's Center for Peace and Development (WOPED) estimated that at least 50 percent of women undergo FGM. Studies conducted by the U.N. development systems and the World Health Organization estimated the FGM rate at approximately 60 percent among the nation's female population. However, according to local experts, the actual prevalence may be as high as 100 percent in some ethnic enclaves in the south. While practiced in all parts of the country, FGM is more predominant in the southern and eastern zones. Women from northern states are less likely to undergo FGM; however, those affected are more likely to undergo the severe type of FGM known as infibulation. WOPED believes that the practice is perpetuated because of a cultural belief that uncircumcised women are promiscuous, unclean, unsuitable for marriage, physically undesirable, or potential health risks to themselves and their children, especially during childbirth. The National Association of Nigerian Nurses and Midwives, The Nigerian Women's Association, and the Nigerian Medical Association worked to eradicate the practice and to train health care workers on the medical effects of FGM; however, contact with health care workers remains limited. Nevertheless most observers agree that the number of women and girls who are undergoing FGM is declining each year.

Indigenous forms of FGM vary from the simple removal of the clitoral hood or labia minora to excision of the clitoris and the most dangerous form, infibulation. The age at which women and girls are subjected to the practice varies from the first week of life until after a woman delivers her first child. The Ministry of Health, women's groups, and many NGO's sponsored public awareness projects to educate communities about the health hazards of FGM. The press repeatedly criticized the practice.

Prostitution is rampant, particularly in urban areas. A number of states have begun to enforce existing laws or to introduce new laws to combat prostitution. All states that have adopted Shari'a have criminalized prostitution (see Section 2.c.), which is enforced with varying degrees of success. Prostitution is not illegal in Lagos State; however, authorities can use statutes that outlaw pandering as a justification for arresting prostitutes. The adoption of Shari'a-based legal systems by northern states resulted in the strong enforcement of laws against child prostitution (see Section 2.c.). Southern states, such as Edo, also are criminalizing prostitution and raising the legal age for marriage from 16 to 18.

There is an active market for trafficking in women to Europe, and elsewhere (see Section 6.f.).

In some parts of the country, women continue to be harassed for social and religious reasons. *Purdah*, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the far north.

Women also experience considerable discrimination. There are no laws barring women from particular fields of employment; however, women often experience discrimination because the Government tolerates customary and religious practices that adversely affect them. The Nigerian NGO's Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There are credible reports that several businesses operate with a "get pregnant, get fired" policy. Women remain underrepresented in the formal sector but play an active and vital role in the country's important informal economy. While the number of women employed in the business sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endure many forms of discrimination.

While some women have made considerable individual progress both in the academic and business world, women remain underprivileged. Although women are not barred legally from owning land, under some customary land tenure systems only

men can own land, and women can gain access to land only through marriage or family. In addition many customary practices do not recognize a women's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property. Widows are subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" is the most common rite of deprivation to which widows are subjected, and it occurs predominately in eastern Nigeria. Confined widows are under restrictions for as long as 1 year and usually are required to shave their heads and dress in black. In other areas, a widow is considered a part of her husband's property, to be "inherited" by his family. Shari'a personal law protects widows' property rights. Polygyny continues to be practiced widely among all ethnic groups and among Christians, as well as Muslims and practitioners of traditional persuasions. Women are required by law to obtain permission from a male family member to get a passport (see Section 2.d.). The testimony of women is not equal to that of men in criminal courts (see Section 1.e.).

Women have been affected to varying degrees by the adoption of various forms of Shari'a law in 12 northern states. In Zamfara State, local governments instituted laws requiring the separation of Muslim men and women in transportation and health care (see Section 2.c.). In apparent violation of traditional Shari'a jurisprudence, some Alkalis judges denied Shari'a criminal protections to women that they provide to men. For example, several women were subjected to harsh punishments for fornication or adultery based solely upon the fact of pregnancy, while men were not convicted without the requisite number of witnesses (see Sections 1.c. and 1.e.). In 1998 and 1999, a national network of women's rights NGO's described the Government's 1998 report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for the period 1986-94 as "inaccurate" in its positive portrayal of the status of women; during the year, there reportedly was not much progress made to rectify the problems described in the NGO report.

On April 4, President Obasanjo initiated a national policy to stop all discrimination against women.

Children.—While the Government increased spending on children's health in recent years, it seldom enforced even the inadequate laws designed to protect the rights of children. Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution calls for the Government, "when practical," to provide free, compulsory, and universal primary education; however, despite the President's commitment to compulsory education, compulsory primary education rarely was provided. In many parts of the country, girls are discriminated against in access to education for social and economic reasons. The literacy rate for men is 58 percent but only 41 percent for women. Rural girls are even more disadvantaged than their urban counterparts. Only 42 percent of rural girls are enrolled in school compared with 72 percent of urban girls. Many families favor boys over girls in deciding which children to enroll in secondary and elementary schools. When economic hardship restricts many families' ability to send girls to school, many girls are directed into commercial activities such as trading and street vending.

A number of states have adopted Islamic (Shari'a) law in varying degrees. While most schools in the north traditionally have separated children by gender, it is now required by law in Zamfara, Sokoto, and Kebbi state schools (see Section 2.c.).

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 6.c. and 6.d.). Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders are incarcerated routinely along with adult criminals. The Government criticized child abuse and neglect but did not undertake any significant measures to stop customary practices harmful to children, such as the sale of young girls into marriage (see Section 6.f.). There were credible reports that poor families sell their daughters into marriage as a means of supplementing their incomes. Young girls sometimes are forced into marriage as soon as they reach puberty, regardless of age, in order to prevent the "indecent" associated with premarital sex.

FGM is performed commonly on girls (see Section 5, Women).

There was evidence of trafficking in children (see Section 6.f.).

Child labor, including forced child labor, remained a problem during the year (see Sections 6.c., 6.d., and 6.f.).

Persons with Disabilities.—While the Government called for private business to institute policies that ensured fair treatment for persons with disabilities, it did not enact during the year any laws requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of persons with disabilities to work.

In August the Federal Government established vocational training centers in Abuja to provide training to beggars with disabilities.

Religious Minorities.—The law prohibits religious discrimination; however, officials sometimes discriminated against adherents of religions other than their own in hiring practices and in the awarding of state contracts.

Religious differences often correspond to regional and ethnic differences. For example, the northern region is predominately Muslim. Many southern ethnic groups are predominantly Christian, although the Yoruba are approximately 50 percent Muslim. Both Muslims and Christians are found in large numbers in the Middle Belt. In many areas of the Middle Belt, Muslim Fulani tend to be pastoralists, while the Muslim Hausa and most Christian ethnic groups tend more toward farming or urban living. Consequently it often is difficult to distinguish religious discrimination and tension from ethnic, regional, economic, and land use competition. Religious tensions underscored what were predominantly ethnic confrontations throughout the year. During the past 2 years, the middle-belt has experienced recurring ethno-religious violence.

The crisis in Kaduna State in 2000 was the first major Muslim-Christian conflict during President Obasanjo's tenure. When the Kaduna state government announced plans to implement Shari'a law, the large Christian minority in the state protested, which resulted in several days of violent confrontations. Estimates of the number of persons killed range from 1,000 to 1,500; many churches and mosques were burned. Many Christians in the north, fearing continued violence, returned to their historic homelands in the southeast. Additionally there were numerous other conflicts in southern Kaduna between smaller ethnic groups and the Hausa, who occupied towns, such as Zangon-Kataf, Kachia, and Kafanchan. Following the 2000 violence in Kaduna, the Government sponsored dialog among Kaduna's different religious and ethnic groups, which may have contributed to fewer incidents of ethno-religious violence in the state during the year, particularly in the first 10 months of the year. For example, in October when two small churches caught fire in Kaduna city, Christian and Muslim neighbors helped extinguish the fires, and the state government promised funds to repair them. However, in November several persons were killed in southern Kaduna due to a rivalry between two local leaders that intensified when expanded Shari'a formally was implemented in the state.

However, there continued to be instances of ethno-religious violence in other parts of the country. Hundreds of persons were killed, and hundreds of thousands were displaced (see Section 2.d.).

In early April in Osun State, mobs lynched 12 visiting Evangelical Christians belonging to the Brotherhood of Christ (see Section 1.a.).

In early April in Osun State, mobs lynched approximately 12 persons accused of making genital organs disappear. In one incident on April 6, a resident reportedly announced that his penis had disappeared while members of an Evangelical Christian group were preaching door-to-door; an angry mob descended on the evangelists and burned eight of them to death.

In April Islamic vigilantes, known as Hisbah, reportedly attacked at least eight hotels in Kano on the suspicion that they stocked alcoholic drinks.

On May 22, Christian and Muslim youths clashed in the town of Kumo over the introduction of Shari'a law; approximately 25 persons were injured.

In June there were unconfirmed reports that Muslim youths set four churches on fire in Dutse, Jigawa State.

In November Muslim youths reportedly vandalized eight churches in Osogbo, Osun State, and four churches in Ilorin, Kwara State; one person reportedly was killed in Osogbo.

On November 3 and 4, in Gwantu, Kaduna State, at least 10 persons reportedly were killed during fighting, which resulted from a long-standing dispute between rival local leaders that degenerated into violence due to the introduction of a modified form of criminal Shari'a law.

Unlike in the previous year, there were no reported sporadic incidents of attacks on individual religious leaders.

There were no developments in the following 2000 incidents of interreligious violence: 18 persons were killed in the Bambam community of southern Gombe State when Christians attacked Muslims; approximately 200 persons were killed in Nayari, Kaduna State, when Christians rioted after finding the body of a person whom they believed to have been a Christian killed by Muslims; 1 person was killed in Borno State following an argument over the location of a church; 1 church was burned and 2 were vandalized in Sokoto following a pro-Shari'a rally by university students.

National/Racial/Ethnic Minorities.—The country's population is ethnically diverse, and consists of more than 250 groups, many of which speak distinct primary

languages and are concentrated geographically. There is no majority ethnic group. The four largest ethnic groups, which comprise two-thirds of the country's population, are the Hausa and Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast. The Ijaw of the South Delta are the fifth largest group, followed by Kanuri in the far northeast, and the Tiv in the Middle Belt.

The Constitution prohibits ethnic discrimination by the Government. In addition the Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country in order to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups. These provisions were included in response to previous domination of the Government and the armed forces by northerners and Muslims. The Government is an example of this diversity. President Obasanjo is a Yoruba from the southwest, the Vice President is a northerner, and the Senate President is an Igbo. The Government also attempted to balance key positions and deputy positions among the different regions and ethnic groups. The Senate used its oversight role to reject many of Obasanjo's ambassadorial appointments and insisted on three nominees from each state for each appointment. The political parties also engaged in "zoning," the practice of rotating positions within the party among the different regions and ethnicities to ensure that each region and ethnicity is given adequate representation. Nonetheless, claims of marginalization by members of southern minority groups and Igbos continued; in particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims, who lost previously held positions within the military hierarchy, accused the Government of favoring Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Unlike in the previous year, there were no reports that members of the armed forces beat and raped civilians.

Other ethnic minorities, particularly in Delta, Rivers, Bayelsa, and Akwa Ibom states, have echoed the Ogoni ethnic group's claims of environmental degradation and government indifference to their development in the Delta. Groups such as the Ijaw, Itsekiri, Urhobo, and Isoko continued to express their unhappiness about their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government forces increased in the delta area, particularly after the Ijaw Youth Council issued the Kaiama Declaration in December 1998 (see Section 1.a.). Other ethnic groups saw the Kaiama Declaration, which claims the entire Delta the property of the Ijaw, as threatening their rights. Disparate organizations of youths from a variety of ethnic groups continued to take oil company personnel hostage in the Delta Region (see Section 1.b.). For example, in June an Ijaw group took hostage approximately 60 persons at an oil facility at Bonny Island, Rivers State. The group alleged that the facility was located on land that had been obtained illegally. Many oil companies continued to employ local police and, in some cases, military troops to protect their facilities and personnel. Local youths claimed that the companies' security personnel engaged in extrajudicial killings and other human rights abuses (see Section 1.a.). According to Human Rights Watch, soldiers, naval personnel, and paramilitary Mobile Police deployed across the Niger Delta carry out summary executions, assaults, and other abuses on an ongoing basis (see Section 1.a.).

In 2000 the Niger Delta Development Commission was created to grant more local autonomy over expenditure resources derived in the Delta; however, little was achieved during the year.

Competing economic aspirations among smaller ethnic groups related to the control of state and local governments led to violent conflicts during the year.

Societal discrimination on the basis of ethnicity is practiced widely by members of all ethnic groups and is evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There is a long history of tension among the diverse ethnic groups (see Section 2.c.).

There were significant ethno-religious clashes in Delta, Anambra, Bauchi, Plateau, Nassarawa, Rivers, Benue, Bayelsa, Akwa Ibom, Cross River, and Ebonyi States during the year. Often the competition was between local "indigene" and "immigrant" ethnic groups. Thousands of persons were killed and injured during such fighting (see Section 1.a.).

In July approximately 100 persons were killed in ethnic clashes between the Sayawa ethnic group and Hausa residing in Tafawa Balewa in southern Bauchi State. According to reports, most of those killed or who had property damaged were

Hausa. Tafawa Balewa is inhabited primarily by the Muslim Hausa, while the indigenous, non-Muslim Sayewa ethnic group dominates the land and villages surrounding the town. It is unclear how the violence in Tafawa Balewa began, but it may have been related to the proposed introduction of Shari'a law by Bauchi State. State authorities quickly called in the military to restore order, but tensions in Tafawa Balewa continued at year's end. By mid-September most of the Hausa had left Tafawa Balewa.

In early September, 2,300 persons were killed in ethno-religious violence in Jos. Between 10,000 and 15,000 persons were displaced by the violence. The appointment of an ethnic Hausa to the chairmanship of a local Poverty Alleviation Program increased tensions, which accompanied the earlier violence between Christian Sayewa and Muslim Hausa in Tafawa Balewa, Bauchi, only 37 miles away. There also were reports of summary executions of Hausa in outlying villages. Approximately 80 percent of the victims in Jos were Hausa Muslims, who constitute a significant minority in Jos. The military was able to restore order, but thousands of Hausa fled Plateau State for Kaduna, Kano, Jigawa, and Bauchi States. This conflict appears to have been primarily ethnic and secondarily religious. Christians of different ethnic groups reportedly attacked each other, and Yoruba Muslims joined in targeting their Hausa co-religionists. There were approximately 11,600 IDPs as a result of the conflict, according to the Nigerian Red Cross.

Although the crisis in Jos had religious overtones, it was precipitated, at least partially, by indigenous ethnic groups attempting deny Hausa "immigrants" access to the resources of Plateau State, even though immigrant Hausa settlers originally founded Jos.

A conflict over land rights and status continued for several months among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resides at or near the convergence of Nasarawa, Benue, and Taraba states. The Tiv, who are thought to have originated in the East African highlands, migrated to central Nigeria hundreds of years ago and are regarded as interlopers by the "indigenous" ethnic groups; however, in parts of Benue State the Tiv predominate.

In January militant youths shut down three major oil facilities near the town of Warri to back demands for jobs and social amenities.

In April two persons were killed in ethnic clashes in the Gokana area of Ogoniland in the Niger Delta region. Many more persons were injured in several days of fighting between two communities.

On April 27, approximately 14 persons were killed in communal clashes between members of the Tiv and Kwala ethnic groups in Plateau State.

On June 12, a group of local Tiv killed Alhaji Musa Ibrahim, a chief of the Hausa-speaking Azara ethnic group in southeastern Nasarawa State. Hundreds of persons reportedly were killed in the ensuing conflict, which the military eventually stopped; approximately 30,000 Tiv fled south to Benue State following the attacks.

On June 25 in the village of Tudun-Adegbo in Nassarawa State, 26 persons reportedly were killed in fighting between members of the Tiv and Hausa ethnic groups.

In July members of the Jukun ethnic group attacked the Tiv in Taraba State. Reportedly 25 persons were killed, and 25,000 Tiv fled Taraba for camps on Benue and Nasarawa. In September tensions rose in Makurdi, Benue State, over the influx of Tiv and nearly resulted in another ethnic conflict. In November members of an ethnic Tiv militia reportedly attacked ethnic Jukun neighbors in Taraba State; there were reports that dozens of persons were killed and thousands fled their homes.

In July in Taraba State, a dispute between Fulani herders and Tiv farmers reportedly resulted in eight deaths.

In July there were reported clashes between members of the Odimodi and Ogulagha communities in Delta State; 9 persons were killed and 30 persons were injured.

In late June and early July, several thousand Hausa families fled Tafawa Balewa in southern Bauchi State, following violent attacks by the majority Sayewa ethnic group; according to the ICRC, approximately 20,000 fled their homes, and several dozen may have been killed.

On November 26, approximately 100 men in Taraba State, suspected to be part of an ethnic Tiv militia, reportedly attacked several Jukun settlements in the Donga area near the border with Benue State.

During the year in the Kalabari region of Rivers State, between 20 and 100 persons were killed in fighting among the Bille and Krakrama Ijaw communities.

In the east, violent border disputes between Cross River and Akwa Ibom states continued during the year.

There were reports of continuing communal violence between Aguleri-Umuleri (Anambra State), Ife-Modakeke (Osun State), and Jukun-Kuteb (Taraba State). For

example, in 1999 approximately 100 persons were killed in violence between the Aguleri and Umuleri communities of Anambra State; both communities belong to the Igbo ethnic group and are predominately Christian. Most of the indigenes of the feuding communities are displaced in neighboring villages; hospitals in Onitsha continued to treat victims of the communal violence.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all citizens with the right to assemble freely and associate with other persons, and to form or belong to any trade union or other association for the protection of their interests; however, several statutory restrictions on the right of association and on trade unions remained in effect despite repeals of parts of the military-era antilabor decrees. Only a single central labor federation, the Nigerian Labour Congress (NLC), is permitted by law, and the Government recognizes only 29 trade unions. Trade unions must be registered formally by the Federal Government, and a minimum of 50 workers is required to form a trade union. Nonmanagement senior staff are prevented from joining trade unions, and senior staff associations are denied a seat on the National Labor Advisory Council (NLAC). The International Labor Organization (ILO) Committee of Experts repeatedly has cited several of these restrictions. The Government has not amended the laws, but it has conducted discussions with senior staff associations concerning formal recognition and their accession to the NLAC.

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers include members of the armed forces and government employees in the police, customs, immigration, prisons, federal mint, central bank, and telecommunications sectors. Employees working in a designated export processing zone (EPZ) may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

According to figures provided by the NLC, total union membership is approximately 4 million. Less than 10 percent of the total work force is organized. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employs the bulk of the work force, is not organized. The informal sector, and small and medium enterprises, largely remain unorganized.

Since 1978 the Government has mandated a single trade union structure with service and industrial unions grouped under the NLC. The trade union movement is composed of two groups consisting of junior and senior staff workers. The single trade union structure and segregation of junior from senior staff were intended to dilute the bargaining strength of workers. Junior staff workers—primarily blue-collar workers—are organized into the 29 industrial unions, which are affiliated with the NLC; 21 associations make up the Senior Staff Associations of Nigeria (SESCAN), which renamed themselves the Trade Union Congress (TUC). The TUC has a claimed membership of approximately 400,000 to 600,000. The TUC, which is composed primarily of white-collar workers, has not been sanctioned officially by the Government, and is prohibited by statute from affiliating with the NLC. The TUC lacks a seat on the NLAC; however, in 1999 SESCAN, now the TUC, began to lay the legal and political groundwork to achieve government recognition, which will require formal action by the National Assembly.

In August 2000, the Government decertified the maritime workers union on the grounds that the union had not scheduled internal elections in accordance with its charter's requirement. The Government then issued directives requiring maritime workers to register with specific contracting firms. As a result, this historically powerful union was weakened; however, it continued to challenge the Government's action during the year.

Workers have the right to strike; however, certain essential workers are required to provide advance notice of a strike. There were several strikes throughout the year. In May and June, both doctors and university professors went on strike over wages, working conditions, and government investment in infrastructure. Both strikes were resolved following lengthy negotiations with government ministries. During the year, the Government committed itself to budgeting greater funds for development of the nation's health and education infrastructures.

During the year, there were smaller strikes over the increased use of contract labor and the lack of indigenous workers in management positions in the oil sector, particularly in the Niger Delta. The National Union of Petroleum and Natural Gas Workers (NUPENG) and its senior staff counterpart Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) particularly are concerned about the increasing use of contract labor and the number of indigenous workers in management positions.

In 2000 Lagos public sector workers went on strike to protest the state government's refusal to pay a higher minimum wage. A compromise package offered by the state was accepted by the workers; however, the local union leadership continued to press for more pay at year's end.

There are no laws prohibiting retribution against strikers and strike leaders, but strikers who believe that they are victims of unfair retribution may submit their cases to the Industrial Arbitration Panel (IAP), with the approval of the Labor Ministry. The IAP's decisions are binding on parties but may be appealed to the Nigerian Industrial Court (NIC). In practice the decisions of these bodies infrequently carry the force of law. Union representatives describe the arbitration process as cumbersome and time-consuming, and an ineffective deterrent to retribution against strikers. Lagos state government terminated an important local union leader in Lagos, ostensibly for nonperformance, following an extended strike by state government workers.

The ILO cited a number of restrictions on freedom of association. These include: Requiring all registered labor unions to affiliate with a single central labor federation (the NLC); establishing a minimum of 50 workers to form a trade union; providing for the possibility of compulsory arbitration; giving the registrar broad powers to supervise trade union accounts; and giving the Government discretionary power to revoke the certification of a trade union due to overriding public interest.

The NLC and labor unions are free to affiliate with international bodies; however, prior approval from the Minister is required. The NLC has affiliated with the Organization of African Trade Unions.

b. The Right to Organize and Bargain Collectively.—The labor laws provide for both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining occurs throughout the public sector and the organized private sector. Complaints of antiunion discrimination may be brought to the Ministry of Labor for mediation, conciliation, and resolution. The Labor Minister may refer unresolved disputes to the IAP and the NIC (see Section 6.a.). Union officials have questioned the effectiveness and independence of the NIC in view of its refusal in previous years to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. The NIC was reconstituted during the year with several new members, including a formerly imprisoned trade unionist, Milton Dabibi. Union leaders have criticized the arbitration system's dependence on the Labor Minister's referrals. The Labor Minister made several referrals to the IAP during the year. The IAP and NIC were active following the Government's appointment of new members; however, both suffered from a lack of resources.

A worker under a collective bargaining agreement may not participate in a strike unless his union complied with the requirements of the law, which include provisions for mandatory mediation and for referral of the dispute to the Government. The law allows the Government discretion to refer the matter to a labor conciliator, arbitration panel, board of inquiry, or the National Industrial Court. The law forbids any employer from granting a general wage increase to its workers without prior government approval. However, in practice the law does not appear to be enforced effectively; strikes, including in the public sector, are widespread (see Section 6.a.) and private sector wage increases generally are not submitted to the Government for prior approval.

The Government retains broad legal authority over labor matters and often intervenes in disputes seen to challenge key political or economic objectives. However, the labor movement is increasingly active on issues affecting workers. During the year, the NLC spoke out on economic reform, fuel price deregulation, privatization, globalization, tariffs, corruption, contract workers, and political issues.

The Government directed each state administration to establish its own salary structure based on its ability to pay and in accord with the national minimum wage (see Section 6.e.). During the year, many state governments found it difficult to pay the approximately \$60 (6,500 naira) monthly minimum wage to their employees, without massive layoffs or the elimination of "ghost workers" who appear on the employment rolls but not on the job.

An EPZ remains under development in Calabar, Cross River State, and a second EPZ is planned for Port Harcourt, Rivers State. Workers and employers in such zones are subject to national labor laws, which provide for a 10-year amnesty on trade unions from the startup of an enterprise. The law provides that there shall be no strikes or lockouts for a period of 10 years following the commencement of operations within a zone. In addition the law allows the Export Processing Zones Authority to handle the resolution of disputes between employers and employees instead of workers' organizations or unions. The 1992 Export Processing Zones Decree

has been criticized by the ILO for not allowing any unauthorized person to enter any EPZ.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, trafficking in women and children for purposes of prostitution and forced labor is a problem (see Section 6.f.), and enforcement of the law is not effective.

The Government does not prohibit specifically forced and bonded labor by children; however, the law prohibits forced or compulsory labor, a prohibition that extends to children. Employment of persons under 18 years of age generally is prohibited, except for agriculture and domestic work. There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries where children are trafficked to work as domestic servants (see Sections 5 and 6.f.). The reports suggest that Nigerian children are trafficked to other African countries for domestic and agricultural work. Children from neighboring countries also are trafficked to Nigeria for work as domestic servants.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for more than 8 hours per day. The Decree allows the apprenticeship of youths at the age of 13 under specific conditions.

Economic hardship leads high numbers of children in commercial activities aimed at enhancing meager family income. The ILO estimates that upward of 12 million children between the ages of 10 and 14 (25 percent of all children) are employed in some capacity. Children frequently are employed as beggars, hawkers, and bus conductors in urban areas. The use of children as domestic servants is common.

Private and government initiatives to stem the growing incidence of child employment continue but have been ineffective. UNICEF operates programs that remove young girls from the street hawking trade and relocate them to informal educational settings. UNICEF reported that despite the narrow focus on young girls, the program only began to address the problem during the year. In conjunction with the ILO, the Government formulated a national program of action in support of child rights, survival, protection, development, and participation. In August a formal agreement establishing the program was signed by the ILO and the Labor Ministry; however, the program had not shown any results by year's end due to logistical problems and changing personnel in the Ministry. On October 16 and 17, the Senate Committee on Women's Affairs and Youth held public hearings to investigate child labor, sex trading, and other forms of exploitation to which minors are subjected.

The Labor Ministry has an inspections department whose major responsibilities include enforcement of legal provisions relating to conditions of work and protection of workers. However, there are less than 50 inspectors for the entire country, and the Ministry conducts inspections only in the formal business sector, in which the incidence of child labor is not significant.

The Government does not specifically prohibit forced and bonded labor by children; however, the law prohibits forced or compulsory labor, a prohibition that extends to children.

According to an ILO statement in 1998, and data from UNICEF, the incidence of trafficking in children for prostitution is growing (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The law sets a minimum wage, which is reviewed infrequently. Private sector minimum wages increased during the year to match the 2000 increase in the public sector wage scale; however, real private sector wages greatly exceed the minimum wage. In the first half of the year, the national police were not paid for several months.

In 2000 the minimum wage increased to \$75 (7,500 naira) per month for federal workers and to \$55 to \$65 (5,000 to 6,500 naira) per month for state employees. Private employers in the formal sector track the public sector wage scale. Along with the many allowances that are paid, the increase appears sufficient to support a decent standard of living. However, many government agencies were slow to pay the new wage scale, and all federal salaries were frozen for 3 months during the summer, pending a census of government employees. Ghost workers (who appear on the employment rolls but not on the job) remained a significant problem that was not addressed fully during the year. The Government increased federal salaries in 2000 without adequate consultations with state governments, whose employees demanded similar wages; as a result, several state governments maintained that they could not afford to pay this wage (see Section 6.b.). The issue of the minimum wage caused several labor disruptions throughout the year, and remains unresolved in several states.

The law calls for a 40-hour workweek, 2 to 4 weeks annual leave, and overtime and holiday pay. There is no law prohibiting excessive compulsory overtime. The law also establishes general health and safety provisions, some of which are aimed specifically at young or female workers. It requires that the factory division of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards; however, this agency is underfunded greatly, lacks basic resources and training, and consequently neglects safety oversight of many enterprises, particularly construction sites and other nonfactory work. The Ministry often fails to reimburse inspectors for expenses incurred in traveling to inspection sites, and safety oversight of many enterprises often is neglected. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which is charged with enforcement of these laws, has been ineffective in identifying violators. The Government has failed to act on various ILO recommendations since 1991 to update its program on inspection and accident reporting. The Labor Decree does not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

f. Trafficking in Persons.—No law makes trafficking in persons a crime. There is an active and growing market for trafficking in women and children within the region and to Europe. Nigeria is a country of origin, transit, and destination for trafficked persons.

The full nature and scope of the trade remained unknown, but immigration and police officials throughout Europe continued to report a steady flow of Nigerian women lured and sold into prostitution in Europe, particularly Italy, the Netherlands, Spain, and the Czech Republic. Italian authorities deported several hundred sex workers to Nigeria during the year. Other European countries deported smaller numbers of Nigerian trafficking victims. Nigerian Interpol claimed that some women entered the sex trade independently, were not controlled by syndicates, and were economically motivated. However, Human Rights Watch reported that according to women's rights organizations, hundreds of women migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival many were forced into prostitution in order to pay off debts. In addition there is evidence that Nigerian crime syndicates may use indebtedness, threats of beatings and rape, physical injury to the victim's family, arrest, and deportation to persuade those forced into sex work from attempting to escape or from contacting police and NGO's for assistance. Unlike in the previous year, there were no police reports that the women's families often condoned their entry into the trade.

In January there were reports that hundreds of Nigerian girls are sold into sexual slavery and trafficked through England. The girls reportedly request asylum at British airports and are taken into the care of social services or foster care. A few weeks later the girls disappear and reportedly are trafficked to European countries, in particular Italy, where they are forced into prostitution.

During the year, there was at least one documented case of trafficking in children reported in Lagos; however, incidents of trafficking in Lagos and other major Nigerian cities were suspected to be commonplace. There was evidence of trafficking of children to the U.S. and Europe, primarily to reunite children with their undocumented parents abroad. Child traffickers receive a monthly payment from the employer, part of which is to be remitted to the parents of the indentured child servant. Traffickers take advantage of a cultural tradition of "fostering," under which it is acceptable to send a child to live and work with a more prosperous family in an urban center in return for educational and vocational advancement. Often the children in these situations only work and do not get any formal education; however, families who employ children as domestic servants also pay their school fees. They are forced to serve as domestics or to become street hawkers selling nuts, fruits, or other items. There were credible reports that poor families sell their daughters into marriage as a means of supplementing their income (see Section 5).

According to ILO reports, there is an active and extensive trade in child laborers, some of whom are trafficked to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises. Other children are coerced into prostitution (see Section 5). Authorities also have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and East Africa. The eastern part of Nigeria and some southern states such as Cross Rivers and Akwa Ibom have been the sites of trafficking of children for labor and, in some cases, human sacrifice. The country remains a destination for the trafficking of Togolese children.

According to the Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), an average of 60 Nigerian girls and women are repatriated every month. According to Titi Abubakar, the founder of WOTCLEF, many trafficking victims were involved in commercial sex, begging, menial jobs, or forced marriages.

The Government has conducted few investigations into the alleged involvement of government officials in trafficking; however, allegations of such involvement reportedly was widespread. Some returnees have alleged that immigration officials actively connive with syndicates; however, there were no arrests of immigration officials for trafficking offenses during the year.

The Assistant Inspector General of Police was investigating allegations of the collusion of customs officials in trafficking.

Draft legislation was under review in the National Assembly that would make trafficking a crime; however, no action was taken on it by year's end. There is government and societal acknowledgement that trafficking in women is a continuing problem, particularly to Europe. Police attempts to stem the trafficking of persons are inadequate and frequently focus on the victims of trafficking, who often are subjected to lengthy detention and public humiliation upon repatriation. Traffickers were identified and punished only in a few cases. Awareness campaigns, often conducted by spouses of prominent politicians or NGO's, only recently have begun to garner widespread attention. There were few statistics available to determine the success of antitrafficking campaigns. The development of a reliable statistical base for assessing the child trafficking problem began under ILO auspices. In November regional trafficking program of the national program of the ILO-International Program for the Elimination of Child Labor (IPEC) began operations after the ILO-IPEC completed an assessment of trafficking in persons in the country.

The Government prosecuted only a few persons for trafficking during the year. Bisi Dan Musa, a prominent Lagos businesswoman and wife of a former presidential candidate, was arrested and charged with 19 counts of "child stealing" and "slave dealing;" 16 children between the ages of 1 and 4 reportedly were found in her custody. Her trial was ongoing at year's end.

In August a total of 33 Nigerian women and children were repatriated from Conakry, Guinea, following the personal intervention of President Obasanjo. According to U.N. officials, trafficking agents offered the women between \$184 and \$1,802 (20,000 to 200,000 naira) and promised good jobs. Guinean authorities reportedly arrested 15 Nigerian trafficking suspects in the case, including a former police commissioner of Edo State. In October they were extradited, and their trial before the Federal High Court was ongoing at year's end.

On August 12, a Nigerian man was detained in Sokoto State for the alleged trafficking of 10 girls between the ages of 10 and 16. One of the girls reportedly said the man was taking them to work abroad in hairdressing salons.

RWANDA

The largely Tutsi Rwandan Patriotic Front (RPF), which took power following the civil war and genocide of 1994, is the principal political force and controls the Government of National Unity. President Paul Kagame was sworn in on April 22, 2000, in what was the first nonviolent presidential change in the country's history. While all political parties are represented within the Transitional National Assembly, it is influenced greatly by President Kagame and the RPF. Prime Minister Bernard Makuza runs the Government on a daily basis and is responsible for relations with the National Assembly. On March 6 and 7, the country held its first secret ballot elections to elect council members at the district level; international observers described the elections as generally free and fair. The judiciary is subject to presidential influence and suffers from a lack of resources, inefficiency, and corruption.

The Minister of Defense is responsible for external security and national defense; the Minister of Internal Security is responsible for civilian security matters as well as supervision of the prisons and the national police. The security apparatus consists of the Rwandan Patriotic Army (RPA) and the police. There were numerous instances in which the security forces acted independently of government authority, and the government authorities do not exercise effective control of the security forces. A volunteer force of armed civilian local defense units with limited arrest powers also functions throughout the country. In May renewed fighting began in the northwest following an infiltration of rebels from the Democratic Republic of the Congo (DRC). Unlike in the previous year, there were no reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses in the DRC. In previous years, the Rwandan army allegedly recruited these groups in order ostensibly to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Members of the security forces committed serious human rights abuses.

The country is very poor, and 70 percent of the population of 8.1 million lives in poverty. More than 90 percent of the labor force is engaged in subsistence agriculture. The 1994 genocide destroyed the country's social fabric, human resource base, institutional capacity, and economic and social infrastructure. Per capita annual income is \$252 (11,300 Rwandan francs). The gross national product (GNP) was \$1.9 million. The principal exports are coffee and tea. Small-scale commercial activities are increasing, but the industrial base remains limited. The renewed fighting in the northwest has threatened the fledgling tourism industry based on the country's indigenous mountain gorillas.

The Government's poor human rights record worsened, and the Government continued to commit numerous, serious abuses; however, there were some improvements in a few areas. Citizens do not have the right to change their government. The security forces committed extrajudicial killings within the country; there also were numerous, credible reports that RPA units operating in the DRC committed deliberate extrajudicial killings and other serious abuses, and impunity remains a problem. There were no reports of deaths in custody by mistreatment or abuse. There were several credible reports of disappearances. Security forces beat suspects, and there were some reports of torture. Prison conditions remained life threatening and prisoners died of starvation and preventable diseases. Most of the prisoners housed in jails and local detention centers (cachots) are accused of participating in the 1994 genocide; many have been detained for up to 7 years without being charged. Arbitrary arrest and detention, and prolonged pretrial detention, remained serious problems. The judiciary is subject to executive influence and does not always ensure due process or expeditious trials. The Government continued to conduct genocide trials at a slow pace. The Government released some detainees whose files were incomplete, who were acquitted, or who were ill or elderly. Police forcibly entered the home of an opposition politician. The Government restricted freedom of speech and of the press and limited freedom of assembly and association. During the year, the Government lifted the restrictions it previously had imposed on freedom of religion. In some cases, the Government restricted freedom of movement. Security forces generally did not harass refugees who returned from neighboring countries. The Government was hostile toward nongovernmental human rights organizations. Violence and discrimination against women were problems, as was discrimination against indigenous people. There were reports that prisoners were hired out for labor in private homes and businesses, and unconfirmed reports that prisoners were used as forced labor in the DRC. Child labor persisted in the agricultural sector.

Insurgents tied to those responsible for the 1994 genocide committed several killings.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The RPA continued to commit extrajudicial killings during the year. Renewed fighting in the northwest between the RPA and members of the Army for the Liberation of Rwanda (ALIR), a Hutu rebel group composed of members of the former Rwandan armed forces (ex-FAR) and the Interahamwe militia, following their return to the country from the DRC in May, resulted in numerous killings. Approximately 10 civilians were killed during the fighting; all reportedly were killed by ALIR forces. However, unlike in previous years, neither the RPA or the Hutu rebels targeted civilians. There were credible reports that some RPA forces summarily executed rebel soldiers after they had surrendered. There is no indication that the Government sanctioned these killings; however, no action was known to have been taken against the responsible members of the RPA by year's end, and impunity remains a problem.

In February in Kigali, a soldier in uniform killed RPA officer Alphonse Mbayire, a former military attache assigned to the Rwandan Embassy in Nairobi. The Government claims that the killing was the result of a personal dispute; however, there were unconfirmed reports of government involvement in the killing because of information Mbayire may have had concerning the 1999 murder in Nairobi of former Minister of Internal Affairs Seth Sendashonga. No action reportedly was taken against the soldier by year's end.

Several incidents of alleged attacks by rebels led to counterattacks by security forces; however, unlike in previous years, human rights organizations did not criticize these attacks. There were no reports that the Government used rebel incursions as an excuse to attack illegitimate targets. Despite renewed fighting in the northwest, there were no reports of any reprisals by the RPA; however, there were reports of incursions and murders by armed ALIR infiltrators in the northwest.

Unlike in the previous year, there were no reports of deaths from explosions of landmines or unexploded ordnance left over from the 1990 to 1994 conflict between the former government and the RPA.

Harsh prison conditions contributed to the deaths of 708 inmates during the year, a decrease from the 1,048 deaths in 2000, mostly due to disease (see Section 1.c.). Unlike in the previous year, there reportedly were no deaths in custody due to abuse by prison officials.

Since the start of the current war in the DRC in 1998, RPA troops have participated on the side of the Congolese Rally for Democracy (RCD) rebel movement against the DRC Government. In 1999 all parties involved in the war in the DRC signed the Lusaka Agreement, which included a cease-fire; however, all parties, including RPA soldiers, repeatedly participated in battles after the declaration. Following the assassination of DRC President Laurent Kabila in January, renewed efforts were made to end the war; however, periodic fighting during the year resulted in credible allegations of human rights violations by all forces, including the RPA; however, no reliable statistics were available. All parties agreed to disengage their troops from the front lines and began doing so during the year; the RPA pulled back to its agreed upon positions. In March a cease-fire began; however, fighting continued between the RPA/RCD and pro-DRC forces, primarily in the Kivu Provinces, DRC.

There continued to be reports throughout the year of killings and other human rights abuses by both pro-DRC and anti-DRC government forces, including the RPA, in the conflict in the DRC. Verification of these reports was extremely difficult, particularly those originating from remote areas and those affected by active combat in the eastern part of the DRC. Independent observers often found access difficult due to hazardous conditions, as well as frequent bureaucratic impediments imposed by authorities. There were other reports of extrajudicial killings committed either by elements of the RCD, which the RPA materially supported and in some respects often directed, or in which direct involvement by RPA soldiers could not be clearly established by persons who found it difficult to distinguish between RCD and RPA forces. Some of these reports of RPA killings surfaced in Kinshasa, DRC, media directly or indirectly controlled by the DRC Government; however, other such reports emerged from international religious or humanitarian organizations and were based on the accounts of multiple witnesses or photographic or other evidence. The reported extrajudicial killings of civilians by RCD and Rwandan forces in the DRC often reportedly were committed in reprisal for guerrilla attacks on RCD or RPA forces. The Government has admitted that human rights abuses have occurred in territory under RPA/RCD control, but claimed that these were acts committed by individuals, not by the military as an institution.

On December 29, fighting between Mai Mai and RPA and RCD/Goma forces in Kindu resulted in the deaths of 21 civilians. RPA forces claimed they had been attacked by Mai Mai; however, credible reports indicated that RPA and RCD/Goma forces had staged the battle to discourage a U.N. Peace Observation Mission in Congo (MONUC) deployment to the area.

There were reports that landmines continued to be used, particularly in the eastern half of the DRC, despite agreement not to do so in the Lusaka Accords, including by the RPA; however, it is impossible to know which groups laid landmines. There was no information on whether landmines resulted in deaths during the year.

In 2000 the Government began to provide to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. It also increased measures to arrest alleged offenders from the security services; according to the Government, 27 soldiers were arrested and detained on charges of murder, manslaughter, or armed robbery in the DRC. Others were arrested on charges of offenses committed in Rwanda. There were no reports of any action taken against the responsible soldiers; according to the Government, all of those arrested were awaiting trial in military prisons at year's end. Despite these arrests, no action has been taken against the majority of alleged offenders from the security services, and impunity remains a problem.

The investigation still was ongoing at year's end into the 2000 killing of Assili Kabera, an advisor to former President Pasteur Bizimungu, by three men in military uniform.

RPA Captain Peter Kabnada and other RPA soldiers who allegedly killed 67 unarmed civilians in Masisi, North Kivu Province, DRC, in 2000, remained in detention awaiting prosecution for murder before the military tribunal at year's end. RPA Captain Alexis Rugira, S/Major Rutabana, and two privates who allegedly killed Baligizi Mufungizi in 2000 remained in pretrial detention awaiting prosecution at year's end.

No action reportedly was taken against the RPA officers responsible for human rights violations in 2000 during fighting with Ugandan army troops in Kisangani, which resulted in hundreds of civilian deaths, more than 1,700 persons injured, and 60,000 displaced persons. Credible sources claim that RPA and Ugandan troops raped many women and shot civilians during extensive fighting in the city. No action was known to have been taken against the RPA soldiers responsible for the following 2000 killings in the DRC: The March executions in Kilambo of numerous persons suspected of collaborating with the Interahamwe; the February killings and rapes of civilians in Kilambo village; and the January killing of a Congolese soldier.

No action was known to have been taken against the RPA soldiers responsible for the following killings in 1999: The December killing of a man from Gisenyi; the May killings in Volcanoes National Park; the February killings of four insurgents in Ruhengeri; the January beating to death of Jean Damascene Gatabazi; and the January killings of two infiltrators in Gitarama prefecture.

No information was available regarding the status of the investigation of RCD commanders believed to be responsible for the 1999 massacre in Makobola, DRC; in that incident, 37 civilians allegedly were killed in revenge for the killing of RCD soldiers by Mai-Mai forces. One suspect was arrested, but allegedly escaped from detention and fled to Uganda. The Government claimed the Interahamwe militia, not the RCD, killed Roman Catholic Father Kakuja in 1999. RCD forces allegedly killed six militiamen in pursuit of the priest's attackers. No further action was taken in the 1999 case in which RCD forces, participating with or supported by the RPA, reportedly buried 15 women alive at Mwenga, DRC. In 1999 the RCD/RPA arrested the RCD commander whose troops allegedly buried alive the women, but he escaped from jail in 2000 along with 32 other detainees.

In August a military court sentenced to life in prison three RPA soldiers, Corporal E. Nzitatira, Private Zirakundwa, and Private Jean-Baptiste, for the 1996 killing of a priest.

Domestic courts continued adjudicating cases arising from the 1994 genocide (see Section 1.e.). In June 2000, following a 9-month trial, the Court of First Instance acquitted of all genocide charges Roman Catholic Bishop Augustin Misago, the highest-ranking Catholic clergyman and the first Bishop to be charged with genocide. The Government has filed an appeal, which was pending at year's end. In June 1999 in the DRC, Rwandan prosecutorial police arrested and transferred to Kigali former Radio Mille Collines broadcaster Valerie Bemeriki on charges of genocide and crimes against humanity. She allegedly incited persons to kill during the 1994 genocide with her inflammatory radio broadcasts. Bemeriki remained in detention pending trial at year's end.

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, continued to prosecute genocide suspects (see Section 4). On June 8, the ICTR delivered its first acquittal of all charges in the case of Ignace Bagilishema, the former Mayor of Mabanza. In March 2000, the ICTR Appeals Chamber ruled that Jean-Bosco Barayagwize, former officer in the Foreign Ministry and a member of the Radio Television Libre des Mille Collines planning committee, should remain in ICTR custody to be tried for genocide and crimes against humanity (see Section 4). The Media trial against Barayagwiza, Ferdinand Nahimana, and Hassan Ngeze began in September 2000 and was ongoing at year's end. Six other ICTR trials were in progress at year's end: The Butate case against former Minister of Family and Women's Affairs Pauline Nyiramasuhuko, Arsene Shalom Ntahobali, Alphonse Nteziryayo, Sylvain Nsabimana, Elie Ndayambaje, and Joseph Kanyabashi; the Cyanguu case against Emmanuel Bagambiki, Samuel Imanishimwe, and Andre Ntagerura; the Laurent Semanza case; the Juvenal Kajelijeli case; the Jean de Dieu Kamuhanda case; and the Ntakirutimana case against Elizaphan Ntakirutimana and Gerard Ntakirutimana. A number of ICTR cases were ongoing at year's end. Major Francois-Xavier Nzuwonemey, former Reconnaissance Battalion Commander, and Lt. Colonel Tharcisse Muvunyi, both of whom were transferred to Arusha during the year, were in detention pending trial at year's end. Bernard Ntuyahaga, a former army major, who feared he would be deported to Rwanda to face trial, turned himself in to the ICTR seeking to be a protected witness; however, he was released from ICTR custody and subsequently was arrested by Tanzanian authorities on immigration violations. In November 2000, former army Captain Innocent Sagahutu was transferred from Denmark to Arusha. Sagahutu and Ntuyahaga are accused of murdering former Prime Minister Agathe Uwilingiyimana and 10 Belgian peacekeepers assigned to protect her in 1994. Ntuyahaga remains in a Tanzanian jail awaiting a ruling on Belgium's and Rwanda's extradition requests. Sagahutu remained in detention pending a joint military trial by the ICTR for 12 counts of complicity in the 1994 genocide. In July the ICTR arrested three of its own investigators

on charges of genocide. No trial dates were set for Eliezer Niyitegeka and Casimir Bizimungu during the year.

On June 8, a jury in Belgium convicted a physics professor, a former government minister, and two nuns of complicity in the killings of approximately 7,000 Tutsis in and around the town of Sovu in 1994. The professor and one of the nuns were sentenced to 12 years in prison, the other nun was sentenced to 15 years, and the minister was sentenced to 20 years.

Lightly armed civilian local defense units (LDU's) exist, but are not professional security forces. Unlike in the previous year, there were no reports of killings by LDU's. There was no report of any action taken against LDU members responsible for killing civilians in 2000. There was no investigation nor action taken in the August 1999 case in which members of an LDU shot and killed a woman in the Nkamira transit camp.

On December 26, Gratien Munyarubuga, a taxi driver and member of the opposition Party for Democracy and Renewal (PDR), was killed by two of his passengers. Police reportedly stood by during the attack and did not apprehend the perpetrators. The PDR party claimed that the killing of Munyarubuga, who had been threatened earlier by police, was politically motivated. An investigation was ongoing at year's end.

Rebel forces in the country killed approximately 10 civilians, most of whom were farmers who protested being robbed or otherwise abused.

b. Disappearance.—There were credible reports during the year that several persons disappeared, including RPA members. Most persons who were reported missing reappeared in other countries, claiming that they were forced to flee for their own safety; however, some remained missing and were presumed dead at year's end. There were credible reports of government involvement in all of the disappearances.

There were unconfirmed reports that in February, Jean de Dieu Dufatanye, a planter who appeared to have had a business dispute with a high-level RPA contact, disappeared after traveling to Kigali reportedly to meet with an influential member of the RPF. On April 7, Alexis Ruzindana, a demobilized RPA major, reportedly disappeared after departing Kigali for Cyangugu; however, there were unconfirmed reports at year's end that Ruzindana, was in self-imposed exile in Uganda.

On April 27, Theobald Rwaka Gakwaya, the founder of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) who lost his position as Interior Minister in March after numerous disagreements with the Government, disappeared after leaving his home to meet with members of political parties in Gisenyi. There were unconfirmed reports at year's end that Gakwaya was in self-imposed exile in Uganda or another country.

Unlike in the previous year, there were no reports that Hutu residents, mostly boys and small business owners, from Kibungo prefecture disappeared from their homes or from prisons.

Unlike in the previous year, there were no reports during the year that persons arrested and detained in areas of the DRC controlled by anti-DRC government forces disappeared after being transferred to Rwanda; however, credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government.

In May 2000, RPA soldiers reportedly arrested Ainakafota, the director of the Bolongo-Bas office of Friends of Nelson Mandela for Human Rights (ANMDH) in Orientale Province, DRC, and two other staff members of the human rights non-governmental organization (NGO), on suspicions of spying. Neither the ANMDH nor family members had been able to locate Ainakafota and the staff members since their arrest; inquiries to Rwandan officials concerning their whereabouts had produced no results by year's end.

There were no developments regarding several refugees returning from the DRC in 1999 who registered at a transit center, but failed to arrive in their home communes.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The fundamental law prohibits torture; however, beatings at the time of arrest were common, and some released detainees reported that they had been tortured. There continued to be reports that RPA troops abused civilians in the DRC.

In January a Congolese art dealer was arrested and detained for 8 days at the Military Intelligence Headquarters. While in detention, he was interrogated and allegedly subjected to electric shock torture. Although he was suspected of working with anti-Rwandan forces in the DRC, he never was charged. No action was taken against the responsible members of the security forces by year's end.

There were numerous reports that government security forces harassed and threatened political dissidents, journalists, and NGO's (see Sections 2.b. and 4). Police prevented the meetings of some NGO's (see Section 2.b.).

On August 13, the British Broadcasting Corporation (BBC) broadcast an interview with former president Bizimungu in which he claimed that he was attacked on August 8 by 10 persons, some of whom he identified as belonging to his former protection unit. On August 16, the progovernment New Times newspaper disputed the claim. On August 17, police questioned Bizimungu about the incident (see Section 1.d.).

Unlike in previous years, there were no reports of deaths from landmines or unexploded ordnance during the year.

The RPA continued to dismiss soldiers for indiscipline and criminal offenses. The RPA routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both during the year.

During the year, there were numerous, credible reports from local and international human rights groups that RPA forces and their RCD allies engaged in the beating and torture of civilians in the DRC (see Sections 1.a. and 2.c.). On May 15 in the village of Kinyogote, South Kivu Province, a group of RPA soldiers raped Jeanine Ruhembo and Ndole Sifa in the presence of their husbands and children.

In April 2000, Amnesty International and Human Rights Watch reports accused the RPA of forcibly returning to the country and mistreating former soldiers and others alleged to have helped political opponents leave the country, or believed to support the former King. For example, there were reports that four men arrested in Burundi and Tanzania under false pretenses were detained and tortured by RPA soldiers after being repatriated forcibly to the country; however, the National Commission for Human Rights (NCHR) and the men's families visited the men in detention and reported that the men did not appear to have been tortured. All detainees cited in the Amnesty International and Human Rights Watch reports were released in August 2000. The Government consistently denied the allegations of RPA torture and in June 2000 refuted such claims in a written response to Human Rights Watch.

No action was taken against the three soldiers who harassed and beat the wife of Vales Kwitegetse, a journalist with the government-controlled newspaper *Imvaho*, in 2000.

No action was taken during the year against RPA soldiers involved in the following 2000 cases in the DRC: The rapes of numerous women in Kisangani in May and June; and the February killings and rapes of 30 persons in Kilambo, North Kivu Province, DRC.

No further action was taken in the 1999 case in which RCD forces, participating with or supported by the RPA, reportedly buried 15 women alive at Mwenga, DRC.

No action was taken, and none is likely to be taken, against the police who reportedly beat and arrested six university students who were marching to the Prime Minister's office in 1999.

Prison conditions are harsh and life threatening. The International Committee of the Red Cross (ICRC) has registered approximately 106,000 prisoners detained on genocide or security-related charges and estimates that an additional 5,000 prisoners are detained on charges unrelated to the genocide; however, the Ministry of Justice routinely refers to the prison population as numbering 130,000. Chronic overcrowding in the prisons increased this year, as prisoners were transferred from many of the local jails, or *cachots*, to the larger national prisons. Sanitary conditions are extremely poor, and the Government does not provide adequate food or medical treatment. Government food deliveries to the prisons were organized better and arrived on a regular basis; however, the amount of food did not increase, and there were numerous reports of malnutrition among the prison population. The ICRC provides 50 percent of the food in the 19 main prisons and also provides additional expertise and medical, logistical, and material support to improve conditions for inmates. Prison deaths were largely the result of preventable diseases, suspected HIV/AIDS, malnutrition, or the cumulative effects of severe overcrowding. In April an outbreak of typhus at the prison in Relima resulted in an unknown number of deaths. There were 708 deaths in prison reported during the year; between 80 and 100 of those deaths resulted from typhus. Unlike in previous years, there were no deaths attributable to abuse, and there were no reports of prison officials dismissed for corruption.

Women are detained separately from men; however, during the year approximately 185 children were incarcerated with adults throughout the prison system (see Section 5). Pretrial detainees generally were separated from convicted prisoners; however, there were numerous exceptions as a result of the large number of genocide detainees awaiting trial.

Prisoners also may be hired out to perform work at private residences and businesses. In April there were unconfirmed reports that the Government used prisoners as forced labor in the DRC (see Section 6.c.).

Unlike in the previous year, there were no reports that some Hutu residents disappeared from prisons (see Section 1.b.).

The ICRC, human rights organizations, diplomats, and journalists have regular access to the prisons. The ICRC continued its visits to communal jails and military-supervised jails.

d. Arbitrary Arrest, Detention, or Exile.—The fundamental law provides legal safeguards against arbitrary arrest and detention; however, authorities rarely observed them in practice, and security forces continued to arrest and detain persons arbitrarily. The justice system collapsed during the war and genocide of 1994. With help from the international community it was being rebuilt slowly and was beginning to function more normally. The Government did not have the capacity to ensure that provisions in the Constitution were enforced or that due process protections were observed.

In general the law requires that authorities investigate, then obtain a judicial warrant before arresting a suspect. The police may detain persons for up to 48 hours without a warrant; formal charges must be brought within 5 days of arrest. These provisions are disregarded widely. The law permits preventive detention if authorities believe that public safety is threatened or that the accused might flee. There is no bail, but the authorities may release a suspect pending trial if they are satisfied that there is no risk that the person may flee or become a threat to public safety and order.

In January a Congolese art dealer was arrested, tortured, and detained for 8 days without being charged (see Section 1.c.). In March authorities arrested and detained for 2 months a businessman from Ruhengeri on suspicion that he had received large amounts of money from an opposition group; he was released without being charged. In May seven attorneys were arrested for reportedly engaging in antigovernment activities; they were released after 3 weeks in detention without being charged.

On May 30, after forcibly preventing a planned press conference at the home of former President Bizimungu, police detained and interrogated journalists and other guests (see Sections 2.b. and 3). On August 24, police arrested Bizimungu ostensibly because he had failed to file a police report after he allegedly was attacked (see Section 1.c.). Bizimungu also claimed that he had been placed under house arrest during the year; however, government authorities denied the charge.

After ALIR forces began to return to the country through a series of armed excursions from the DRC in May, government forces captured and detained approximately 1,600 rebels, including 400 children. The children generally were serving as porters for the ALIR units; few were serving as combatants. Child soldiers were separated from the adult combatants. Human rights groups reported that the detainees were treated humanely. Detainees at the re-education camps at Mudende and elsewhere sometimes were allowed to go home for visits. The Government allowed access and assistance by the U.N., ICRC, NGO's, media, and foreign diplomats.

In July 2000, security forces detained and later released several members of the taxi drivers' union, ATRACO.

An estimated 95 percent of the approximately 112,000 individuals presently incarcerated were awaiting trial on genocide charges (see Sections 1.a. and 1.e.). Lengthy pretrial detention was a serious problem. Some have been in jail since 1994. The Government does not have the capacity to process cases within a reasonable time frame. In March 1997, the Government, with extensive assistance from donors, established mobile groups whose mandate is to establish or complete files, which indicate the basis for charges for all detainees. Approximately 90 percent of prisoners in custody during the year have files; however, the vast majority of those files are incomplete.

The Government continued to release prisoners who were elderly, ill, without files or with incomplete files, acquitted, or sentenced to terms outside of prison (see Section 1.e.). Rearrests because of community criticism were rare. In June the National Assembly again amended the law to permit the continued detention of genocide suspects long enough to allow suspects to face trial either in a conventional court or in the Gacaca system (see Section 1.e.).

On May 5, 2000, former Member of Parliament (M.P.) Jean Mbanda published a letter critical of the Government. On May 29, 2000, Mbanda was arrested allegedly for fraud and embezzlement. Mbanda, who still was in detention, is regarded widely as a political detainee who is being punished for his political views and is innocent of the charges against him.

The Government does not use forced exile; however, there were credible reports that some individuals secretly left the country to live in self-imposed exile because

they believed their lives were in danger. Some of these individuals subsequently were tried and convicted in absentia by the Government (see Section 1.e.).

e. Denial of Fair Public Trial.—The fundamental law provides for an independent judiciary; however, the Government does not respect this provision in practice. The judiciary is subject to executive influence and also suffers from inefficiency, a lack of resources, and some corruption. There were occasional reports of bribery of officials ranging from clerks to judges. The 12-member Anti-Corruption Commission charged with fighting corruption in the judiciary continued to make progress. It is chaired by the Minister of Justice and charged with investigating all activities involving corruption and educating citizens on methods that can be used to fight corruption. Unlike in the previous year, there were no reports that magistrates and prosecutors were suspended or dismissed on corruption charges during the year. There also were no reports that magistrates were removed during the year following “not guilty” verdicts of suspects alleged to have participated in the 1994 genocide or for false charges of genocide.

The fundamental law provides for a system of communal courts, appeals courts, and a Supreme Court of six justices. The President nominates two candidates for each Supreme Court seat, and the National Assembly may choose one or reject both; however, the latter is not known to ever have happened.

The law provides for public trials with the right to a defense, but not at public expense. The shortage of lawyers and the abject poverty of most defendants make it difficult for many defendants to obtain legal representation. International NGO's such as *Avocats Sans Frontieres* (ASF or *Lawyers Without Borders*) provided defense and counsel to some of those in need, but it is estimated that less than 50 percent of prisoners have defense counsel. Lawyers from ASF rarely accepted individual cases and assisted mostly in group trials; numerous individuals represented themselves without legal assistance. New court officers continued to be sworn in and assigned to courts across the country, but the Government does not have sufficient prosecutors, judges, or courtrooms to hold trials within a reasonable time.

Some persons were tried and convicted in absentia by the Government. On September 26, the RPA convicted in absentia Major Alphonse Bulema, Major Michel Mupende, and Major Gerard Nashamaje of desertion and financial fraud; all three officers reportedly had fled the country to escape prosecution.

The judiciary is focused on resolving the enormous genocide caseload of more than 100,000 detainees (see Section 1.d.). The Government has increased its use of group trials as one method of reducing the caseload. The Government also continued with a project sometimes referred to as the *Gisovu* project, a release program in which detainees and prisoners who are elderly, ill, without files, acquitted, or sentenced to terms outside of prison are taken to their former villages to allow villagers to make complaints against them or to confirm that there is no reason to detain them. Typically approximately 30–40 percent of the prisoners investigated in this manner are released. For the first 8 months of the year, 3,466 detainees were reinvestigated, and 1,335 of them were released. There also were 49 individuals arrested for the first time as a result of these investigations. However, *Gacaca* courts, a grassroots participatory form of justice, will serve as the Government's primary judicial process for adjudicating genocide cases. These courts combine participatory justice and reconciliation techniques exercised at the local level and are scheduled to begin operating in 2002. The *Gacaca* law provides for reduced sentences for cooperation and credit for time served; lawyers are not permitted to participate officially in *Gacaca*. The Government continued its nationwide campaign to explain *Gacaca* to the public during the year. In October voters elected thousands of *Gacaca* judges to serve on local courts. The sixth chamber of the Supreme Court and its President, Aloysie Cyanzayire, will oversee the implementation of *Gacaca*.

The Government also continued to try genocide-related cases in local courts (see Section 1.a.). By year's end, approximately 4,220 persons had been judged on genocide-related charges, most following group trials. According to LIPRODHOR, during the first 9 months of the year, approximately 1,005 persons had been judged in local courts on genocide-related charges; 88 received death sentences, 288 were sentenced to life in prison, 459 received sentences for less than life, and 205 were acquitted, and 25 were fined for property crimes. The vast majority of trials met international standards. LIPRODHOR also actively monitored trials and interviewed released prisoners. As of year's end, 22 death sentences had been carried out, all by public firing squad in 1998; however, no public executions occurred during the year.

A section of the Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. As a result of efforts by the Government, international donors, and NGO's to advertise widely the confession provisions, more than 20,000 prisoners had confessed since the law was implemented in 1996. However, only a small number of confes-

sions were processed due to lengthy administrative review and hearing proceedings, and the lack of officials to process the confessions through the system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices, and authorities generally respect these prohibitions; however, police forcibly entered the home of former President Bizimungu on several occasions during the year, detained guests and journalists, and ordered out foreign diplomats (see Sections 1.d., 2.a., and 3).

Forced conscription has been practiced by the RPA, particularly after the country entered the conflict in the DRC. Citizens who served in the military may be recalled to compulsory duty at any time.

Prominent members of the PDR, Bizimungu's new party, were pressured by the Government to leave the party and renounce it publicly (see Sections 1.d., 1.f., and 3). The PDR has charged that the December 26 killing of one of its members was politically motivated (see Section 1.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The fundamental law provides for freedom of speech and of the press; however, the Government restricted these rights in practice, and there were numerous, credible reports that the Government harassed journalists whose views were contrary to official views. Most journalists practice self-censorship due to fear of government reprisals.

On May 30, security forces prevented former President Bizimungu from holding a press conference to announce the formation of a new political party, detained journalists, and confiscated cameras and computer equipment (see Sections 1.d. and 1.f.). Government officials also banned Bizimungu and his lieutenants from discussing politics with the press (see Section 3). In August Bizimungu claimed that he was assaulted by soldiers in civilian clothes; unidentified men also attacked and injured one of his supporters in August (see Section 1.c.). On December 26, unknown persons killed another Bizimungu supporter (see Section 1.a.).

In May 2000, former M.P. Mbanda published a letter critical of the Government. He was arrested and remained in detention at year's end (see Section 1.d.).

Media sources are limited. There were several privately owned newspapers, which publish weekly in English, French, or Kinyarwanda. There was no daily newspaper.

In March the Government prevented Newline newspaper editor John Mugabi, who had been detained on libel charges in 1999, from leaving the country (see Section 2.d.). There also were credible reports that government authorities threatened Mugabi on numerous occasions during the year. Newline, a frequent critic of the Government, subsequently went out of business; there were unconfirmed reports that the Government was involved.

In May a journalist working as a stringer for the Voice of America (VOA) was harassed after filing a report disputed by the authorities. Authorities reportedly threatened the journalist, prevented her from covering an unrelated story, and confiscated her identity documents.

In 2000 journalist Vales Kwitegetse, who had been investigating government involvement in corruption, fled to Uganda; he reportedly did not return during the year.

All associations, including the Rwandan Journalists Association (ARJ), and all NGO's, must register and apply for a license under NGO legislation passed by the National Assembly in 1999 (see Sections 2.b. and 4). Without a license, an association legally may not act on behalf of its members nor apply for assistance from NGO's or other donors. Prior to the law going into effect in April, the Government issued temporary permits to some NGO's, including the ARJ; however, all license applications from international NGO's and local human rights organizations still were being processed at year's end. They must register by April 2002, and approximately 20 local nonprofit organizations have completed the registration process.

The Government exercises tight control over the electronic media and maintains a monopoly over local television and radio, which in principle is nominally independent from government influence. The Government owns the only national radio station and the only television station, which broadcasts 5 hours of programming per day. The government-controlled radio station, Radio Rwanda, has a wide audience and each Sunday broadcasts a call-in program, which discusses and debates controversial subjects. Radio Rwanda journalists are civil servants of the National Office of Information. The British Broadcasting Corporation broadcasts on FM from Kigali in several languages. The German broadcasting service Deutsche Welle also broadcasts from Kigali. On August 4, the VOA began broadcasting in the country.

In February Anicet Kagere was fired from his position with Radio Rwanda when he reported on LIPRODHOR's criticism of prison conditions (see Section 4). In March Gerald Mbanda, Chief Editor for TV Rwanda, was suspended without pay after he broadcast images of President Kagame that the Government considered unflattering.

In September the National Assembly passed a law that provides for a maximum sentence of death and a minimum sentence of 20 years imprisonment for journalists who are convicted of using the mass media to incite the population to commit genocide; however, this legislation did not become law by year's end. The new law resulted from the media's active role in the 1994 genocide.

The government-owned telecommunications company and the government-supported Kigali Institute of Technology provide Internet service; however, during the year, several licenses were granted to private companies that plan to provide Internet services in the future.

The Government generally respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The fundamental law provides for freedom of assembly; however, authorities limited this right in practice. They legally may require advance notice for outdoor rallies, demonstrations, and meetings. Authorities generally prohibit nighttime meetings, although they have relaxed this restriction for religious groups. Radio Rwanda denounced “illegal” meetings, press conferences, and “other activity not in line with the law” during the year. The Government prevented the meetings of some human rights NGO's, press conferences held by members of the political opposition, and some meetings held in private homes (see Sections 1.f., 3, and 4). For example, on May 30, security forces prevented former President Bizimungu from holding a press conference (see Sections 1.d., 2.a., and 3). In June police dispersed a meeting held by the NGO Justice and Peace in Rwanda. Although a representative of the Kigali Mayor's office had presided over the opening session, police charged that the meeting was unauthorized; authorities later apologized for halting the meeting. In August government officials initially prevented LIPRODHOR from holding its annual meeting in Kigali, claiming that the group had not received permission from the local government; LIPRODHOR had notified authorities of the planned meeting, but was unaware that permission was required. Authorization for the group's meeting subsequently was granted.

The Constitution provides for freedom of association; however, the Government limits this right in practice. Private organizations are required to register but, with few exceptions (see Section 2.a.), the Government generally grants licenses without undue delay. All unions must register with the Government (see Section 6.a.). On April 1, the Government also passed a new law making registration of NGO's more difficult and giving the Government more influence over the staff, budget, and committee membership of NGO's (see Section 4).

Prominent members of former President Bizimungu's new party were pressured by the Government to leave the party and renounce it publicly (see Sections 1.d., 1.f., and 3). The National Revolutionary Movement for Democracy and Development (MRND), and the Coalition for the Republic (CDR), both implicated in planning and executing the 1994 genocide, are banned by law.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, while the Government generally respects this right in practice, during the year, the Government lifted the restrictions it previously had imposed. There is no state religion. The law provides for small fines and imprisonment for up to 6 months for anyone who interferes with a religious ceremony or with a minister in the exercise of his professional duties. In the past, the Government forbade religious meetings at night on the grounds that insurgents formerly used the guise of nighttime “religious meetings” to assemble their supporters before attacking nearby targets; however, by year's end, the Government had stopped restricting religious meetings at night and had lifted local restrictions on meetings for worship and proselytizing.

On April 1, the Government promulgated a law that increases Government influence over NGO's and requires all nonprofit organizations, including churches and religious organizations, to register with the Ministry of Justice to acquire the status of “legal entity.” The registration requirement is not new, and groups can maintain their up-to-date valid registrations, renewing them only when they expire (see Sections 2.a., 2.b., and 4). Major religious groups and churches reported no difficulties in registering with the Ministry of Justice during the year.

In late 2000, several “storefront” churches consisting of wooden frames covered by plastic sheeting were torn down because the churches were not registered with the Ministry of Justice. In late 2000, a few “storefront” evangelical preachers applied for status as nonprofit groups but were refused following a determination by the Ministry that the groups were profit oriented. However, by year's end, the Govern-

ment's strategy had changed to one of urging the groups to register with the Ministry of Justice to regularize their status. Few, if any, applications for registration of religious groups were processed by the Government by year's end. Organizations have until April 2002 to register.

In July 2000, there were reports of detentions of members of Jehovah's Witnesses by local officials and of radio broadcasts by local officials announcing restrictions on the Jehovah's Witnesses' right of assembly and worship. In late 2000, the Government lifted restrictions on Jehovah's Witnesses holding meetings and preaching publicly. Discussions between church leaders, government officials, and foreign diplomats resulted in a reversal of the Government's policy. Senior government officials intervened personally with local officials to ensure that religious freedom is respected at all government levels. In May leaders of Jehovah's Witnesses in the country reported that they enjoyed religious freedom and that no members of their church were detained or in prison. Members of Jehovah's Witnesses who were detained for nonparticipation in nightly security patrols were released by September 2000.

Unlike in the previous year, local officials did not detain persons who, on religious grounds, refused to participate in nighttime security patrols or cooperate in other government programs, including adherents of "Temperance" and "Abagorozi." Both groups are said to be offshoots of the Adventist Church and Jehovah's Witnesses.

Unlike in previous years, few Catholic officials repeated the claim that the Government is prejudiced against the Church; senior clergy reported that relations between the Church and the Government had improved because of collaboration and dialog in the areas of education and reconciliation. The Church and the Government moved closer to a resolution of the question of using churches as genocide memorials, and several churches were reconsecrated and returned to serving the community.

The Government continued to watch closely for the development of cult churches after the doomsday cult deaths in Uganda in 2000. Unlike in the previous year, there were no reports that authorities detained leaders of suspected groups, and the Government urged such groups to register with the Ministry of Justice.

Several clergy of various faiths have faced charges of genocide in Rwandan courts, in the ICTR, and in foreign courts, notably in Belgium (see Sections 1.a. and 1.e.). On June 8, a jury in Belgium convicted a Benedictine nun and her mother superior from a Benedictine convent of complicity in the murder of approximately 7,000 Tutsis in and around the town of Sovu in 1994 (see Section 1.a.). Catholic Bishop Misago, who was cleared of genocide-related charges in June 2000, again appeared on the list of accused genocidaires after the prosecution announced its intention to appeal the verdict (see Section 1.a.).

There were fewer reports during the year that RPA troops and RCD rebels in the DRC targeted Catholic clergy for abuse. Abuses reportedly took the form of attacks on missions, killings of priests, the rape of nuns, and the burning of churches. There were fewer reports that RCD and RPA troops deliberately targeted Catholic churches to both intimidate the local population and retaliate for the Church's perceived role in the 1994 genocide in Rwanda.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government limited them in practice. Citizens must show identification when requested. Travel authorization is not needed and citizens may move or settle temporarily anywhere without a residence permit. However, citizens must obtain a new national identity card when making a permanent move to a new district. These new cards are issued routinely.

Former President Bizimungu claimed that he had been placed under house arrest during the year; government authorities denied the charge (see Sections 1.c., 1.d., 1.f., and 3). In March the Government prevented Newsline editor John Mugabi from leaving the country. He had been placed under similar travel restrictions in 1999 (see Section 2.a.).

Since 1997 more than 600,000 persons in the countryside have been relocated to government-designated resettlement sites in compliance with a "villagization" policy. Although the Government claimed that the move to villages was voluntary, some observers believe that many persons were compelled to move by government authorities; others may have relocated out of fear of government security forces or insurgents. Human Rights Watch reported that many of these individuals were forced to move against their will to substandard housing, often with little access to basic amenities such as water. The Government denied that coercion occurred, but admitted it has encountered problems in the implementation of the program. While villagization remained government policy, the Government no longer compels these persons to remain in the villages; however, restrictions on where houses can be built

forced some to remain. Thousands of persons still lived in inadequate housing not of their own choosing.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Constitution recognizes the right to asylum "under conditions determined by law"; however, there is no law in place to recognize refugees. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and provided first asylum to 34,578 persons. The vast majority are Congolese refugees who fled their country during the unrest of 1996. Approximately 500 Burundians still are awaiting compensation for their property seized in 1997 when the Government revoked their refugee status, granted in the 1970's.

Refugees continue to return to the country from several countries within the region. More than 85,000 Rwandan refugees remain in the DRC, Tanzania, Uganda, Burundi, Malawi, Zambia, Angola, Republic of the Congo, Cameroon, Central African Republic, Togo, and Benin. However, due to the conflict in the DRC, many refugees have returned to the country. According to the UNHCR, approximately 12,000 Rwandan citizens returned to the country from the DRC during the first 9 months of the year. Since 1999 approximately 72,000 Rwandan citizens, mostly Hutu, have returned to the country. Most of the refugees that fled the Kibungo Province for Tanzania in 2000 because of drought and rumors of a government crackdown have returned.

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

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

Citizens do not have the right to change their government by democratic means. The RPF is the dominant political force in the country. Following the genocide of 1994, political parties agreed to form a government of national unity based on the 1992-93 Arusha Accords. This agreement laid the basis for the apportionment of ministries and other offices. The RPF brought representatives of four opposition parties into the Government after its military victory in 1994, but none of the officials was elected.

Political parties agreed to suspend political activities for a period of 5 years, during which time the transition to elected government was to have been completed. This 5-year period was scheduled to end in July 1999; however, the Government announced in June 1999 the extension of the transition period by 4 additional years. The announcement did not mention political party activities, but the parties continued to observe the suspension. Some political parties alleged that the RPA actively promoted itself regionally and at the sector levels, while prohibiting other political parties from doing the same. There is no law preventing the formation of political parties; however, on May 30, security forces prevented former President Bizimungu from holding a press conference to announce the formation of the PDR party (see Section 2.b.). Prominent members of Bizimungu's new party were pressured by the Government to leave the party and renounce it publicly (see Sections 1.d. and 1.f.). The Government has issued conflicting statements on the legality of new parties; in 1995 then President Bizimungu also prevented the formation of a new political party.

A National Assembly is functioning, with nine political entities represented, including the RPA. The political bureaus or executive committees of their respective parties chose assembly members, known as deputies. The "Political Forum," an informal grouping of senior members of each of the political parties represented in the National Assembly, has dismissed deputies for misconduct, alleged corruption, or incompetence. The parliamentary commissions of inquiry investigated allegations of corruption and other alleged misdeeds of ministers and deputies. Some of these inquiries have resulted in the sanctioning and resignation of ministers.

On March 6, the country held its first secret-ballot elections to elect council members at the district level; more than 90 percent of eligible voters participated in what international observers deemed to be generally free and fair elections. However, a March report by Human Rights Watch indicated that in 45 percent of the contests only one candidate ran for office, some potential candidates withdrew after being threatened, and some voters cast their ballots out of fear of reprisal. This fear was based on historical experience; however, there were no reports of reprisals following the March elections. Political parties did not participate in this election. The central Government continued to appoint officials at the regional and national levels.

On October 4, voters elected thousands of Gacaca judges to serve on local courts (see Section 1.e.).

The National Unity and Reconciliation Commission, charged with educating the public on such issues as ethnic understanding, peace building, history, and civics, was active. The Legal and Constitutional Commission, charged with the preparation of a new Constitution, was established and its 12 members appointed in 2000.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of women in the political process. Women hold 4 of the 21 ministerial positions in the Government and 18 of the 74 seats in the National Assembly.

The percentage of minorities, particularly the Batwa ethnic group, in government and politics does not correspond to their percentage of the population; however, there are no laws that restrict their participation (see Section 5).

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

A variety of domestic human rights groups operate in the country, but none of the domestic organizations has the resources to conduct extensive human rights monitoring. On April 1, the Government passed a law making registration of NGO's more difficult and giving the Government more influence over the staff, budget, and committee membership of NGO's.

Local NGO activities often are limited to receiving and compiling reports from citizens about human rights abuses and conducting selected investigations. Reports are published occasionally; statements criticizing specific incidents are more common. A variety of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights violations. Only one or two local human rights NGO's are viewed as strictly impartial. While in previous years local human rights organizations have operated without restriction, the Government interfered with their operations and harassed their monitors during the year. Following the February publication of a LIPRODHOR report that criticized conditions in Nsindi Prison, the Government demanded that its author be fired. LIPRODHOR refused to fire the author; however a journalist for Radio Rwanda was fired for making the report public (see Section 2.a.). There also were credible reports during the year that the Government threatened LIPRODHOR activists and interfered with the group's field activities.

The Government forcibly prevented or dispersed several meetings organized by NGO's during the year (see Section 2.b.).

The Government criticized the reports by some international human rights NGO's and was particularly hostile towards those whose reporting was perceived as biased and inaccurate. In 2000 the Government began to provide to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. In June the Government refuted point-by-point refutations to the accusations contained in the Human Rights Watch report published the same month, calling the report propaganda that promoted ethnic division. Unlike in the previous year, no international NGO's complained that security forces harassed their informants; however, there were isolated reports that security forces contacted informants.

The ICRC operated normally and was active in visiting prisons.

The ICTR continued to prosecute genocide suspects during the year, but at a slow pace (see Section 1.a.). A June report by the International Crisis Group criticized the ICTR for the slow pace of its trials and noted that since 1994, the ICTR has delivered verdicts on only nine persons. Credible reports indicate that the ICTR faces numerous problems, including inadequate staffing, inefficiency, and corruption. Relations between the Government and the ICTR continued to improve. The ICTR operates under an agreement signed in 1999, which clarified some aspects of protection measures, but concentrated largely on the ICTR staff's privileges and immunities. On June 8, the ICTR delivered its first acquittal of all charges in the case of Ignace Bagilishema, the former Mayor of Mabanza. In July the ICTR suspended or declined to renew the contracts of three investigators working with them because they were on a list of suspected genocidaires. The Governments of Mali, Benin, and Swaziland have agreements with the ICTR to accept prisoners convicted by the ICTR, and on December 9, the first prisoners, former Prime Minister Jean Kambanda, Jean Paul Akayesu, Alfred Musema, and Clement Kayishema who were sentenced to life in prison; Obed Ruzindana who was sentenced to 25 years; and Omar Serushago who was sentenced to 15 years, were transferred to the U.N. Detention Facility in Bamako, Mali, where they will serve their sentences. The Government of Italy has agreed to house Georges Ruggiu, the only non-Rwandan in ICTR custody; however, the implementation of this agreement had not occurred by year's end.

The NCHR hosted several human rights seminars and training sessions during the year. The Government generally allowed the Commission to operate independently and without undue influence. The NCHR intervened on behalf of Jean Mbanda and former President Bizimungu during the year (see Sections 1.e., 2.a., and 3).

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

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of race, color, origin, ethnicity, clan, sex, opinion, religion, or social standing; however, the Government only partially enforced these provisions.

Women.—Domestic violence against women was common. Wife beating and domestic violence occur frequently. Cases normally were handled within the context of the extended family and rarely come before the courts. When the Government did become involved, such as in cases involving serious injury, the courts took such incidents seriously. Numerous suspects have been tried and convicted for crimes of violence against women and girls. In 2000 numerous rape trials resulted in convictions with the maximum sentences for perpetrators. Prosecutions for rape continued during the year; those convicted generally received sentences of from 20 to 30 years imprisonment.

Despite constitutional provisions, women continued to face discrimination. Women traditionally perform most of the subsistence farming. Since the 1994 genocide, which left numerous women as heads of households, women have assumed a larger role in the modern sector, and many run their own businesses. Nevertheless, women continued to have limited opportunities for education, employment, and promotion. The 1992 Family Code generally improved the legal position of women in matters relating to marriage, divorce, and child custody. The law allows women to inherit property from their fathers and husbands and allows couples to choose the legal property arrangements they wish to adopt.

The Ministry of Gender and Women in Development is charged with handling problems of particular concern to women. The Minister is an active advocate of women's rights. Since the 1994 genocide, a number of women's groups have emerged. These organizations were extremely active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children.

Children.—The Government is committed to children's rights and welfare, and it attempts to provide education and health care to every child. At least 85,000 households are headed by children. The Government works closely with international NGO's to secure assistance for children who are heads of households, and sensitizes local officials to the needs of children in such situations. More than 98 percent of the children who were separated from or lost their parents during the 1994 genocide and subsequent repatriations have been reunited with family members or placed in foster homes. Approximately 30,000 children live abroad, and the Government claims most were taken without the consent of their parents during the genocide. Many of the children abroad have been adopted. In 2000 the Government asked that 41 children adopted in Italy be repatriated, and the Governments of Rwanda and Italy began discussions on the issue; however, it was unclear whether those discussions were ongoing at year's end.

All families must pay school fees to enroll a child; however, school fees are routinely waived for orphans. The public schools lack essential and basic supplies and cannot accommodate all children of primary school age. A UNICEF study reports that 400,000 school-aged children were unable to go to school in 1999. Private schools often are too distant or too expensive to serve as an alternative for many children. Entry to secondary school is by examination. According to a 1996 study conducted by the Government and the U.N. Population Fund, 59.6 percent of the population aged 6 and over had primary education, but only 48 percent of the population as a whole was literate; 52 percent of men were literate compared to 45 percent of women. Only 3.9 percent of citizens had completed secondary school, and only 0.2 percent had a university education.

Although the Penal Code prohibits the imprisonment of children with adults, the ICRC reported that many children, most of whom are age 2 or younger, are incarcerated with their mothers. In 1999 the ICRC reported that approximately 570 children who were under the age of 14 at the time of their arrest were incarcerated on genocide-related charges; an undetermined number of children under the age of 14 still were incarcerated on genocide-related charges at year's end.

In 2000 local authorities arrested 1,300 street children and ordered them to return to their communes of origin or face the penalties for vagabondage and other crimes attributed to them; many returned to the street. During the year, local au-

thorities occasionally rounded up street children and placed them in foster homes; many ran away, and there were unconfirmed reports that some joined the RPA to perform nonmilitary duties.

Credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government.

Persons with Disabilities.—Although there are no laws restricting persons with disabilities from employment, education, or other state services, in practice few persons with disabilities have access to education or employment. There is no law mandating access to public facilities.

Indigenous People.—With the removal of ethnic labels from identification cards, the Batwa are no longer designated officially as an ethnic group. Less than 1 percent of the population is considered Batwa. The Batwa, survivors of the Twa (pygmy) tribes of the mountainous forest areas bordering the DRC, exist on the margins of society and continue to be treated as inferior citizens by both the Hutu and Tutsi groups. There are seven Batwa organizations focused on the protection of their interests, access to land, housing, education, and eradication of discrimination against them; however, they generally were unable to protect their interests. Few Batwa have been educated formally, resulting in minimal representation in government institutions. There is no reliable information on specific human rights abuses perpetrated against the Batwa population since the 1994 upheaval. There is one Batwa on the NCHR

National/Racial/Ethnic Minorities.—Before April 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However, Hutus and Tutsis are not clearly distinct groups, since the two have intermarried for generations. The 1994 mass killings and migrations probably affected the ethnic composition of the population, but the extent and nature of the changes were unknown.

Large-scale interethnic violence in the country between Hutus and Tutsis has erupted on three occasions since independence in 1962, resulting on each occasion in tens or hundreds of thousands of deaths. The most recent and severe outbreak of such violence, in 1994, involved genocidal killing of much of the Tutsi population under the direction of a Hutu-dominated government and implemented in large part by Hutu-dominated armed forces called the ex-FAR and Interahamwe militia. That genocide ended later the same year when a predominately Tutsi militia, operating out of Uganda and occupied Rwandan territory, overthrew that government and established the current Government. Since 1994 the Government has called for national reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. It eliminated references to ethnic origin from the national identity card. The Government has not addressed statutorily the problem of ethnic quotas in education, training, and government employment, but discrimination against the Tutsi minority in these areas effectively ceased with the change of government in 1994. Some organizations and individuals accuse the Government of favoring Tutsis, particularly English-speaking Tutsis, in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides the right to create professional associations and labor unions, and the Government generally respects this right in practice. The labor movement has been hampered in practice because of the massive disruptions caused by the 1994 genocide. Unions have continued to regroup and assert themselves.

Union membership is voluntary and open to all salaried workers, including public sector employees. Organized labor represents only a small part of the work force. More than 90 percent of workers are engaged in small scale subsistence farming. Approximately 7 percent of the workforce work in the modern (wage) sector, and approximately 75 percent of those active in the modern sector are union members.

There are no restrictions on the right of association, but all unions must register with the Ministry of Justice for official recognition. There are no known cases in which the Government has denied recognition. The law prohibits unions from having political affiliations, but in practice this is not always respected.

Until 1991 the Central Union of Rwandan Workers (CESTRAR) was the only authorized trade union organization. With the political reforms introduced in the 1991 Constitution, the CESTRAR officially became independent of the Government. There are 27 registered unions under 2 umbrella groups: 17 are under CESTRAR, and 10 are under the National Council of Free Unions in Rwanda (COSYLL).

The Constitution provides for the right to strike, except for public service workers. A union's executive committee must approve any strike, and the union must first try to resolve its differences with management according to steps prescribed by the Ministry of Public Service and Labor. Unlike in the previous year, there were no demonstrations by union members.

Labor organizations may affiliate with international labor bodies. The CESTRAR is affiliated with the Organization of Africa Trade Union Unity and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference in their right to organize and administer unions. The Constitution provides for collective bargaining, although only the CESTRAR has an established collective bargaining agreement with the Government. In practice the Government is involved intimately in the collective bargaining process since most union members are in the public sector (see Section 6.e.). The law prohibits antiunion discrimination, but no formal mechanisms exist to resolve complaints involving discrimination against unions. Union activists have complained that some employers threaten to fire employees who attempt to join a union.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, prisoners are assigned to work details, which generally involve rebuilding houses, clearing land, or other public maintenance duties. Prisoners also may be hired out to perform work at private residences and businesses. It was unclear how much pay the prisoners were given in return for their work. In April there were unconfirmed reports that the Government used prisoners as forced labor to mine Columbo-tantalite (Coltan) in the DRC.

The law does not prohibit specifically forced and bonded labor by children; however, there were no reports that such practices occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Except for subsistence agriculture, the law prohibits children under the age of 18 from working without their parents' or guardians' permission, and they generally cannot work at night. The minimum age for full-time employment is 18 years, and 14 years for apprenticeships, providing that the child has completed primary school. The Ministry of Public Service and Labor and the Ministry of Local Government did not enforce child labor laws effectively, in part due to the large number of households headed by children. In 2000 the Ministry of Public Service and Labor and the Ministry of Local Government and Social Affairs, in collaboration with UNICEF, announced a national program aimed at educating children about their rights. The program has been implemented, but no information was available by year's end on the program's effectiveness. It is rare to see child labor outside the agricultural sector. The Government ratified the ILO Convention 182 on the Worst Forms of Child Labor during the year.

The law does not prohibit specifically forced and bonded labor by children; however, such practices are not known to occur.

e. Acceptable Conditions of Work.—The Ministry of Public Service and Labor sets minimum wages in the small modern sector. The Government, the main employer, effectively sets most other wage rates as well. There is no single minimum wage; minimum wages vary according to the nature of the job. The minimum wages paid are insufficient to provide a decent standard of living for a worker and family, and in practice, workers accepted less than the minimum wage. Often families supplement their incomes by working in small business or subsistence agriculture.

Officially, government offices and private sector entities have a 40-hour workweek; the maximum workweek is 45 hours. There is no mandated rest period. The law controls hours of work and occupational health and safety standards in the modern wage sector, but inspectors from the Ministry of Public Service did not enforce these standards aggressively. Workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.

The law provides for equal protection of foreign workers.

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.

SAO TOME AND PRINCIPE

The Democratic Republic of Sao Tome and Principe is a multiparty democracy. The Government is composed of an executive branch and a unicameral legislature (the National Assembly). The President appoints the Prime Minister, who in turn

appoints the ministers of the Government. On July 29, Fradique de Menezes, supported by the Independent Democratic Alliance (ADI), was elected President for a 5-year term in an election deemed generally free and fair by international observers. In the 1998 legislative elections, the Movement for the Liberation of Sao Tome and Principe (MLSTP) won 31 of 55 seats, and constituted a government in which it held all 10 seats in the Cabinet. In September President Menezes accepted the resignation of Prime Minister Guilherme Posser da Costa and the MLSTP government. After he was unable to reach agreement with the MLSTP on the composition of a new cabinet, Menezes appointed a "Government of Presidential Initiative" without any MLSTP members. The MLSTP refused to support the new Government. On December 7, the President dissolved the National Assembly and called for parliamentary elections on March 3, 2002. The judiciary is generally independent; however, it is subject at times to influence and manipulation.

The Minister of National Defense, Security, and Internal Order supervises and effectively controls the military services and the police. Many members of the military are part-time farmers or fishermen. The Government and international donors continued to dedicate resources to improving soldiers' living conditions. No defense expenditures have been used for lethal weapons since the advent of multiparty democracy in 1990.

The economy is based largely on the export of a single product, cocoa, produced on formerly state-run plantations. The country has a population of approximately 138,000. The Government has privatized all of the state-held land, but it had limited success in privatizing state-owned enterprises. The Government has been somewhat successful in its efforts at structural adjustment. The country remained highly dependent on foreign aid. The inflation rate was 9 percent. The Government estimated per capita income to be approximately \$400 (3,584,000 dobras) during the year; economic growth was estimated to be slightly below 2 percent. Although difficult to quantify, unemployment remained high.

The Government generally respected the rights of its citizens; however, there were problems in a few areas. The principal human rights problems continued to be harsh prison conditions, an inefficient judicial system, violence and discrimination against women, child labor, and outdated plantation labor practices that limit work-ers' rights.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions were harsh but not life threatening. Facilities were overcrowded, and food was inadequate. Women and men were held separately, and juveniles were separated from adults.

Human rights monitors were not known to have requested permission to make prison visits during the year.

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

Forced exile is not used as a punishment. All those exiled under the one-party regime of 1975 to 1990 remain free to return, and several prominent politicians did so during the 1990's.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, the judicial system at times is subject to influence or manipulation. In previous years, the judiciary returned verdicts against both the President and the Government. The Government has important powers relating to the judiciary, including setting salaries for judges and all ministerial employees in accordance with standard government salary guidelines. Government salaries were extremely low, and the authorities were concerned that judges may be tempted to accept bribes (see Section 6.e.).

The legal system is based on a Portuguese model. The court system has two levels: Circuit courts and the Supreme Court. The Supreme Court is the appellate court of last resort.

The Constitution provides for the right to fair public trial, the right of appeal, and the right to legal representation. However, in practice the judicial infrastructure suffers from severe budgetary constraints, inadequate facilities, and a shortage of

trained judges and lawyers, causing delays from 3 to 9 months in bringing cases to court and greatly hindering investigations in criminal cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. The judicial police were responsible for criminal investigations and must obtain authorization from the Ministry of Justice to conduct searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the freedoms of speech and of the press, and the Government generally respects these rights in practice. Two government-run and six independent newspapers and newsletters are published sporadically, usually on a monthly or bimonthly basis.

Television and radio are state operated. While there are no independent local stations, no laws forbid them. The Voice of America, Radio International Portugal, and Radio France International rebroadcast locally. The law grants all opposition parties access to the state-run media, including a minimum of 3 minutes per month on television.

All parties freely distributed newsletters and press releases stating their views and criticizing the Government, the President, and one another.

The Government does not restrict access to or the use of e-mail, the Internet, or satellite telephones. However, the only domestic Internet service provider was a joint venture in which the Government's Post and Telecommunications Office was a partner, and the cost of Internet access remained high; consequently, access remained limited in practice.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respects these rights in practice. The Government requires that requests for authorization for large-scale events be filed 48 hours in advance, but it generally grants the appropriate permits.

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

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

The law does not provide specifically for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol. However, the authorities traditionally have welcomed those seeking refuge or asylum. The issue of the provision of first asylum did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic elections by secret ballot held on the basis of universal suffrage for citizens 18 years of age or older. The Constitution provides for the election of the President, who as Head of State names the Prime Minister. The Prime Minister appoints members of the Government. On July 29, Fradique de Menezes, supported by the ADI, was elected President for a 5-year term. These elections resulted in the peaceful transfer of power. Voter participation was 70 percent in the July elections and exceeded 80 percent in the 1998 legislative elections in which the MLSTP won with 31 out of 55 seats and filled all 10 Cabinet positions. International observers noted that the 1998 legislative elections and the July presidential elections were generally free and fair. Each of the three principal political parties had significant representation in the unicameral National Assembly. In September President Menezes accepted the resignation of Prime Minister Guilherme Posser da Costa and the MLSTP government. After he was unable to reach agreement with the MLSTP on the composition of a new cabinet, Menezes appointed a "Government of Presidential Initiative" without any MLSTP members. The MLSTP refused to support the new Government. On December 7, the President dissolved the National Assembly and called for parliamentary elections on March 3, 2002.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no restrictions in law or in practice

on the participation of women in politics. In the National Assembly dissolved in December, women held 4 of 55 seats. At year's end, women held 2 of 10 seats in the Cabinet and 1 seat on the Supreme Court.

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

A small number of domestic human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. There were no known requests by international human rights groups to visit the country.

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

The Constitution provides for the equality of all citizens regardless of sex, race, racial origin, political tendency, creed, or philosophic conviction; however, the Government has not sought actively to enforce these provisions.

Women.—While the extent of the problem is unknown, domestic violence against women occurs, and medical professionals and officials reported first-hand experience in dealing with victims, including rape. They also reported that although women have the right to legal recourse—including against spouses—many were reluctant to bring legal action or were ignorant of their rights under the law. Traditional beliefs and practices also inhibit women from taking domestic disputes outside the family.

While the Constitution stipulates that women and men have equal political, economic, and social rights, and while many women have access to opportunities in education, business, and government, in practice women still encounter significant societal discrimination. Traditional beliefs concerning the division of labor between men and women leave women with much of the hard work in agriculture, with most child-rearing responsibilities, and with less access to education and to professions. According to a 1997 U.N. Development Program study, 75 percent of adults are literate.

Children.—A number of government and donor-funded programs were established to improve conditions for children, notably an ongoing malaria control project and purchase of school and medical equipment. There has been improvement in maternity and infant care, in nutrition, and in access to basic health services, especially in urban areas. Mistreatment of children was not widespread; however, there were few social protections for orphans and abandoned children.

Education is free to the age of 14 and universal; there are no differences between the treatment of girls and boys in regard to education. Education is compulsory through the sixth grade; however, education after the sixth grade or the age of 14, whichever comes first, is not free.

Child labor occurs (see Section 6.d.).

Persons with Disabilities.—The law does not mandate access to buildings, transportation, or services for persons with disabilities. There are no reports of discrimination against persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right to strike. Few unions exist in the very small modern wage sector; however, independent cooperatives have taken advantage of the government land distribution program to attract workers and in many cases to improve production and incomes significantly. Public sector employees still make up the great majority of wage earners. Strikes are legal, including those by government employees and other essential workers. During the year, the ILO Committee of Experts at its annual meeting stated that the Government's requirement of two-thirds of the workers to call a strike is high and could be an obstacle to the exercise of the right to strike; it would be appropriate for the decision to be taken by a simple majority of the workers present at the assembly. Unlike in the previous year, there were no strikes by civil servants. There are no laws or regulations that prohibit employers from retaliating against strikers; however, there were no reports of retaliation following strikes in previous years.

There are no restrictions against trade unions joining federations or affiliating with international bodies, but none have done so.

b. The Right to Organize and Bargain Collectively.—The Constitution provides that workers may organize and bargain collectively; however, due to its role as the principal employer in the wage sector, the Government remains the key interlocutor for labor on all matters, including wages. There were no laws prohibiting antiunion discrimination; however, there were no reports of antiunion discrimination.

There are no export processing zones.

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

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

d. Status of Child Labor Practices and Minimum Age for Employment.—Employers in the modern wage sector generally respect the legally mandated minimum employment age of 14 years or 18 years for dangerous jobs or those requiring heavy manual labor. The law prohibits minors from working more than 7 hours a day and 35 hours a week. Children were engaged in labor in subsistence agriculture, on plantations, and in informal commerce, sometimes from an early age. Although no cases of child labor abuses have been prosecuted, the law states that employers can be fined for employing underage workers.

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

The Government prohibits forced and bonded labor by children, and such practices are not known to occur. The Ministry of Labor is responsible for enforcing the prohibition against forced and bonded labor by children.

e. Acceptable Conditions of Work.—Working conditions on many of the cocoa plantations—the largest wage employment sector—are extremely hard. The legal minimum wage is \$14 (150,000 dobras) per month, with an additional stipend of \$2.25 (20,000 dobras) for civil servants. The average salary for plantation workers does not provide a decent standard of living for a worker and family, and the real value of their pay was eroded constantly by high rates of inflation. In principle workers and their families were provided free (but inadequate) housing, rudimentary education for their children, and health care, as well as the privilege of reduced prices and credit at the “company store.” These arrangements were intended to subsidize food and clothing. However, corruption was widespread, and international lending institutions have criticized the Government for ineffective administration of these subsidies. Workers often were forced to pay higher prices on the parallel market to obtain the goods theoretically provided at a discount as part of their compensation.

During the 1990’s, the Government, with foreign donor assistance, privatized or redistributed the land in many state-run plantations in an effort to improve work, pay, and living conditions. While the program has redistributed some land, not all of the newly privatized plantations were successful, particularly because the world price for cocoa dropped.

Beginning in 1999, salaries for some civil servants such as those working in the court system, Finance Ministry, Customs, Education Ministry, and Criminal Investigation Police were increased considerably when the Government adopted a private sector salary system. Government workers in these departments earn up to 400 percent more than their counterparts in the rest of the public sector.

The legal workweek is 40 hours, with 48 consecutive hours mandated for a rest period, a norm respected in the modern wage sector. The law prescribes basic occupational health and safety standards. Inspectors from the Ministry of Justice and Labor are responsible for enforcement of these standards, but their efforts are ineffective. Employees have the right under the law to leave unsafe working conditions.

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.

SENEGAL

Senegal is a moderately decentralized republic dominated by a strong presidency. In March 2000, opposition leader Abdoulaye Wade, backed by a coalition of opposition parties, became president in an election considered to be both free and fair and marred only by reports of sporadic pre-election violence and minor procedural irregularities. The post-election transition period was markedly free from violence and characterized by good conduct on the part of all candidates. In a January referendum, 94 percent of voters accepted the new Constitution, which abolished the Senate, a body that had no directly elected members. On April 29, President Wade’s Sopi (Change) coalition, comprised of the Senegalese Democratic Party (PDS) and its allies, earned 49.6 percent of the votes cast and gained a majority of 89 of 120 seats in the National Assembly elections, which were unmarked by violence and judged to be free and fair. The Government continued to implement decentralized regional and local administrations. Sporadic fighting continued in the Casamance area in the southern part of the country between the Government and the secessionist Movement of Democratic Forces in the Casamance (MFDC). In March the

Government and the MFDC signed two peace agreements designed to end the 20-year insurgency; however, these agreements have been ineffective and fighting continued in Casamance. Following a change in MFDC leadership in August, new talks were proposed but had not taken place by year's end. The Constitution provides for an independent judiciary; however, it is subject in practice to government influence and pressure.

The armed forces are professional and generally disciplined. They traditionally remain aloof from politics and are firmly under civilian control. The paramilitary gendarmerie and the police are less professional and less disciplined. Some members of the security forces, the gendarmerie, and the police continued to commit serious human rights abuses.

The country is predominantly agricultural with about 70 percent of the labor force engaged in farming; its population is approximately 10 million. Recorded gross domestic product (GDP) per capita is estimated at about \$500 (370,000 CFA francs), but this excludes a large informal economy. Since the devaluation of the CFA franc in 1994, the Government has implemented a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Recorded GDP per capita has grown at an average rate of approximately 5 percent per year since 1995. Exports account for about one-third of recorded GDP and are led by fish and fish products, phosphates and fertilizers, tourism, and peanuts. The Government continued to receive external assistance from international financial institutions and other sources, and such assistance represents approximately 32 percent of the national budget.

The Government generally respected the rights of its citizens in some areas; however, there were serious problems in other areas. Free and fair presidential elections in 2000, in which the opposition candidate won, ended the Socialist Party's 40-year domination of political life. In January the new Constitution abolished the Senate, which had no members directly elected by voters and one-fifth of the members were appointed by the President. Government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. Police tortured and beat suspects during questioning and arbitrarily arrested and detained persons. Prison conditions were poor. The Government infrequently tried or punished members of the military, gendarmerie, or police for human rights abuses. Human rights advocates and nongovernmental organizations (NGO's) reported a decrease in arbitrary arrests and disappearances in connection with the Casamance insurgency. Lengthy pretrial detention was a problem. The judiciary was subject to government influence and pressure and suffers from low salaries and insufficient resources. The Government limited freedom of speech and of the press. There were some instances in which the Government limited freedom of assembly. In April 2000, the Government announced the establishment of a Human Rights Office in the President's office to investigate complaints filed by individuals regarding human rights violations. In September the Government named a Human Rights Commissioner to head the office; however, the decree appointing her was not signed by year's end. Domestic violence and discrimination against women, female genital mutilation (FGM), and child labor remained problems. There were reports of trafficking in persons. Mob violence also was a problem.

Rebel MFDC forces reportedly were responsible for killings, torture, and rape.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by government officials; however, government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. The incidence of violence in the Casamance region increased during the year, particularly in June and July, and reportedly resulted in some deaths. The military zone commander for the Casamance region made an effort during the year to reduce the number of human rights abuses committed by security forces under his command (see Section 1.d.). During the year, the press continued to report on frequent small arms attacks, raids, ambushes, and clashes with military forces by suspected MFDC gunmen, with continuing military and civilian fatalities.

On January 31, police shot and killed one student while forcibly dispersing a demonstration at the University of Dakar; the Government appointed a commission to investigate, and a police officer subsequently was arrested (see Section 2.b.).

In three separate incidents in February and March, landmine explosions killed three soldiers in military vehicles in Casamance. In September two civilians died when their vehicle drove over a landmine 4 miles from Ziguinchor. On September 8, two persons were killed a landmine exploded in the Casamance area.

According to Amnesty International, in January 2000, near Nyassia military barracks, government security forces executed Momany Tendeng. Amnesty International also reported allegations that government forces executed Daniel Sambou and Denis Sambou in March 2000 and forced civilians to bury them. A government investigation reportedly was ongoing at year's end.

No investigation or other action was taken in the 1999 case in which security forces in the department of Bigona shot a young man mistaken for a rebel.

On February 16, suspected MFDC gunmen stopped four buses carrying civilians in Sediou district and stole their belongings. The gunmen then forced 14 bus passengers to lie down on the ground and shot and killed them. On March 2, rebels attacked a passenger bus close to the village of Belaye, near the border with the Gambia, robbed passengers, and killed seven of them.

On many occasions, vigilante groups and mobs lynched suspected thieves. This type of mob violence generally was unpunished in the past; however, on several occasions during the year, police arrested instigators of mob violence. In January two persons were convicted of killing a suspected criminal (see Section 1.d.).

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

According to Amnesty International, in March 2000, government security forces in Kabrousee arrested Jean Dacougna, a 40-year-old man with mental disabilities. The man remained unaccounted for, and there reportedly was no investigation into his disappearance by year's end.

In September 2000, a group of Casamance professionals helped family members of two missing persons, Alexis Etienne Diatta and Jean Diandy, file legal complaints against security forces for abduction. The families of both Diatta and Diandy reported the disappearances to civilian authorities, who were unsuccessful in finding either person. Government investigations into both disappearances reportedly were underway; however, no information on the progress of the investigations was available by year's end.

In 1999 there were several credible reports of disappearances in connection with the conflict in the Casamance. In its 1999 annual report, the African Assembly for the Defense of Human Rights (RADDHO) accused security forces of responsibility for the disappearance of seven civilians in June, and three suspected rebels in April of that year (see Section 1.d.). These persons remained unaccounted for at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There are credible reports that police and gendarmes often beat suspects during questioning and pretrial detention, in spite of constitutional prohibitions against such treatment, and the problem remained a serious public concern. Unlike in the previous year, there were no press reports of torture perpetrated by the police.

On January 31, police used tear gas to disperse forcibly a student demonstration at the University of Dakar; there were no reported injuries but one student was shot and killed (see Section 2.b.).

Despite stronger legal provisions against torture put in place in 1997, those cases that are pursued often take years before a final judgment is reached.

On February 7, in the village of Sare Dembo Dia, close to the border with Guinea-Bissau, a group of 23 suspected MFDC rebels captured and reportedly tortured local herdsman Abdoulaye Mballo to reveal information concerning the position of government security forces. The rebels allegedly struck Mballo repeatedly with their rifle butts before cutting off his left ear.

In 2000 a panel of judges in the Court of Criminal Appeals dropped charges of torture and complicity in crimes against humanity made against former Chadian president Hissene Habre, arguing that the court has no jurisdiction in the case. Attorneys representing the coalition of human rights organizations that initiated the lawsuit appealed the decision before the Court of Final Appeals. On March 20, the Court of Final Appeals upheld the lower court's ruling, which closed the case in Senegal.

Prison conditions were poor. Prisons remained overcrowded, and food and health care were inadequate; however, there have been no reports of deaths in prison as a result of these conditions. Juveniles are housed separately from adults. Pretrial detainees usually were held separately from convicted prisoners, as required by law; however, on occasion pretrial detainees were detained with convicted prisoners due to limited space.

The Government permits prison visits by independent human rights monitors. Local and international human rights groups such as RADDHO, the National Organization for Human Rights (ONDH), the International Committee of the Red Cross, and the International Prison Observatory occasionally visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the authorities at times arbitrarily arrested and detained persons.

The law specifies that warrants, issued by judges, are required for arrests; however, laws also grant the police broad powers to detain prisoners for lengthy periods. Police officers may hold without charge a person suspected of a crime for 48 hours after arrest and for up to 96 hours if ordered by a public prosecutor. This period may be doubled in the case of crimes against the security of the State. The prosecutor decides whether to forward the case to an investigating judge who may open an investigation. At this point, the suspects are charged preliminarily and may be held or released on their own recognizance. During the initial 48 hours of detention the accused has no access to family or an attorney, but has the right to demand a medical exam. The accused has the right to an attorney after this initial period of detention. There is a system of bail, but it rarely was used. The accused may be held in custody for 6 months, and the investigating magistrate can certify that an additional 6-month extension is required. Such extensions may be reviewed by a court on appeal. Judges have the right to order release pending trial without the prosecutor's consent.

Police rarely are prosecuted for violations of arrest and detention procedures, and the authorities may detain a prisoner for long periods of time while they investigate and build a case against a suspect. The authorities routinely hold prisoners in custody unless and until a court demands their release. Despite the 6-month limitation on detention, the time between the charging phase and trial averages 2 years. In a 1998 effort to improve the administration of justice, the Government recruited 48 law school graduates to be trained as magistrates over a 2-year period. In 1999 approximately 90 graduated judges were assigned to different courts nationwide, which allowed for the opening of judicial districts in all 30 administrative districts and access to the judicial system by citizens in the countryside. There were reports that the initiative resulted in faster trials, particularly outside the Dakar area; however, no statistics were available by year's end.

On August 18, the Government's Division of Criminal Investigation questioned for several hours Alioune Tine, the head of RADDHO; no formal charges were made against him (see Section 2.a.).

On January 22, the Dakar criminal court sentenced two members of a vigilante group to 5 years' hard labor. In 1997 the defendants broke into the house of a suspected criminal, and then abducted and beat him to death.

The military zone commander for the Casamance region made an effort during the year to reduce the number of human rights abuses committed by security forces under his command, and human rights NGO's confirmed that there were significantly fewer complaints of arbitrary arrests, lengthy detention, and abuse during detention; however, there were no statistics available at year's end.

Human rights NGO's in Casamance reported a decrease in the number of detentions of suspected MFDC rebels reported by local families; however, in January Amnesty International reported that 30 MFDC sympathizers remained in detention in Dakar and Kolda without trial. According to Amnesty International, the sympathizers were arrested in 2000 because of their Diola ethnic origin; they were charged with compromising state security, but no evidence was provided of their involvement in any acts of violence. Following the signing of a peace accord with the MFDC on March 16, on March 19, the Government released 16 of these prisoners; the remaining 14 prisoners remained in detention at year's end.

Following fighting in the Casamance in 1999, the military rounded up 15 persons with Diola names on suspicion of involvement with the MFDC. All but three of these prisoners were released within 4 days; however, those three remained unaccounted for at year's end.

In January 1999, the National Assembly passed legislation to eliminate the law that held "acts or maneuvers aimed at casting discredit on government institutions" as criminal offenses punishable by imprisonment of 3 to 5 years and a fine of up to \$2,500 (1.5 million CFA francs); the legislation later was implemented. Legal experts considered this provision to be a legal instrument that the Government could use to jail political dissenters. On a few occasions in the past, the Government had jailed opposition leaders under this provision, apparently on the basis of their political activities.

The Constitution prohibits forced exile, and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice it is subject to government influence and pressure. Magistrates are vulnerable to outside pressures due to low pay, poor working conditions, and family and political

ties. Also, the Minister of Justice and subordinate authorities have extensive authority to influence judicial procedures by keeping the accused in pretrial detention.

The legal system is based on French civil law and is composed of ordinary courts and a number of higher and special courts, including the Council of State, the Constitutional Council, and the Court of Final Appeal. These courts remain understaffed, and many of the special courts, including the one that deals with unlawful enrichment and other courts that try government officials for treason and malfeasance, are dormant. Muslims have the right to choose customary law or civil law for certain civil cases, such as those concerning inheritance and divorce. However, customary law decisions are rendered by civil court judges. There is a separate system of military courts for members of the armed forces and the gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if the civilians are involved with military personnel who violate military law.

In principle the accused is innocent until proven guilty. Trials are public, and defendants have the right to be present in court, to confront witnesses, to present evidence, and to have an attorney. However, some defendants are denied legal assistance at public expense due to a lack of funding. Evidentiary hearings may be closed to the public and the press, but the defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer the case to the prosecutor for trial. A panel of judges presides over ordinary courts for both civil and criminal cases; in criminal cases, citizens also serve on the panel.

The Minister of Justice has taken steps to eliminate the backlog of cases in the judiciary system. In 2000 the Government adopted legislation for the appointment of judges in charge of monitoring the implementation of court decisions and for the establishment of alternative justice mechanisms, including a “maison de la justice” to be staffed by voluntary jurists—usually retired judges or attorneys. However, by year’s end, local governments reportedly did not have the resources to implement the system mandated in the legislation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary invasion of the home, and there was little government interference in the private lives of citizens. The law requires search warrants, and only judges may issue them. In past years, during high profile or politically charged investigations, police often proceeded without the required search warrants; however, there were no reports of this during the year.

MFDC rebels sought to extort supplies and money from civilians. On several occasions during the year, MFDC rebels stopped passenger buses and robbed passengers (see Section 1.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, and the Government generally respects these rights in practice; however, at times it imposed some limits on these rights. Prior to 1999, the law prohibited the press from the expression of views that “discredited” the Government incited the population to disorder, or disseminated “false news;” however, in 1999 the law was eliminated (see Section 1.d.). A criminal case against three Sud Communication journalists for defamation, which was pending at end of 2000, was dropped early in the year. The Government reportedly filed such lawsuits to intimidate journalists.

On August 18, the Government’s Division of Criminal Investigation questioned Alioune Tine, the head of RADDHO, following his criticism of President Wade’s stance on the issue of reparations for slavery. Tine was questioned for several hours but no formal charges were made against him.

A broad spectrum of thought and opinion is available to the public through regularly published magazines and newspapers, including foreign publications. Political and economic views expressed in the independent press often are critical of the Government and its programs. While publishers are required to register prior to starting publication, the Government routinely approved such registrations.

In December 2000, the Government issued a general warning to the national press that the dissemination of communications from the MFDC would be considered attempts to derail the Casamance peace process and would be prosecuted under the Penal Code. On the same day, the publisher and managing editor of the newspaper *Le Populaire* were summoned and interrogated for 7 hours by the criminal investigation division after the newspaper published a review of the 19-year-old Casamance conflict; 3 days later, they were arrested and then released on the same

day after being charged with “disseminating false news and undermining public security.” In January the cases were dropped.

On January 22, the Division of Criminal Investigation interrogated a columnist and the publisher of the independent daily newspaper, *L’Info 7*, in connection with a lawsuit filed by the Prime Minister in December 2000. Following reports of differences between the President and Prime Minister on constitutional reform, *L’Info 7* published a draft of the constitution with handwritten comments, speculating that the comments were those of the Prime Minister. The Prime Minister’s office dropped the lawsuit in February.

On July 10, police summoned to their headquarters Alioune Fall, editor-in-chief of *Matin* newspaper, on charges of reporting false news. Following the escape of a well-known convict, Fall reported that there was discontent in the police force after the case was assigned to the gendarmerie. On August 17, he was charged formally with disseminating false news and released pending trial at year’s end.

In December Reporters Without Borders protested the mistreatment of two journalists who were covering a December 11 demonstration by former peacekeepers who served in the Democratic Republic of the Congo. Military authorities reportedly announced that they intended to prevent the media from covering the protest; however, the demonstrators dispersed voluntarily following negotiations with military authorities.

Radio, being relatively inexpensive, remained the most important medium of mass information and the main source of news for citizens outside urban areas. Six privately owned radio stations broadcast within the country; of these, citizens own five. There also are three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some of them often were critical of the Government; no harassment was reported.

A government monopoly controls local television, an important source of news. While there are no privately owned domestic television stations, French-owned pay television was available but offered no local news.

In September the Minister of the Interior (MOI) halted the screening of a *Karmen Gei*, a film version of the classic opera *Carmen*, following a day-long sit-in protest by members of the Mouride Islamic brotherhood, who criticized the film as blasphemous. Members of the brotherhood, some armed with clubs, gathered outside a cinema in Dakar and demanded the withdrawal of the film. Police and gendarmes were present at the cinema, and no acts of violence occurred. In response to the Mouride protest, the Minister of Culture promised to review the film and reconstitute the Censoring Commission; however, by year’s end, a decree to reconstitute the Censoring Commission had not been promulgated.

At year’s end, at least 10 Internet service providers operated in the country. The Government did not restrict access to the Internet. A personal account with unlimited access time cost approximately \$18 (10,000 CFA francs) per month. Several cybercafes in the capital city, Dakar, provided short-term access to the Internet that was used by many persons unable to afford personal accounts.

The Government generally respects academic freedom; however, student meetings on part of the campus of the University of Dakar are banned informally (see Section 2.b.), ostensibly to prevent militant student groups from disrupting classes and studies. On January 31, police forcibly dispersed students demonstrating about conditions at the University (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and while the Government generally respected this provision in practice, there were a few instances in which the Government limited this right. The Government required prior authorization for public demonstrations, which it usually granted. Meetings by students on the academic campus of the University of Dakar are prohibited by university authorities, but this prohibition did not extend to the dormitory areas of the campus.

On January 31, police forcibly dispersed a student demonstration at the University after students began protesting university conditions, such as the cost of meals and the number of government scholarships. The MOI reported that the police officers were unarmed and instructed to only use tear gas; however, reporters and students at the scene stated that they heard shots fired. One student was shot and killed. Following extensive media coverage, the Government appointed a commission, whose members included human rights activists, to investigate the incident. In October the commission completed its report, and a police officer was arrested; he remained in detention pending trial at year’s end.

While in past years, the Government frequently denied authorization or forcibly dispersed peaceful marches by the opposition, there were significantly fewer such incidents during the year. However, in October the Government denied authorization for two marches planned by members of Senegalese Islamic associations. The

marches were intended to protest U.S. military action in Afghanistan following the September 11 terrorist attacks.

The Constitution provides for the right of association, and the Government generally respects this provision in practice. Citizens who wish to form associations must register with the MOI. Business-related associations register with the Ministry of Commerce. By law and in practice, the MOI must register such groups as long as the objectives of the association are stated clearly and they do not violate the law.

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

Religious organizations can receive direct financial and material assistance from the Government. While there is no official system of government grants, the importance of religion in society often results in the Government providing grants to religious groups to maintain their places of worship or undertake special events. The Government also provides funds through the Ministry of Education to schools operated by religious institutions that meet national education standards. In practice Christian schools, which have a long and successful experience in education, received the largest share of this government funding.

Any group—religious or other—that wants to form an association with legal status must register with the MOI in accordance with the civil and commercial code. Registration, which generally is granted, enables an association to conduct business, including owning property, establishing a bank account, and receiving financial contributions from any private source. Registered religious groups, like all registered nonprofit organizations, also are exempt from many forms of taxation. The Minister must have a legal basis for refusing registration. There were no reports of any applications for such registration being delayed or denied during the year.

The Government monitored foreign missionary groups, and religious and nonreligious NGO's, to ensure that their activities coincide with their stated objectives. In the past, the Government expelled groups from the country when their activities were judged to be political in nature and a threat to public order; however, there were no reports that any foreign religious groups were asked to leave the country during the year.

d. Freedom of Movement Within the Country, Foreign Travel Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the country, although this was not enforced regularly in practice.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to the Casamance region or areas within it. The security forces also regularly maintained checkpoints in the Ziguinchor region to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles. Unlike in the previous year, citizens in the Kolda and Ziguinchor regions did not close the border with Guinea-Bissau for several days to protest the Government's failure to provide adequate security.

On January 17, immigration police at Dakar airport denied Samuel Sarr the right to enter the country. A dual national of Senegal and the Gambia, Sarr left the ruling Senegalese Democratic Party (PDS) to join an opposition party. On January 18, the authorities confiscated his passport and questioned him for 7 hours. On January 22, officials returned Sarr's passport and allowed him to enter the country.

Following several violent attacks perpetrated in 2000 by suspected MFDC separatists from neighboring Guinea Bissau, more than 2,600 civilians from the rural communities of Tankato Escale and Sare Yoba, including women, elderly people, and children, fled from their homes and sought refuge in the region of Kolda, where they received government resettlement assistance.

According to the U.N. High Commissioner for Refugees (UNHCR), between June 3 and 6, approximately 1,400 civilians fled the country to the Gambia following clashes between government security forces and MFDC rebels in the Seliya area of northern Casamance. The UNHCR reported that 70 percent of these refugees returned to their villages by June 8. In June and July, 748 Casamance refugees returned home from Guinea-Bissau as a part of a voluntary repatriation program supported Veritas, a Catholic NGO. The numbers of refugees outside the country fluctuates according to the level of violence in the Casamance region; at year's end, it was estimated that several thousand refugees remained outside the country, mostly in the Gambia and Guinea-Bissau.

The law provides for the granting of refugee or asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humani-

tarian organizations in providing assistance for refugees. Since 1989 the country has hosted Mauritanian refugees as a country of first asylum. While no formal repatriation agreement exists with the UNHCR, the two governments have cooperated to permit repatriation for several years. The UNHCR reported no significant protection problems for these refugees; however, it continued to provide protection services. Mauritanian refugees generally lived in dispersed locations along the length of the Senegal-Mauritania border and were allowed free movement within the country. However, most of these refugees were unable to obtain current refugee documents from the authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts issued in 1989. Due to the lack of a formal and supervised repatriation, and in the absence of an up-to-date registration program, the exact number of remaining Mauritanian refugees is difficult to establish. The UNHCR estimates that under 30,000 refugees remain in the country.

Several hundred Guinea-Bissauan refugees chose to remain in the country, living with relatives or on their own.

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

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

Citizens have the constitutional right to change their Government through periodic multiparty elections, and they exercised this right during the February and March 2000 presidential election that ended the Socialist Party's 40-year domination of political power. After 26 years in opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated incumbent President Abdou Diouf in what was considered to be a free and fair election, marred only by reports of sporadic pre-election violence and minor procedural irregularities. In the January national referendum, 94 percent of voters accepted the new Constitution, which abolished the Senate. Created by the previous Government in 1998, this second legislative chamber, in which no members were elected directly by the citizenry and one-fifth of the members were appointed by the President, reduced the ability of citizens to change their Government and increased the presidency's domination of the State.

In addition to eliminating the Senate, the new Constitution reduced the number of National Assembly seats from 140 to 120. There are 65 legally registered parties.

On April 29, President Wade's coalition earned 49.6 percent of the vote and 89 of 120 seats in the National Assembly elections. International and national observers characterized the elections as free and transparent. Voter participation in the election was 67.41 percent of registered voters. Unlike during the 2000 elections, there were no incidents of violence during the April legislative elections.

The 2000 electoral process was marked by minor irregularities such as the illegal issuance of birth certificates to Socialist party supporters in Keur Madiabel by a judge in the district court in Kaolack. Following a complaint filed by the National Observatory of Elections (ONEL), the documents were cancelled. ONEL also noted that national identity card applications were processed illegally in some instances. Access to personal identification cards was an important issue in the election, since they are necessary to vote. No such incidents were reported in the April legislative elections.

Elections are held by balloting that is described officially as secret but may permit voters to leave the polling place with evidence of how they voted. Nevertheless, despite apparent potential for abuse, this balloting system has not been the subject of complaints or reports of abuse in recent elections.

In 1997 the Government created the ONEL to supervise and oversee elections. The ONEL was established as a temporary, independent oversight body empowered to order bureaucrats to obey the law and to take legal action against individuals and parties who violated it. The MOI remains responsible for the actual organization and implementation of the elections, which is done through a directorate of elections. The ONEL significantly improved the level of transparency of the April National Assembly elections, the 1998 National Assembly elections, and the 2000 presidential election, despite persistent flaws in the electoral system. In 2000 the Prime Minister announced the Government's intention to transform the ONEL into a permanent independent electoral commission; however, this had not occurred by year's end.

The percentage of women in government and politics does not correspond to their percentage of the population. Although there are no legal impediments to their participation in government and politics, cultural and educational factors hamper them. In addition political parties often rank women low on party lists, making it difficult for them to be elected to the National Assembly or to be appointed ministers. In March 2000, for the first time in the country's history, the President appointed a

woman, Mame Madior Boye, as Prime Minister. However, only 5 of the 24 ministers in the President's Cabinet are women, and there are only 2 women in the 19-member Economic and Social Council, the Government's policymaking body. In 1999 a woman, Marieme Wane Ly, formed and headed a political party for the first time. Only 19 female deputies hold seats in the 120-member National Assembly.

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

A wide variety of human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and receptive to their views.

On August 18, the Government's Division of Criminal Investigation questioned for several hours Alioune Tine, the head of RADDHO (see Section 2.a.).

In 1997 the Government enacted a law to strengthen the National Committee on Human Rights. The Committee includes members from the Government and civic organizations, including private human rights groups. On its own initiative, it may investigate human rights abuses, including torture; however, it did not investigate any cases of abuse during the year.

In April 2000, the Government announced the establishment of a Human Rights Office in the President's office to investigate complaints filed by individuals regarding human rights violations. The office had not begun to function by year's end, although it reportedly received numerous letters detailing human rights violations. In September the Government named a Human Rights Commissioner to head the new office; however, the decree appointing her was not signed by year's end.

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

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on race, religion, sex, class, or language. However, discrimination against women is pervasive, and the Government frequently does not enforce antidiscrimination laws.

Women.—There are credible reports that domestic violence against women, usually wife beating, is common. According to a study funded by the Canadian Center for International Research and Development (CECI) focusing on the capital Dakar and on the city of Kaolack, 87 percent of 515 women interviewed had suffered from some form of domestic violence. The study also showed that domestic violence was more widespread in Dakar than in Kaolack. Police usually do not intervene in domestic disputes, and most persons are reluctant to go outside the family for redress. In contrast the law and society view rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim is a minor, her age is considered an aggravating circumstance. Rape trials often result in convictions. According to the criminal law, sexual harassment is a crime punishable by imprisonment of up to 3 years and a fine of \$650 (500,000 CFA francs). The legislation also increased the potential fine for domestic violence to \$650 (500,000 CFA francs) and the length of imprisonment for domestic violence to 5 years. Several women's groups have formed to address this problem.

On September 8, supporters of women's rights marched through Dakar to protest violence against women and the impunity with which these acts are carried out. Vivian Wade, the wife of the President, was among the demonstrators.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is not practiced by the country's largest ethnic group, the Wolofs (representing 43 percent of the population), but it is performed on girls belonging to some other ethnic groups. Infibulation, the most extreme and dangerous form of FGM, is practiced by members of the Toucouleur and Peulh ethnic groups, particularly those in rural areas. Recent studies estimated that between 5 and 20 percent of girls undergo FGM.

In 1999 the Government passed legislation banning FGM. The law made FGM a criminal offense, carrying a jail term ranging from 6 months to 5 years for persons directly practicing FGM or ordering it to be carried out on a third person. Most human rights organizations considered the law to be a decisive step towards greater protection of women. However, a few women's rights activists criticized the new legislation because they perceived it as being dictated by Western donors. A few Muslim religious leaders also criticized the law because they consider FGM to be a religious practice. While the Government sponsors programs to educate women regarding the dangers of FGM, other critics of the new law contended that these programs should have been more widespread prior to implementation of the ban.

In April 2000, inhabitants of 26 villages on the Sine Saloum Islands publicly announced their decision to ban the practice of FGM in their communities. The deci-

sion was the result of an educational campaign initiated by the Government with the assistance of a number of international and domestic NGO's. Since July 1997, approximately 400 villages nationwide have banned FGM among their inhabitants.

On October 31, in the village of Dabo (Kolda region), 8 persons were convicted and sentenced to 4-month prison terms for the excision of 18 girls between the ages of 2 and 5. On November 24, in Velingara (Kolda region), a mother of two and an FGM practitioner were arrested for the October excision of the mother's two daughters; trials for the two women were pending at year's end.

Despite constitutional protections, women faced extensive societal discrimination, especially in rural areas where Islamic and traditional customs, including polygyny, and Islamic rules of inheritance are strongest, and women generally were confined to traditional roles. By law women have the right to choose when and whom they marry; however, in some areas, traditional practice can restrict a woman's choice. The minimum age of consent to marry is 21 for males and 16 for females. Under certain conditions, a judge may grant a special dispensation to a person under age. The law was not enforced in some communities, where marriages occasionally were arranged. Under family law, women may or may not consent to polygynous unions when contracting a marriage; however, once in polygynous unions women do not have the right of notification or approval prior to a subsequent marriage. In the countryside, women performed much of the subsistence farming and child rearing and have limited educational opportunities. Although the Government has committed itself to equalizing male and female primary school enrollment, there still was much social discrimination against allowing women educational opportunities. Only 23 percent of women over 15 years of age are literate, while the rate for men over age 15 is 43 percent.

It is estimated that only 20 percent of women are engaged in paid employment. Moreover traditional practices make it difficult for women to obtain bank credit. Due to the fact that legally men are considered heads of household, women pay higher taxes than men for equal wages, and employers pay child allowances to men and not women. Women usually marry young (the majority by age 16 in rural areas) and average 5.7 live births (down from 7 in 1995). Approximately half of all women live in polygynous unions.

In urban areas, women encountered somewhat less discrimination and were active in government, political life, the legal profession, and business. Approximately 14 percent of lawyers were women. Urban women were more likely to take advantage of the Government's efforts to increase respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. In general urban women received equal pay for equal work.

Children.—The Ministry of Family and Infancy, formerly the Ministry of Family, Social Action, and National Solidarity, established in 1990, is responsible for promoting children's welfare. Numerous organizations assist the Ministry in support of children's rights, including the Ministry of Health, which maintained a nationwide effort focusing on child survival. The Government continued to increase the number of classrooms and encourage more children, particularly females, to enter and stay in school. The law requires that all children attend school until age 12, but this is not enforced due to a shortage of schools; 68 percent of boys and 55 percent of girls are enrolled in school. Organized street begging by children who are Koranic students results in a significant interruption of their education, and many children work in their family's fields (see Section 6.d.).

FGM is performed primarily on girls (see Section 5, Women).

In 1999 the Government passed a law mandating longer jail terms of up to 10 years for convicted pedophiles.

Persons with Disabilities.—There are no laws that mandate accessibility for persons with disabilities, and in practice most persons with disabilities generally were unable to participate in many occupations due to physical barriers and a lack of equipment and training opportunities.

In 2000 the Council of State (the country's highest administrative court) ruled on an antidiscrimination lawsuit filed in 1999 by the National Association of Disabled People (ANHMS) against the regional educational board in the eastern province of Tambacounda. The board had refused to hire a candidate with physical disabilities who had passed a recruitment test, on the grounds that persons with physical disabilities were not qualified for the job of teaching. The court overruled the board's decision on the grounds that a physical disability did not represent a valid legal ground for barring a person from teaching.

National/Racial/Ethnic Minorities.—The country is ethnically diverse. The largest ethnic groups are the Wolof (more than 40 percent of the country's population), the Pular (also called Peuhl or Fulani, nearly 25 percent), and the Serer (more than 15 percent). Other smaller groups include the Diola, Mandingo, and Soninke. Each

group has its own primary language, although French and Wolof are used widely as secondary languages. Wolof is the country's primary language. While general regions of origin can be identified for most ethnic groups, these regional separations no longer are distinct.

In most of the country, ethnic and regional tensions have not contributed significantly to human rights abuses, and opposition to the Government generally has taken the form of nonviolent political parties that have not had readily identifiable ethnic or regional bases. However, this has not been true in the Casamance region, the part of the country to the south of The Gambia. Casamance is substantially less arid, less Islamic, and less Wolof than the rest of the country. Resentment on the part of Casamance groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the secessionist MFDC rebellion in the Casamance region, which began in 1982 and has continued to give rise to many human rights abuses (see Sections 1.a. and 1.c.). Flaws in the country's first local and regional elections, held in 1996, have reduced the effectiveness of the Government's ongoing decentralization program.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide all workers with the right of association, and they are free to form or join unions; however, the Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally.

The International Labor Organization (ILO) continued to call on the Government to ensure that trade unions are not subject to dissolution by administrative authority and to amend the law, which accords power to the Minister to approve the formation of unions. Any group of workers in the same occupation, similar trades, or the same professions may form a union. The Government may disband a union if its activities deviate from its charter. The Labor Code does not apply to the informal and agricultural sectors where most persons work.

Although they represent a small percentage of the working population, unions wield significant political influence because of their ability to disrupt vital sectors of the economy. The small industrial component of the total work force of 4 million was almost totally unionized. The only union in the agrarian sector was one representing workers at a privately owned sugar company. Some farmers were organized into the National Farming Association, an advocacy organization.

The National Confederation of Senegalese Workers (CNTS), the largest union organization, had close ties to the Socialist Party. While ostensibly an independent organization, the umbrella CNTS consistently supported government policies during the Diouf administration.

The rival to the CNTS is the National Union of Autonomous Labor Unions of Senegal (UNSAS). The UNSAS is a federation of strategically important unions such as those formed by electrical workers, telecommunication workers, teachers, water technicians, and hospital, railroad, and sugar workers.

The Constitution and the Labor Code provide for the right to strike, but with restrictions. Unions representing members of the civil service must notify the Government of their intent to strike no less than 1 month in advance, and private sector unions must make a similar notification 3 days in advance. The Government or the employer can use the time to seek a settlement to the dispute through mediation, which usually is provided by the Ministry of Labor; however, the Government or employer cannot stop the strike. Under the Constitution approved in January, the right to strike may not imperil the companies involved; however, this provision was not tested by year's end.

There were no illegal strikes during the year.

The Labor Code permits unions to affiliate with international bodies. The CNTS is active in regional and international labor organizations and was the dominant Senegalese member of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively.—The law provides unions with the right to organize and to bargain collectively, and these rights were protected in practice. There also were legal prohibitions governing discrimination by employers against union members and organizers. Employers found guilty of antiunion discrimination are required to reinstate workers. There were no known instances in which workers were prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) can intervene in disputes between labor and management if requested, and it plays a mediation role in the private and state enterprise sectors.

Labor laws apply to all industrial firms including those in the Dakar industrial free trade zone.

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

The Constitution prohibits child labor of all kinds, including forced and bonded labor, and the Government enforced this ban in the formal sector (see Section 6.d.). There were no reports that forced and bonded labor by children took place in the informal or agricultural sectors.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans child labor of all kinds, and the Government enforced this ban in the formal sector, which was under the purview of the labor law. However, instead of attending school, many children worked in their family's fields.

In 1998 the country began a 3-year program of action to eliminate child labor, the International Program for the Elimination of Child Labor (IPEC). The program was scheduled for completion in December; however, it received additional funding, which allowed it to continue to operate for 2 more years. Under the law, the minimum age for employment is 16 years for apprenticeships and 18 years for all other types of work. Inspectors from the MOL closely monitor and enforce minimum age restrictions within the small formal wage sector, which includes state-owned corporations, large private enterprises, and cooperatives. However, children under the minimum age frequently work in the much larger traditional or informal sectors, such as family farms in rural areas or in small businesses, where the Government does not enforce minimum age and other workplace regulations.

The Constitution prohibits child labor of all kinds, including forced and bonded labor, and there was no evidence that forced and bonded child labor takes place in the informal or agricultural sectors (see Section 6.c.).

e. Acceptable Conditions of Work.—The law mandates a monthly minimum wage, and the Ministries of Labor and Finance determined wage rates after negotiating with the unions and management councils. The minimum wage of \$0.37 (223.7 CFA francs) per hour does not provide a decent standard of living for a worker and family.

Within the formal sector, the law mandates a standard workweek of 40 to 48 hours for most occupations, with at least one 24-hour rest period and 1 month per year of annual leave; enrollment in government systems for social security and retirement; safety standards; and a variety of other measures. These regulations are incorporated into the Labor Code and are supervised by inspectors from the MOL. However, enforcement is uneven, especially outside the formal sector.

There is no explicit legal protection for workers who file complaints about unsafe conditions. While there are legal regulations concerning workplace safety, government officials often do not enforce them. In theory workers have the right to remove themselves from unsafe working conditions, but in practice the right seldom was exercised because of high unemployment and a slow legal system.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were occasional reports that women were trafficked during the year.

On August 28, authorities stopped 100 young Senegalese women from boarding a charter flight to Libya. One Senegalese and two French nationals of Senegalese origin were arrested and charged with organizing an international prostitution ring. In September authorities questioned them amidst allegations that the young women were being sent to Libya to work as prostitutes. In October the Senegalese national was released on bail, and in November the two French nationals were released on bail; trials were pending for all three at year's end.

In 2000 police arrested a Nigerian citizen who had lured a Nigerian woman to Dakar and confined her in a house with three other Nigerian women. According to the police, the Nigerian man raped and beat the women. No further information was available on the case at year's end.

SEYCHELLES

President France Albert Rene and the Seychelles People's Progressive Front (SPPF) have governed the country since a 1977 military coup. In the early 1990's, the SPPF guided the country's return to a multiparty political system, which culminated in 1993 in the country's first free and fair presidential and parliamentary elections since 1977. In September President Rene and the SPPF again won reelection with 54 percent of the vote; Seychelles National Party (SNP) candidate Wavel Ramkalawan received 45 percent and independent candidate Dr. Philip Boule 1 percent. Although the opposition criticized the election for a number of irregularities, some international observers concluded that overall result was decided fairly; however, other international observers concluded that the election was not entirely

free and fair. In 1998 the SPPF retained a 30-seat majority in the 34-seat National Assembly. The President and the SPPF dominate the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. The judiciary is subject to executive interference.

The President has complete control over the security apparatus, which includes a national guard force, the army, the Presidential Protection Unit, the coast guard, the marines, and the police. There also is an armed paramilitary Police Mobile Unit. Security forces on occasion were responsible for some human rights abuses.

The economy provided the country's approximately 81,000 residents with an average per capita income of \$7,444 (SR 38,709). The Government provided generally adequate social services. The Government in recent years has diversified the economy by increasing the revenues received from fishing rights and investing in the fish-processing sector with foreign joint partners in order to move the economy away from its heavy reliance on tourism. Manufacturing has surpassed tourism as the most important economic activity; however, no significant new investments were made during the year. Overall growth remained sluggish, largely due to shortages of foreign exchange and the pervasive presence of inefficient state enterprises. There was no progress toward privatization during the year. The country's application to join the World Trade Organization obliged it to consider reforming its trade and foreign exchange regimes; however, it made few substantive changes by year's end.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. President Rene and the SPPF continued to wield power virtually unchecked. Police used tear gas to disperse forcibly one gathering during the year. Security forces arbitrarily arrested and detained citizens; however, such actions were limited to detention during the weekend in order to avoid compliance with the Constitution's 24-hour "charge or release" provision. The Government is unlikely to investigate or punish those involved in violations of citizens' human rights during a law enforcement crackdown in 1998. The judiciary is inefficient, lacks resources, and is subject to executive influence. There were some restrictions on freedom of the press. Violence against women continued and child abuse remained a problem. Discrimination against foreign workers also was a problem.

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 by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly forbids torture; however, while there were no reported instances of the use of torture by the security forces, there was a report that police beat a man while he was in police custody in March 2000 on the island of La Digue. The family of the detainee sued the Commissioner of Police and the three police officers on duty at the time for \$4,386 (SR 25,000) in damages. Both a criminal and a civil suit have been filed; the first hearing in the case is scheduled for 2002.

In May on the island of Praslin, several plainclothes police officers used tear gas to disperse forcibly a group of soccer players and their fans who had gathered on the field to celebrate their victory; there were no reports of any injuries (see Sections 1.d. and 2.b.).

The Government is unlikely to investigate or punish those members of the security forces who allegedly tortured suspects in custody in 1998. Some cases that were brought against the Government and the army are unlikely to be resolved.

Conditions at the Long Island prison, the only such facility in the country, remained Spartan. With approximately 166 inmates, the prison was considered overcrowded; however, no prisoners were released during the year to alleviate overcrowding. Prisoners have access to medical care. Family members were allowed monthly visits, and prisoners have access to reading but not writing materials. Men are held separately from women, and juveniles are held separately from adults. There were no reports of abuse of women or juveniles by guards or other inmates.

There is no regular system of independent monitoring of prisons; however, local and international nongovernmental organizations (NGO's) were allowed to visit. At least one visit was conducted during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that persons arrested must be brought before a magistrate within 24 hours with allowances made for boat travel from distant islands. The law provides for detention without charge for up to 7 days if authorized by court order. Defense attorneys have asserted that extended periods of detention under harsh conditions were used to extort confes-

sions from suspects, but there were no such incidents reported in during the year. Police occasionally detained individuals on a Friday or Saturday in order to allow for a longer period of detention without charge, thereby avoiding compliance with the Constitution's 24-hour "charge or release" provision. The police released such persons on a Monday before the court could rule on a writ of habeas corpus.

In May on the island of Praslin, several plainclothes police officers used tear gas to disperse forcibly a group of soccer players and their fans that had gathered on the field to celebrate their victory. Soldiers arrested and detained for 1 day approximately 20 players and fans at local police stations. Although the players and fans faced possible charges of disturbing the peace, no charges were filed as a result of the incident. However, some members of the football team were suspended for life and others were suspended for varying amounts of time. This particular football club is known to have links with the opposition party (see Sections 1.c. and 2.b.).

Detainees have the right of access to legal counsel, but security forces, in hopes of eliciting a confession or other information, sometimes withhold this right. Free counsel was provided to the indigent. Bail was available for most offenses.

Several persons have brought civil cases against the police for unlawful arrest or entry, with limited success. There were reports during the year that members of the police drug squad entered homes and detained persons without a warrant (see Section 1.f.).

The law prohibits forced exile, and the Government does not employ it. Following the 1977 coup, a number of persons went into voluntary exile, and others were released from prison with the condition that they leave the country immediately. A number of these former exiles that returned to the country were able to reacquire their property; however, several claims remained in the court system at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it is inefficient, lacks resources, and is subject to executive interference.

The judicial system includes magistrates' courts, the Supreme Court, the Constitutional Court, and the Court of Appeal. The Constitutional Court convenes weekly or as necessary to consider constitutional issues only. The Court of Appeal convenes three times per year for 2 weeks in April, August, and October to consider appeals from the Supreme Court and Constitutional Court only.

All judges are appointed for 7 years and can be reappointed by the President on the recommendation of the Constitutional Appointment Committee. All sitting judges were hired from other Commonwealth countries, including Mauritius, India, Sri Lanka, Nigeria, and Zambia; none are citizens, with the exception of the Chief Justice, who is a naturalized citizen. The Seychelles Bar Association has criticized the Government for not advertising domestically that judicial positions are available, since 30 citizens practice law either domestically or abroad. Some observers criticized expatriate judges for a perceived lack of sensitivity on issues such as human rights. Legal entities of the Government, such as the Attorney General's Office and the Ombudsman, are reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

Defendants generally have the right to a fair trial. Depending on the gravity of the offense, criminal cases are heard by magistrates' court or the Supreme Court. A jury is used in cases involving murder or treason. Trials are public, and the accused is considered innocent until proven guilty. Defendants have the right to counsel, to be present at their trial, to confront witnesses, and to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy and freedom from arbitrary searches. The law requires a warrant for police searches and seizures; however, there were reports that members of the police drug squad entered homes and detained persons without a warrant. The law requires that all electronic surveillance be justified on the grounds of preventing a serious crime and approved by a judge. The Government maintained telephone surveillance of some political figures.

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and are at a disadvantage when applying for government licenses and loans.

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, it also provides for restrictions on speech "for protecting the reputation, rights, and freedoms of private lives of persons" and "in the interest of defense, public safety, public order, public morality, or public health," and as a result both freedom of speech and of the press are constrained by the ease with which civil lawsuits can be filed to penalize journalists for alleged libel. In February

2000, the National Assembly passed the Broadcasting and Telecommunication Bill, which allows the Minister of Information Technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable;” however, the bill was not used against journalists or the media during the year. The legislation also requires telecommunications companies to submit subscriber information to the Government. In most instances, citizens speak freely, including in Parliament.

In May government officials seized a shipment of copies of a local singer’s album on the grounds that the singer had not obtained an import permit for the shipment. The singer claimed the album copies were seized because they contained songs that were critical of the Government and that called for political change. In June the government-controlled Seychelles Broadcasting Corporation (SBC) banned the musician’s songs from being broadcast on the grounds that they were seditious.

The Government has a near monopoly of the media, owning the only television and radio stations, the most important means for reaching the public, and the only daily newspaper, the Nation. The official media adhered closely to the Government’s position on policy issues and gave the opposition and news adverse to the Government only limited attention. While both opposition parties publish an assortment of newsletters and magazines, only one significant opposition newspaper, the weekly Regar, is in circulation. Government officials have sued Regar for libel 10 times in the last 6 years. In January President Rene sued Regar and the SNP for libel, demanding \$1.5 million (SR 9 million) in damages. In the lawsuits, Rene claimed Regar and the SNP libeled him when they suggested that he had stolen money from the Government’s Children’s Fund and when Regar criticized him for using expensive imported marble in the construction of a private residence. The Supreme Court agreed to expedite the cases and scheduled them to be heard in March. Following diplomatic and public protest over the lawsuits, the Government requested that the cases be postponed until January 2002.

In July the Constitutional Court ruled that Regar did not have to turn over to the Government a copy of a letter published by the paper. In 2000 the Government had sued Regar’s editor and publisher for contempt for failing to turn over a letter. Regar officials argued that providing officials with the letter would violate their right to keep sources confidential. The Supreme Court dismissed the charge; however, the Attorney General’s office sought a court order to obtain a copy of the letter. A judge ruled later that the matter would be heard in the Constitutional Court.

In March government-controlled media refused to broadcast a speech made in Parliament by the leader of the opposition that was critical of President Rene’s State of the Nation address.

The license fees for a private radio or television station were \$151,200 (SR 800,000) per year, while newspaper publishing licenses are \$760 (SR 4,000) plus a bank guarantee of \$19,000 (SR 100,000). The high fees were a deterrent to the establishment of private radio and television stations.

In May the Constitutional Court dismissed the opposition party suit filed with the Court in 1999. The opposition claimed that the appointment of 8 civil servants and the President’s wife to the 10-member board of the Seychelles Broadcasting Corporation (SBC) violated the constitutional requirement that state-owned media be managed by a body independent of the Government; however, the Court ruled that the opposition could not prove that the members of the SBC board had displayed bias.

The Internet was available in the country, and the Government permitted access to it without restriction.

Academic freedom is limited due to the fact that one cannot reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teacher appointments largely are apolitical. The Government controls access to the Polytechnic, the most advanced learning institution.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respects these rights in practice. In May on the island of Praslin, several plainclothes police officers used tear gas to disperse forcibly a group of soccer players and their fans, primarily youths, that had gathered on the field to celebrate their victory; approximately 20 persons were arrested (see Sections 1.c. and 1.d.). Following the incident, a group of persons protested the treatment of the players and their fans at the local police station, and members of the army were sent to patrol the island.

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

In the past, the Government did not demonstrate favoritism toward one religion over another; however, in early 2000, the SNP, which is led by an Anglican min-

ister, claimed that the Government gave a grant of \$164,000 (SR 900,000) to the Baha'i Faith in 1999, following its incorporation. According to the SNP, this grant has not been offered to other faiths that have been established recently in the country. According to the Government, \$192,000 (SR 1 million) of the national budget is allocated to provide assistance to faiths that request it. The grant to the Baha'i Faith was for the purpose of building a temple, and in the past, the Anglican, Hindu and Roman Catholic faiths have benefited from government grants.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, although it was not used to refuse a passport application, the law allows the Government to deny passports to any citizen if the Minister of Defense finds that such denial is “in the national interest.” While the resident departure tax of \$95 (SR 500) is payable in local currency, government foreign exchange regulations and the foreign exchange shortage hinder many citizens from being able to afford foreign travel, although they might have sufficient means in local currency. According to the law, citizens cannot possess any foreign exchange unless in possession of a receipt from a licensed foreign exchange vendor. In addition banks provided only \$95 (SR 500) to a maximum \$200 (SR 1,146) to those departing the country because of the extreme foreign exchange shortage.

The law contains provisions for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. As there have been no recent refugee cases, there were no reports of government cooperation with the office of the U.N. High Commissioner for Refugees; however, there are no indications that the Government would not cooperate if such cases arose.

There were no known requests for asylum, and there are no refugees in the country. The issue of first asylum did not arise during the year. The Immigration Act does not mention asylum. 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 exercised the right to change their government in the September presidential elections and in 1993 and 1998 National Assembly elections, despite the fact that President Rene and the SPPF dominated the elections. Suffrage is universal.

In the September presidential election, approximately 90 percent of eligible voters participated. President Rene was reelected with 54 percent of the vote; SNP candidate Wavel Ramkalawan received 45 percent, and independent candidate Dr. Philip Boulle received 1 percent. Only the chief opposition party, the SNP, chose to contest the election; the Democratic Party did not field a candidate. Many Democratic Party supporters apparently voted for Ramkalawan. Ramkalawan challenged the election results; he accused the SPPF of intimidation, vote buying, and not respecting the election rules. His court challenge remained pending at year's end. Observers from the Southern African Development Community (SADC), the Commonwealth Organization, and the Francophone Organization supervised the polling. SADC observers noted “minor hitches,” but stated their satisfaction with the election and in particular observed “transparency” during vote casting and counting. However, on October 5, the Commonwealth Organization observers released their report, which concluded that the elections were peaceful but not entirely free and fair. The report described instances of intimidation during voting and the lack of open competition during the campaign.

Prior to the elections, the SNP protested to the Electoral Commissioner that a parastatal company, whose chairman is President Rene, was requiring employees to attend a government-sponsored political rally. The opposition party reported that employees who did not attend the rally risked losing their year-end bonuses (see Section 6.a.).

In the March 1998 parliamentary elections, the SNP—then known as the United Opposition—won one directly elected seat and two proportionally elected seats, thereby becoming the leading opposition party. Former Prime Minister James Mancham's Democratic Party won only one proportional seat, and Mancham lost the role of leader of the opposition to Ramkalawan. Ramkalawan has played effectively the role of chief government critic as leader of the opposition.

The President's SPPF party continued to utilize its political resources and those of the Government to develop a nationwide organization that extends to the village level. The opposition parties have been unable to match the SPPF's organization and patronage, in part because of financial limitations. In the 2000 budget, the SPPF was allocated \$54,202 (SR 308,952), the SNP \$22,889 (SR 130,470), and the Democratic Party \$10,628 (SR 60,578).

In 2000 the National Assembly amended the Constitution to allow the President to call presidential elections separately from National Assembly elections at any time after the first year of his 5-year term in office, which allowed President Rene to call presidential elections in September.

The percentage of women in government or politics does not correspond to their percentage of the population. Women hold 3 of the 12 ministerial positions in the new cabinet announced in September. They continue to hold 8 of the 34 seats in the National Assembly, 6 by direct election and 2 by proportional representation.

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

A number of domestic human rights groups, including churches, generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

Two private human rights related organizations operated in the country. The Friends for a Democratic Society pledged to focus on raising awareness of individual rights in a democracy, but has thus far proved to be an inactive organization. In 1999 the Center for Rights and Development (CEFRAD) published a 5-year action plan that stressed respect for human rights, participation in a civil society, and sensible approaches to development. CEFRAD also established ties with other national and international NGO's. In July Simeon Ake, an Organization of African Unity's (OAU) representative from the Cote d'Ivoire, led a two-person delegation to the country from the Commission on Human and People's Rights; however, there was no report released publicly by year's end.

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

The Constitution affirms the right to be free from all types of discrimination, but it does not prohibit discrimination based on these factors specifically. Nevertheless, in practice there is no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnicity, nationality, disabilities, or religious affiliation.

Women.—Domestic violence against women, particularly wife beating, remains a problem and increased during the year. Police seldom intervene in domestic disputes, unless the dispute involves a weapon or major assault. The few cases that reach a prosecutor often were dismissed, or, if a case reached court, the perpetrator usually was given only a light sentence. Rape, spousal rape, and domestic abuse are criminal offenses. Between January and October, the Probation Services recorded 91 domestic violence cases against women. A survey of six church parishes conducted in 1999 by the Association for the Promotion of Solid Humane Families, an NGO, revealed that 25 percent of those surveyed stated that they had been victims of domestic violence, confirming the general belief that the problem is more widespread than official statistics indicate. Participants in the NGO survey stated that alcohol was one of the main causes of domestic violence. There was growing societal concern about domestic violence and increased recognition of the need to address it. During the year, local NGO's sponsored awareness campaigns and training programs for women and girls.

The society is largely matriarchal, with 75 percent of births out-of-wedlock in 2000. There were no reports of societal discrimination against unwed mothers, and fathers are required by law to support their children. The age of consent was lowered from 16 to 14 in 1993, and 13 percent of all births in 2000 occurred to women under 20 years of age. Girls are not allowed to attend school when they are pregnant, and many do not return to school after the birth of a child. There is no officially sanctioned discrimination in employment, and women are well represented in business. Inheritance laws do not discriminate against women.

Children.—The law protects children from physical abuse. The Division of Social Affairs in the Ministry of Social Affairs and Manpower Development works to protect children's rights. Children are required to attend school through the 10th grade and until the age of 16 or 17, depending on what age they are when they finish the 10th grade. Free public education is available through the secondary level until age 18. Parents contribute up to two-thirds of the cost of post-secondary education and training based on their income for both in country and overseas schools. According to government figures, all children between the ages of 6 and 16 attend school, and the enrollment of boys and girls is roughly equal. The National Youth Service was disbanded in January 1999 and replaced with a noncompulsory fifth year of secondary school. After completing secondary school, students can go to the Polytechnic School for Vocational Training, abroad for university studies, or to apprenticeship

or short-term work programs. Children in the latter programs received a training stipend, which was less than the minimum wage.

An 18-member Family Tribunal heard and decided all matters relating to the care, custody, access, and maintenance of children, except paternity cases, which remain under the courts. In the previous year, approximately 2,850 cases were presented to the Tribunal. Approximately 14 percent of all cases presented to the Family Tribunal were resolved during the first hearing. The Family Tribunal also was responsible for collecting and disbursing child support payments made by family members. In June it was reported that as much as \$173,077 (SR 900,000) was missing from the child support funds. The Ministry of Social Affairs opened an investigation into the matter.

Sexual abuse of children, usually in low-income families, was a problem, although only 36 cases of sexual abuse of girls and 6 involving boys were reported by year's end. Ministry of Health data and press reports indicate that there are a significant number of rapes committed against girls under the age of 15. Very few child abuse cases actually were prosecuted in court. The strongest public advocate for young victims is a semiautonomous agency, the National Council for Children. There was criticism that the police failed to investigate vigorously charges of child abuse.

Persons with Disabilities.—There was no discrimination against persons with disabilities in housing, jobs, or education; however, there is no legislation providing for access to public buildings, transportation, or state services.

National/Racial/Ethnic Minorities.—The education gap between Creoles and citizens of white or Asian origin continued to narrow. The Government is attempting to reduce this gap through universal access to public education. Creoles are well integrated into society, business, and politics.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their choosing; however, police, military, prison, and fire-fighting personnel may not unionize. Between 15 and 20 percent of the workforce is unionized.

There are two trade union organizations: One dominated by the SPPF, the Seychelles Federation of Workers Union (SFWU), and one independent federation, the Seychelles Workers Union (SWU).

Strikes are illegal; however, a strike may be allowed if written permission or approval from the Commissioner of Police is obtained. The last recorded strike occurred in the early 1960's.

Unions may affiliate freely with international bodies; the SFWU is a member of the International Confederation of Free Trade Unions.

In August the opposition party protested to the Electoral Commissioner that a parastatal company was requiring employees to attend a government-sponsored political rally for the presidential elections. The opposition party reported that employees who did not attend the rally risked losing their year-end bonuses (see Section 3).

b. The Right to Organize and Bargain Collectively.—The law provides workers with the right to engage in collective bargaining; however, in practice free collective bargaining did not take place. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There was little flexibility in setting wages. In the public sector, which employs 57 percent of the labor force, the Government sets mandatory wage scales for employees. Wages in the private sector generally are set by the employer in individual agreements with the employee, but in the few larger businesses, wage scales are subject to the Government's right of review and approval. Private employers historically have paid higher wages than the Government in order to attract qualified workers. However, economic problems during the year led to continued downward pressures on wages.

The law authorizes the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits. Workers frequently have obtained recourse against their employers through the Ministry.

The law prohibits antiunion discrimination by employers against union members.

There are 24 companies that participate in an export processing zone known as the Seychelles International Trade Zone (SITZ). The SITZ is bound only by the Seychelles Trade Zone Act and is not obliged to adhere to labor, property, tax, business, or immigration laws. In 1999 one of the companies based in the SITZ, Indian Ocean Tuna (IOT), discharged workers who had come from Madagascar. IOT claimed that the workers were engaging in prostitution, and they were returned to Madagascar. The workers alleged that they were being mistreated and were not receiving their salaries.

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

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

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution states that the minimum age for employment is 15, “subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education.” It is a criminal offense punishable by a fine of \$1,130 (SR 6,000) to employ a child under the age of 15. The Ministry of Employment and Social Services is responsible for enforcing child labor laws and investigating abuses of child labor. The Ministry handled such complaints within its general budget and staffing; no cases that required investigation were reported by year’s end.

The Government prohibits forced and bonded labor by children, and such practices are not known to occur.

e. Acceptable Conditions of Work.—The complicated minimum wage scale is regulated administratively by the Government; it covers the public and state-owned sectors and differentiates among various job classifications. The Ministry of Employment and Social Affairs enforces minimum wage regulations. The official minimum wage is \$427 (SR 2,225) per month. Trade unions contend that government entities pay some workers less than the legal minimum wage. Even with the free public services that are available, primarily health care and education, independent labor unions dispute that a single salary at the low end of the pay scale provides a decent standard of living for a worker and family.

The legal maximum workweek varied from 45 to 52 hours, depending on the economic sector, while government employees worked fewer hours. Each full-time worker is entitled to a 30-minute break per day and a minimum of 21 days of paid annual leave. Workers are permitted to work overtime up to 60 additional hours per month. The Government generally enforced these regulations. Foreign workers do not enjoy the same legal protections.

In recent years, there has been a growing trend to admit foreign workers, primarily from China, India, the Philippines, and Madagascar, to work in the construction and commercial fishing sectors, because few citizens choose to work in these sectors. Although it is difficult to determine the living and working conditions of these workers, there was evidence that the labor laws were flouted routinely with the Government’s knowledge and acquiescence. These workers were paid lower wages and forced to work longer hours than citizens.

In January several Kenyan teachers who had been recruited to teach in the country returned to Kenya complaining of poor working conditions and their inability to obtain foreign exchange to repatriate their earnings. In July 25 Filipinos who worked at a prawn farm owned by a parastatal company published a notice in the opposition newspaper protesting their working conditions. They stated that they were being forced to work 260 hours per month with only 4 days off, that they only received \$423 (SR 2,200) per month in wages (including overtime), and that they did not receive the complete housing and foreign exchange benefits they were promised. The workers claimed that meetings with the farm’s managers did not resolve the issues and that the Ministry of Employment refused to acknowledge their grievances. In August 16 of the workers were fired as a result of their protests and were told to leave the country immediately.

The Ministry of Employment and Social Affairs has formal responsibility for enforcing the Government’s comprehensive occupational health and safety regulations; however, the Ministry of Health also seeks a role in this area. An ILO team, which visited in 1995, found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts. Occupational injuries are most common in the construction, marine, and port industries. A worker who removes himself from a potentially dangerous situation on the job is considered to have resigned. Safety and health inspectors rarely visit job sites. Unlike in the previous year, there were no work-related deaths during the year. Workers do not have the right to remove themselves from dangerous or unhealthy work situations without risking their continued employment.

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.

SIERRA LEONE

Sierra Leone is a constitutional republic with a directly elected president and a unicameral legislature; President Tejan Kabbah was elected in 1996. Due to continuing civil conflict, the democratically elected Government did not control the

whole country effectively at any time during the year; however, the Government's control of the country increased significantly because of the cessation of fighting and the ongoing disarmament of rebel groups. Revolutionary United Front (RUF) insurgents have fought successive governments since 1991. The President's party, the Sierra Leone People's Party, has held a plurality in the Parliament since the 1996 elections. In May 1997, a group of army officers, which called itself the Armed Forces Revolutionary Council (AFRC), overthrew the elected government in a coup, driving it into exile in Guinea. The AFRC then invited the RUF to join the junta. In February 1998, the RUF/AFRC junta then was driven out of Freetown by forces of the Economic Organization of West African States (ECOWAS) Monitoring Group (ECOMOG), composed mainly of units from the armed forces of Nigeria. The Government was restored to power in March 1998, but fighting between government and rebel forces continued. Government-insurgent fighting, albeit on a significantly reduced scale, continued after the July 1999 Lome Accord, which included the RUF in a power-sharing arrangement in the Government. Following the signing of the Lome Accord, many RUF leaders and fighters moved into Freetown.

In 1999 the U.N. Security Council approved a peacekeeping operation, the U.N. Mission in Sierra Leone (UNAMSIL), and has approved strength increases several times since its establishment. ECOMOG completely withdrew its forces from the country in April 2000. In 2000 there were several armed clashes between government forces and rebel forces, including the RUF. In 2000 tensions rose between the Government and the RUF, and in a series of separate incidents in a 10-day period between late April and early May, more than 700 U.N. peacekeepers were taken hostage by RUF rebels; however, no U.N. peacekeepers were taken hostage during the year. RUF leader Foday Sankoh, arrested in 2000 after demonstrators were killed outside of his residence, remained in government custody at year's end. In 2000 the disarmament, demobilization, and reintegration (DDR) program called for in the Lome Accord, which includes provisions to protect the human rights of ex-combatants, came to a de facto halt, and many combatants rearmed. In November 2000, the Government and the RUF signed the Abuja Agreement, which included provisions for a cease-fire, disarmament, and deployment of UNAMSIL peacekeepers in parts of the country under RUF control. In May a subsequent agreement reached in Abuja with ECOWAS mediation allowed for the resumption of the DDR program called for in the Lome Accord. Both agreements have been respected. Since the resumption of the DDR process in May, more than 40,000 former combatants had disarmed by year's end. Officially the entire country was under government or U.N. control at year's end; however, rebels and other ex-combatants exerted de facto control in some areas due to the absence of police and other government services. The officially independent judiciary functioned only in part of the country but demonstrated substantial independence in practice.

Among the Government's security forces, the police officially had primary responsibility for internal order; however, due to the continuing insurgency, the Sierra Leone Army (SLA), the Civil Defense Forces (CDF), and UNAMSIL shared de facto responsibility with the police in security matters. The CDF were traditional hunting societies loyal to paramount chiefs—traditional leaders with administrative and judicial powers—which assembled into independent militias under a national structure. The AFRC, which staged the 1997 military coup, no longer exists. In 2000 SLA units were reorganized and began undergoing a training program with the assistance of foreign governments; the program was ongoing at year's end. Government forces committed serious human rights abuses. Rebel forces also committed serious human rights abuses; however, the incidences of abuses were significantly less than during the previous year.

Sierra Leone is an extremely poor country with a market-based economy; per capita earnings for the population of approximately 4.5 million are less than \$150 (300,000 Leones) per year. Per capita earnings have declined approximately two-thirds since 1970. Only an estimated 20 percent of adults are literate. Although the country is rich in natural resources and minerals (particularly diamonds, gold, rutile, and bauxite) and has large areas of fertile land suitable for farming, the 10-year insurgency has brought mineral extraction and agricultural production almost to a standstill, except for illicit diamond mining. There is little manufacturing, and there are few exports; approximately 70 percent of the Government's budget comes from foreign assistance. Years of fighting, corruption, and mismanagement have resulted in a crumbling infrastructure.

The Government's human rights record was poor in several areas; while there continued to be significant improvements in some areas, serious problems remained. There were reports that CDF forces, operating in support of the Government, committed extrajudicial killings reportedly summarily executing suspected rebels and their collaborators and carried out indiscriminate attacks on villages believed to

house RUF members and supporters, resulting in several civilian deaths. There were credible reports that CDF forces operating on behalf of the Government beat and otherwise abused persons and the Government has not acted to curb these abuses or punish those responsible. Reports of abuses by the CDF, which had increased significantly in 2000, declined during the year. Prison and police lockup facilities conditions generally are harsh; at best they are Spartan, and at worst life threatening. There were numerous deaths in custody. The country remained under a State of Emergency imposed in 1998. Under the Constitution, many civil liberties are suspended under the state of emergency. Government forces on occasion continued to arrest and detain persons arbitrarily. Some prisoners were held incommunicado. Prolonged pretrial detention and long delays in trials, due to the State of Emergency and the inability of the judicial system to function in some parts of the country and during some parts of the year, remained problems. Freedom of the press improved during the year, and security forces did not arrest, beat, or use libel laws against journalists; however, government security forces on a few occasions harassed some journalists. At times the Government limited freedom of assembly in practice. Violence, discrimination against women, and prostitution remained problems. Abuse of children is a problem; however, numerous children who fought with the CDF and RUF were released during the year. CDF units continued to induct child soldiers; however, there were fewer cases than in previous years. Female genital mutilation (FGM) remained widespread. Residents of non-African descent face institutionalized political restrictions. Forced labor continued to be a problem in rural areas. Child labor persists.

During the year, there were fewer reports of serious abuses by RUF rebels, who in the past had committed numerous violent acts, including killings, abductions, deliberate mutilations, and rape. Prior to the resumption of the DDR process in May, rebel forces raided refugee sites and extorted and stole food. The RUF forces continued the longstanding practice of using previously abducted villagers (including women and children) as forced laborers, child soldiers, and sex slaves. While more than 2,600 abducted children were released by the RUF, most of those let go were male. International aid groups believe that girls who were abducted by the RUF may remain as sex slaves. Rebel atrocities caused the internal displacement of hundreds of thousands of civilians over the past several years; however, such displacement was reduced significantly during the year. At year's end, approximately 200,000 persons remained outside the country on their own or in refugee camps, primarily in Guinea and Liberia.

In the first part of the year, Guinean forces crossed into the country in pursuit of RUF forces who had entered Guinea and carried out attacks there; some civilians were killed or injured during these actions. The RUF's cross-border actions forced the return of some Sierra Leonean refugees from Guinea to Sierra

Leone, where they became internally displaced because it was still not safe for them to return to their original homes.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Unlike in the previous year, there were no reports that SLA forces committed extrajudicial killings; however, there were reports that forces operating in support of the Government committed extrajudicial killings. There were reports in the first half of the year that CDF forces summarily executed suspected rebels and rebel collaborators; however, because of the insecurity in parts of the country, it was difficult to gather detailed information on abuses or to corroborate reports. The number of reports of such killings decreased during the year and was significantly lower than in previous years. Eyewitnesses to CDF attacks on villages suspected of harboring RUF members and supporters alleged that CDF members killed indiscriminately, which resulted in civilian fatalities.

On June 17, CDF members attacked the village of Yiraia in Kono district, home of a prominent RUF member. Witnesses said the CDF members, armed with automatic weapons and machetes, set fire to several homes believed to house RUF sympathizers, killing an elderly man and at least two children, including a 5-year-old girl. The local CDF commander in Kono admitted to Human Rights Watch that his forces had carried out the attack in retaliation for previous RUF attacks against his men. In late June and early July, the RUF carried out retaliatory attacks against villages thought to be sympathetic to the CDF. At least three civilians were killed and others were injured (see Section 1.c.). There were no reports of any action taken against those responsible for the incidents.

There were numerous deaths in custody and prison during the year (see Section 1.c.).

Unlike in the previous year, there were no reports that government helicopter gunships fired on suspected RUF positions located in urban areas.

No action is known to have been taken against the members of the security forces responsible for the following killings in 2000: The July killing of civilians in Bunumbu during a helicopter gunship attack; the reported execution in July of an RUF fighter who allegedly was trying to surrender; and the May and June killings of 27 persons in the towns of Makeni, Magburaka, and Kambia.

No action reportedly was taken against the members of ECOMOG responsible for the following killings in 2000: The April killing of an ex-SLA soldier; and the January stabbing death of a civilian in a market.

During the year, several sites were found in the Port Loko district, which appeared to be mass graves. Local residents claimed that the victims were civilians executed by ex-AFRC/RUF members in 1999. International human rights groups were working to preserve the sites for further investigation at year's end. Unlike in the previous year, there were no reports that the RUF and ex-SLA rebels summarily executed a substantial number of civilians in rebel-held areas throughout the country. However, RUF rebels were responsible for killings during the year. In July RUF fighters killed 22 persons in an attack on the village of Henekuma in the northern part of the country. On August 20, RUF members attacked the village of Seria, in Koinadugu district, allegedly in retaliation for recent CDF attacks in the area; two civilians were killed and five were injured severely after they were attacked with machetes.

Unlike in the previous year, there were no reports that victims of rebel kidnap attempts were killed (see Section 1.b.). However, there were reports that RUF members killed ex-combatants who had fled the group, although the number of such reports declined significantly during the year. On January 27, Campaign for Good Governance, a local NGO, reported that the RUF commander in Tongo had ordered the death of four former RUF members. A former RUF commander was killed, allegedly under orders from RUF interim chairman Issa Sesay.

Over the course of the decade-long conflict, mutilations by rebels caused hundreds if not thousands of deaths. There were several reports of mutilations by the rebels during the year (see Section 1.c.).

No action reportedly was taken against the RUF rebels responsible for the following killings in 2000: The August killing of 9 civilians in the village of Folloh; the June killings in the attack on Port Loko; the May killings of Kurt Schork and Miguel Gil Moreno, 2 journalists; the April and May killings of U.N. peacekeepers; the May killings of 20 demonstrators in front of Foday Sankoh's residence in Freetown. Although the Special Court for Sierra Leone was expected to examine these incidents, no further action was taken by year's end (see Section 4).

Between January and April, while pursuing RUF forces back into the country, the Guinean army bombed or shelled several villages in the northern part of the country. The Kambia district was affected most severely by the fighting; local villagers who fled the area claimed that the Guineans often bombed indiscriminately and destroyed villages, killing or injuring many civilians. There were reports that Guinean forces in Kambia district fired rockets and artillery indiscriminately into civilian neighborhoods, marketplaces, and restaurants. Due to the security situation in the area, outside observers were not able to verify these claims.

On January 26, a Guinean helicopter gunship attacked the town of Kamakwie, reportedly killing 12 civilians. On February 15, Guinean artillery fire allegedly killed four civilians from one extended family in Sabuya. In a separate incident, a 3-year-old girl reportedly was killed in a Guinean artillery attack on the village in Rokel. On May 18, according to a UNAMSIL commander, a small child was killed in a Guinean artillery attack in the town of Rokupr.

On May 17, Guinean troops shelled a group of RUF rebels at a disarmament site, which killed at least one civilian. Guinean and Sierra Leonean officials determined that the attack was an accident, and the commanding officer was removed immediately from his post. Following the incident, Guinean armed forces ceased cross border operations against the RUF.

b. Disappearance.—The RUF continued to detain persons illegally and exert control over the civilian population in certain areas of the country. RUF forces also continued the longstanding practice of kidnaping children, women, and men and compelling them to work as slaves; however, the number of such reports decreased during the year (see Sections 5, 6.c., and 6.f.). Women also were forced to act as sexual slaves. Although many were released during the year, the RUF continued to hold some persons, including women and children, at year's end. The U.N. estimates that rebel forces abducted approximately 20,000 persons throughout the country during

the 1991–1999 period. More than 10,000 victims have been released and have gone through a formal reintegration process; most of those released were children. Many others have escaped, but the U.N. believes that some of those abducted remain prisoners despite the Lome Accord's directive that all captives and prisoners of war be released.

According to UNICEF, as of October, approximately 1,500 children reported as missing during the war had yet to be located. Armed groups released more than 3,800 child soldiers and camp followers during the year. Human rights groups and the U.N. have expressed concern that, while girls represent approximately 50 percent of those abducted, they make up only an estimated 6 percent of those released. These groups fear that many girls continue to be held as "sex slaves" (see Section 5).

In May a group of 23 Guineans, who claimed to have been captured during RUF raids into Guinea between December 2000 and March, escaped from RUF rebels. UNHCR facilitated their return to Guinea and urged the RUF to release any other Guinean civilians that might have been captured in the RUF's cross-border incursions.

There were no developments in the following disappearances in 2000: The August kidnaping of 15 persons by the RUF during an attack on the village of Folloh; the July abduction by an ex-SLA splinter group called the West Side Boys of 18 persons during an attack on a bus; the July disappearance, following an attack by the West Side Boys, of 1 foreign worker; the February abduction by the RUF of 11 passengers from a bus near Masiaka.

In previous years, the West Side Boys kidnaped children, women, and men and compelled them to work as slave labor; however, in late 2000, the group disbanded.

Unlike in the previous year, there were no reports that Guinean troops abducted persons from Sierra Leone after attacks by RUF and Guinean dissidents.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and unlike in previous years, there were no reports that SLA troops occasionally tortured, beat, and otherwise abused non-combatants suspected of being rebels during the year. However, there were credible reports that CDF forces operating on behalf of the Government beat and otherwise abused persons and the Government has not acted to curb these abuses or punish those responsible. According to human rights observers, the conduct of the SLA continued to improve following reorganization and increased training. Reports of abuses by the CDF, which had increased significantly in 2000, declined during the year.

Unlike in the previous year, there were no reports that government helicopter gunships fired on suspected RUF positions in urban areas.

There were reports that SLA and CDF forces manned roadblocks and bridges and routinely extorted large sums of money from travelers (see Section 2.d.). Drivers often were subjected to abuse, including beatings, when they were unable to pay. For example, an SLA soldier allegedly beat a driver on a road from Kabala to the Guinean border when he refused to pay the guard approximately \$5 (10,000 Leones). NGO's reported that the soldier was disciplined; however, no information was available on how the soldier was disciplined. The number of roadblocks decreased during the year as UNAMSIL forces were deployed farther afield.

Unlike in the previous year, there were no reports that police and UNAMSIL forces harassed and beat journalists during the year (see Section 2.a.).

Unlike in the previous year, there were no reported rapes committed by CDF forces. In 2000 there was an increase in the number of rapes committed by CDF forces, which in past years reportedly had not engaged in rape. For example, in July 2000, some CDF members raped three women whom they accused of transporting goods to rebel-held areas.

There was no reported action taken against the CDF members responsible for beating, raping, or otherwise abusing the persons in the following cases from 2000: The October beating of a journalist; the August beating of 2 truck drivers because they could not produce the requested bribe; the July raping of 3 women who were accused of transporting goods to rebel-held areas; and the May and June injuring of 50 persons during gunship attacks on the towns of Makeni, Magburaka, and Kambia.

Unlike in the previous year, there were no reports that UNAMSIL soldiers committed human rights abuses against suspected rebels during the year. UNAMSIL ordered an investigation into abuses allegedly committed in 2000; however, there were no reports that action was taken against those responsible by year's end.

No action reportedly was taken against the ECOMOG personnel who injured a person during an argument over a stolen vehicle in April 2000.

No action was taken against the persons who reportedly injured at least one civilian during a confrontation between peacekeepers and RUF rebels at Lungu Lo in

May 2000. An investigation conducted by the British Government indicated that the RUF rebels were responsible for the injuries.

RUF rebels also committed abuses against civilians during the year; however, the number of RUF abuses of civilians declined significantly during the year (see Sections 1.f. and 1.g.). There were credible reports that the RUF extorted money from civilians, including at roadblocks (see Section 2.d.). RUF rebels also threatened with abuse persons who could not provide requested services, supplies, or money. Farmers in the village of Mansumbiri were threatened with beatings if they could not provide \$5 (10,000 Leones) and two cups of rice each week to the RUF.

On April 4, there were unconfirmed reports that RUF members in Seidu in the Kono District tied up and beat a woman accused of hoarding diamonds; the woman died from her injuries. RUF members tied up and beat the woman's stepson, who was accused of stealing diamonds.

RUF forces continued to use rape as a terror tactic against women. There were credible reports of gang rapes and mass rapes of groups of women. RUF members raped returning refugees throughout the year (see Sections 2.d. and 5). Human Rights Watch documented abuses, including rape and abduction, by the RUF against refugees in the country as well as against Sierra Leonean refugees returning from Guinea (see Section 2.d.).

In contrast to previous years, there were very few reports during the year that RUF members carried out deliberate mutilation, including the chopping off of hands, arms, ears, and legs; attempted and successful decapitations; and severe attack with machetes. However, there was no indication that these practices were discontinued completely. In late June or early July, RUF members reportedly cut off the ear and slashed the Achilles tendons of a CDF supporter in Koinadgu district (see Section 1.a.). U.N. officials and humanitarian organizations estimated that hundreds if not thousands of persons, including children, had one or both limbs amputated over the decade-long conflict. During the overall course of the conflict, it has been estimated that for every one of those injured who eventually succeeded in securing medical aid, at least three or four died en route from their injuries, shock, the hazards of the journey, or from lack of adequate medical assistance. By year's end, it appeared that the RUF had discontinued the practice of carving the initials "RUF" into the skin of civilians it abducted; however, in late July in the town of Kaima, UNAMSIL photographed a man on whose body the initials RUF had been carved in large letters. The RUF's leadership denounced the person who committed this act. According to human rights groups, the RUF leadership did not do enough to control all its members.

Unlike in the previous year, there were no reports of injuries sustained in RUF-held areas that were attributed to landmines.

There was no reported action taken against the RUF rebels who beat, raped, or otherwise abused the persons in the following cases from 2000: The May injuring of at least 80 demonstrators outside the Freetown residence of Foday Sankoh; the April and May abduction of U.N. peacekeepers; the March abduction and injuring of Aaron Kargbo and Aruna Sherrif, both Adventist Development and Relief Agency staff members; and the February beating of 15 RUF combatants who tried to join the disarmament process.

In previous years, the West Side Boys, occasionally tortured, beat, and otherwise abused persons; however, in late 2000, the group disbanded, and there were no reported incidents during the year.

No action was known to have taken place against ex-SLA rebels who threw stones at vehicles and beat a passenger in 2000; allegedly the ex-SLA rebels had become angry because they had not received the payment promised to them for disarming.

There were unconfirmed reports that Guinean troops operating in the country amputated the limbs of suspected RUF members. Some human rights organizations reported that Guinean troops were seen in the Kambia district with two RUF prisoners with recent amputations. Following a Guinean attack, another witness reportedly found 10 bodies in the area around Mambolo, 5 of which had amputated limbs; however, no one claimed to have witnessed Guinean troops conducting amputations.

In October 2000, there were reports that relatives of the Minister of Transport and Communication beat a journalist, Mustapha Bai Attila (see Section 2.a.). No police or judicial action was taken against the individuals.

Prison and police lockup facilities conditions generally are harsh; at best they are Spartan, and at worst life threatening. The Pademba Road maximum security prison, which was designed for 325 prisoners, routinely houses hundreds more. Diet and medical care were inadequate, and only a handful of toilets were available for use. Prison monitoring groups noted that the quality of medical care available to prisoners was poor. Male and female quarters were separate. Adults and juveniles were incarcerated together; however, there were no reports of the abuse of juveniles in

prison. There was no segregation of prisoners. Convicted felons, those in the middle of the judicial process, and those who had not yet been charged formally also were incarcerated together. Other prison facilities were equally rudimentary, and conditions in the holding cells in police offices were extremely poor. Pretrial detainees are held with convicted prisoners.

On March 14 at Pademba Prison, police fired warning shots as prisoners rioted to protest against searches for weapons. The gunfire caused panic among civilians outside the prison, who feared a jailbreak was in progress. In the ensuing commotion, several persons were killed. There is no evidence that security forces played any role in these deaths.

The RUF alleged that prison guards beat and tortured members of the RUF. The RUF claimed that 11 RUF members had died at Pademba Road prison since May 2000; however, government officials said only 8 RUF members had died in custody during the period. During the year, many RUF prisoners were held incommunicado at undisclosed locations. However, at year's end, only RUF leader Foday Sankoh remained in a secret location.

The Government generally has permitted prison visits; however, the Government frequently attempted to place conditions on such visits. The Government granted UNAMSIL human rights officials unrestricted access to Pademba Road Prison in June, but only after the Special Representative of the U.N. Secretary General intervened personally in the matter. In January the International Committee of the Red Cross (ICRC) visited Pademba Road prison after obtaining assurances from the Government that there would be no restrictions placed on the visit. Both groups made several visits to various prisons and detention facilities during the year. The National Forum for Human Rights, an umbrella group of local NGO's, reportedly did not visit Pademba Road Prison because the Government placed unreasonable restrictions on the proposed visits. The Government did not allow any international organizations to have access to Foday Sankoh or to monitor the conditions under which he was being held.

d. Arbitrary Arrest, Detention or Exile.—Government forces continued at times to arrest and detain persons arbitrarily. Although the Constitution and the law provide for a speedy trial, in practice the lack of judicial officers and facilities often produced long delays in the judicial process. Due to the civil conflict, the judicial system did not function in some parts of the country at any time during the year and functioned in other parts of the country only during part of the year. The law requires warrants for searches and arrests in most cases. There are adequate judicial protections against false charges, and detainees have the right of access to family or counsel. However, these provisions can be suspended under the State of Emergency, and none of them apply to any person detained under the State of Emergency. The country remained under a state of emergency during the year, which under the Constitution allows for unlimited detention without charge. Some persons were held incommunicado (see Section 1.c.). Many criminal suspects were held for months before their cases were examined or formal charges were filed. There are provisions for bail, and there is a functioning bail system.

The CDF, which does not have arrest and detention authorities, in particular was criticized for having arrested and detained prisoners. The RUF claimed that the Government employed the CDF to staff several prisons outside of Freetown where RUF members were being held. In the towns of Bo and Kenema, members of the Sierra Leone Police (SLP) complained to human rights groups that the CDF undermined their authority. For example, on September 10 in Kabala, CDF members illegally detained numerous persons suspected of involvement in criminal activity.

In February the police detained and interrogated the editor of the Democrat newspaper (see Section 2.a.).

At year's end, 546 persons were detained in Pademba Road Prison, including 28 women; there were no reports that children were detained at Pademba Road Prison. A total of 114 persons remained in detention without charge at year's end under emergency powers declared by the Government; 39 RUF members and the majority of the remainder were detained for their involvement with or support of other armed groups, such as the AFRC and West Side Boys. During the year, the Government released 137 RUF members and others held without charge, including senior RUF members Mike Lamin and Eldred Collins. Reportedly detainees at Pademba Road Prison have been held incommunicado, have not been informed of their legal status, and have not had access to legal advice. During a 2000 visit to Pademba prison, UNAMSIL human rights officials found 30 juveniles, 13 of whom were suspected RUF child combatants, incarcerated with adults. There were no reports that the Government detained minors at Pademba Road Prison without charge during the year.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice; however, the judiciary functioned only in part of the country, but demonstrated substantial independence in practice when it did function.

The judicial system consists of the Supreme Court, appeals courts, and a high court whose justices are chosen by the Head of State. Local courts administer traditional law with lay judges; appeals from these lower courts move to the superior courts.

Although often there are lengthy delays between arrests, the imposition of charges, and judicial proceedings, trials are usually free and fair. Nonetheless, there is evidence that corruption has influenced some cases. Traditional justice systems continued to supplement extensively the central government judiciary in cases involving family law, inheritance, and land tenure, especially in rural areas.

The right of appeal from a court-martial to the Court of Appeal was deleted from the Armed Forces Act of 1961 by the Royal Sierra Leone Military Forces Act of 1971; however, in July 2000, the Parliament approved the Armed Forces of the Republic of Sierra Leone (Amendment) Act, which reinstated the right of members of the armed forces to appeal a sentence handed down by a court-martial to the Court of Appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and law prohibit such practices, and government authorities generally respected these prohibitions in practice. The country remained under a state of emergency during the year, which under the Constitution allows for searches without warrants.

Throughout the year, there were instances in which rebel forces invaded, looted, and destroyed private property and terrorized civilians, although the number of occurrences was significantly fewer than in previous years (see Sections 1.a. and 1.c.).

In the previous years, the kidnaping and forced conscription of children by rebel forces were serious problems; however, the number of reported cases decreased significantly during the year (see Sections 1.b., 5, 6.c., and 6.f.). For years rebels kidnaped young boys and girls to augment their forces and at times forced them to abduct other children. Frequently commanders also had boys act as bodyguards. The RUF utilized “Small Boy Units” (SBU’s) and “Small Girl Units” (SGU’s), which served in combat. During the year, more than 2,600 children were released by the RUF and CDF; at least 600 children were returned to their families. More than 1,500 others are in special transitional centers, which are designed to help provide for their unique mental and emotional needs prior to reunification with their families.

There were unconfirmed reports in March that RUF fighters forcibly conscripted civilians in Makeni into the Poro Society, one of several secret societies in the country tied to native beliefs and rituals; the civilians reportedly were forced to join the RUF.

There were reports that Guinean troops destroyed private property and burned homes in the north of the country; however, due the extent of earlier destruction in these areas, it was impossible to verify whether the reports described were new incidents or prior damage being blamed on the Guineans (see Sections 1.a., 1.g., and 2.d.).

g. Use of Excessive Force and Violations of Humanitarian.—Law in Internal Conflicts.—Since the inception in 2000 of efforts to retrain and reorganize the SLA, there were no reports that government troops committed human rights abuses against RUF collaborators and suspected rebels. However, there were reports that CDF forces committed human rights abuses against RUF collaborators and suspected rebels (see Sections 1.a. and 1.c.).

The CDF continued to accept, train, and induct children into its ranks despite having pledged in June 1999 to stop the practice; however, the recruitment and enrollment of children decreased significantly during the year, and many of those being held forcibly were released (see Sections 1.f. and 5).

Unlike in the previous year, there were no reports that government helicopter gunships fired on suspected RUF positions located in urban areas.

Unlike in the previous year, there were no reports that government forces or members of the CDF, raped women as punishment for suspected assistance to the rebels (see Section 1.c.).

RUF rebel forces committed numerous serious abuses, and sought to coerce, intimidate, and terrorize those who either refused to cooperate with them or supported the Government (see Sections 1.a. and 1.c.). While these abuses persisted during the year, the number of such incidents continued to decrease during the year. In large parts of the country outside the effective control of the Government,

the RUF continued to use kidnaped children and women as workers and men as porters; raped women as a means of punishment and to inspire fear and force cooperation. The RUF continued to induct forcibly children into their ranks, although they did so less frequently than in previous years (see Sections 1.c., 1.f., and 5). There were two documented incidents of mutilation by the RUF during the year; however, both incidents were criticized by the RUF leadership. Unlike in previous years, there were no reports that the RUF harassed peacekeepers; seized peacekeepers' weapons; or forced individuals to commit atrocities under penalty of their own mutilation or death. There were reports of injuries from unexploded ordnances laid by RUF rebels (see Section 1.c.).

In previous years, an ex-SLA splinter group called the West Side Boys committed numerous serious abuses, including killings, abductions, deliberate mutilations, and rape. However, in late 2000, the group disbanded, and no incidents were reported during the year.

Relief organizations expanded their areas of operations during the year as the security situation improved. Unlike in previous years, there were no reports that rebels obstructed access for these groups. However, following a December clash in Koidu between disarmed CDF and RUF members and local citizens disputing access to diamond mining, some NGO's temporarily left the area until tensions declined.

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, government security forces harassed some journalists on a few occasions during the year. Unlike in the previous year, security forces did not arrest, beat, or use libel laws against journalists. The written press and radio reported freely on security matters, corruption, and political affairs generally without interference.

More than 50 newspapers were published in Freetown during the year, covering a wide spectrum of interests. Most of the newspapers were independent of the Government, and several were associated with opposition political parties. The number of newspapers fluctuated weekly; many contained sensational, undocumented stories and repeated items carried by other newspapers. Newspapers openly and routinely criticized the Government and its officials, as well as the rebel forces.

In February police interrogated the editor of the Democrat newspaper and searched his office after he published an article about the President's security detail. The editor was detained and interrogated for 4 hours. In September a list of seven journalists allegedly targeted by "killing squads" was circulated in Freetown. The handwritten list said of the seven: "All must die before elections. All are enemies of the State." There was no further action or subsequent threats during the year. The Government and SLPP denied any involvement and publicly criticized the targeting as an attempt to intimidate journalists.

There were no developments in the February 2000 arrest of Ayodele Lukobi Johnson, the managing editor of Rolyc newspaper, and reporter Ayodele Walters. The authorities charged them with "sedition, libel, and publishing false news" after they published a negative article about President Kabbah. There were unconfirmed reports that the journalists were released in 2000.

Due to low levels of literacy and the relatively high cost of newspapers and television, radio remained the most important medium of public information. Several government and private radio and television stations broadcast; both featured domestic news coverage and political commentary.

The parastatal Sierratel communications company exercised a monopoly over Internet access in the country. The lack of competition and the poor condition of telephone lines often made Internet connectivity problematic.

The Government does not restrict academic freedom. All institutions of higher learning were open during most of the year; however, infrastructure destroyed during the conflict has not yet been restored fully.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, at times the Government limited this right in practice. Unlike in the previous year, the Government did not ban RUF meetings or rallies.

In March the Government banned a GRAO demonstration in Freetown, for which permission initially had been granted. According to the Government, the demonstration was banned due to the Pademba Road riot (see Section 1.c.) and heightened the level of security in the city. In September the Government denied the GRAO permission to hold a march to protest the Government's decision to extend its term in office, as allowed under the constitution (see Section 3); however, later in the month, the Government allowed the GRAO to hold a rally instead of the march.

During the year, no action was taken against the RUF members who opened fire on demonstrators in 2000, killing at least 20 persons and injuring at least 80 others.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. There were numerous civic, philanthropic, and social organizations, and the registration system was routine and nonpolitical. No known restrictions were applied to the formation or organization of the 21 opposition political parties and 60 registered civic action NGO's (see Section 4). However, the RUF alleged that the Government prevented the establishment of an RUF political party as called for in the Lome Accord. For example, the RUF claimed that members of the Government interfered in attempts to acquire office space in each of the country's regions, a requirement to registration as a political party.

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

Unlike in the previous year, there were no reports that rebels abducted church workers or priests during the year. In the past, rebels have targeted Roman Catholic priests and nuns, largely on the assumption that the Church would pay ransom for their return. Some religious leaders were targeted by rebels for their peacekeeping activities as members of civil society, not because of their religion.

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, according to occasional reports, government and CDF troops manning roadblocks attempted to extort food or money from travelers (see Section 1.c.). CDF roadblocks reportedly were located in many parts of the country; however, the number of roadblocks decreased as UNAMSIL forces were deployed farther afield (see Section 1.c.). In December the Government lifted a requirement that citizens get a police clearance up to 72 hours before international travel. Prior to December, such clearances were issued nonrestrictively; the Government did not attempt to limit citizens' departure or return for political or discriminatory reasons.

RUF rebels also manned roadblocks to extort money and goods from travelers (see Section 1.c.). In April one driver reportedly spent approximately \$35 (70,000 Leones) getting through a series of RUF roadblocks between Mile 91 and Makeni, a distance of approximately 45 miles. In previous years, an ex-SLA splinter group called the West Side Boys also manned roadblocks; however, in late 2000, the group disbanded, and there were no reported incidents during the year.

More than an estimated 750,000 citizens remained displaced internally or had fled the country to escape the continuing insurgency. At the beginning of the year, thousands of citizens returned to the country from Guinea, following attacks and ill treatment by RUF and Guinean forces that began in late 2000. The RUF's cross-border actions forced the return of refugees in Guinea, who then became displaced internally because it still was not safe for them to return to their original homes. Some of these IDP's were housed in camps, but many lived in Freetown. The large influx of IDP's and the lack of resources caused tension between local residents and IDP's; however, there were no reported incidents of violence between IDP's and local residents. Government attempts to close IDP camps have met with strong resistance from residents who fear that their homes will not be safe. While many refugees returned during the year, nearly 200,000 persons remained in refugee camps in Guinea and Liberia; others remained in The Gambia, Cote d'Ivoire, Ghana, and other African nations, while still others were in countries outside of Africa.

Unlike in the previous year, there were no government attacks on possible RUF positions within urban areas that contributed to the exodus of the population from RUF-held areas. According to Human Rights Watch, in April RUF rebels raped, abducted, and killed refugees returning to the country from camps in Guinea, despite an RUF promise to provide "safe passage." RUF members gang-raped numerous women at rebel checkpoints in Koinadugu and Kailahun districts, according to human rights workers (see Sections 1.c. and 5). Human Rights Watch documented abuses against refugees between December 2000 and mid-March in the Koinadugu, Kailahun, and Kono districts in the east (see Section 1.c.).

Unlike in the previous year, there were no reports that the RUF attempted to terrorize persons to prevent them from leaving their homes.

Between March and November, Liberia officially closed its border with Sierra Leone; however, refugees and other persons used unofficial border crossing points to move between the two countries regularly.

The law does not provide for granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other organizations on repatriation matters and continued to provide first asylum to more than 5,000 Liberians who had fled conflict in their home coun-

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

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

The Constitution provides for the right of citizens to change their government, and the 1996 elections won by Ahmed Tejan Kabbah and his Sierra Leone People's Party were the first free and fair multiparty elections in the country in 30 years. Several political parties were represented in the unicameral legislature and in the cabinet. Locally elected councils and a traditional chieftancy system control local government. Preparations for local elections, which were to have taken place in 1999, were again postponed because of continued fighting. The July 1999 Lome Accords included the RUF in a power-sharing arrangement in the Government, and in July 1999, the Parliament ratified a bill allowing the RUF to transform itself into a political party. Foday Sankoh, the RUF leader, was offered and accepted the chairmanship of the Commission for the Management of Strategic Resources, National Reconstruction, and Development with the status of vice president. In November 1999, the Revolutionary United Front Party (RUF) received a provisional registration certificate from the interim National Election Commission. In May 2000, the RUF reneged on its agreements under the Lome Accord, returned to insurgency, and ceased to participate in the political process. Following the resumption of the DDR process in May, the RUF resumed efforts to form a political party; however, its members have not been invited back into the positions given the RUF in the Lome Accords.

In March and September, the Government invoked its constitutional authority to extend the life of parliament and the term of office of the President for 6 months, citing the continuing "state of war" in the country. Opposition political parties unsuccessfully attempted to prevent the extension. Elections were scheduled for May 14, 2002, which will require an additional extension of the president's term of office.

Opposition parties, including the political wing of the RUF, argued for an interim government following the postponement of elections and their inability to draw up single member constituencies as required by the Constitution; the Government rejected the proposal. In November a consultative conference of political parties and civil society groups endorsed the use of multi-member districts for parliamentary elections. In December Parliament voted 52-8 to pass amendments to the Constitution allowing for this modification to the electoral system; the amendments also extend President Kabbah's term of office through the end of July 2002.

The percentage of women in government and politics does not correspond to their percentage of the population. There are relatively few women in senior government positions: only 2 of the 18 cabinet positions were filled by women, and of the 80 members of the unicameral legislature, only 9 were female.

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

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views; however, due to insecurity caused by the rebel insurgency, the activities of human rights monitors were limited to government-held areas. Representatives of various international NGO's, foreign diplomats, the ICRC, and U.N. human rights officers were able to monitor trials and to visit prisons and custodial facilities during most of the year; however, the Government several times attempted to restrict such visits. At least one local human rights group claimed that it could not get unrestricted access to the prisons (see Section 1.c.).

UNAMSIL opened regional human rights offices in the provincial capitals of Bo and Makeni.

In June 2000, the Government asked the U.N. to help set up a Special Court to try those who "bear the greatest responsibility for the commission of crimes against humanity, war crimes, and serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law within the territory of Sierra Leone since November 30, 1996."

In February 2000, Parliament approved the Truth and Reconciliation Commission (TRC) Bill, which would create a TRC to provide a forum for publicly airing the grievances of victims and the confessions of perpetrators from the civil war; however, the Commission had not been established by year's end.

The U.N. and numerous NGO's, both domestic and international, initiated programs to educate and sensitize the population about the TRC and the Special Court; the Government supported these efforts.

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

The Constitution prohibits discrimination against women and provides for protection against discrimination on the basis of race and ethnicity; however, residents of non-African descent, particularly the Lebanese community, face institutionalized political restrictions, namely the acquisition of citizenship.

Women.—Domestic violence against women, especially wife beating, is common. The police are unlikely to intervene in domestic disputes except in cases involving severe injury or death. In rural areas, polygamy is a common practice among men, but women suspected of marital infidelity often are subject to physical abuse. Frequently women are beaten until they divulge the names of their partners. Because husbands may claim monetary indemnities from their wives' partners, the beatings may continue until the woman names several men even if there was no other relationship. There also were reports that women suspected of infidelity were required to undergo animistic rituals to prove their innocence. Domestic violence is not recognized as a societal problem; however, rape is recognized as a societal problem and is punishable by up to 14 years' imprisonment. Cases of rape are underreported widely, and rarely are charges brought, especially in rural areas. Rebel forces used rape as a terror tactic (see Sections 1.c., 1.g., and 2.d.) and forced women and girls to act as sexual slaves (see Sections 1.b., 6.c., and 6.f.). Medical or psychological services for women who were raped after they were abducted are almost nonexistent.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced widely among all levels of society, although with varying frequency. The less severe form of excision is practiced. Some estimates, including by UNICEF, of the percentage of women and girls who have undergone the practice range as high as 80 to 90 percent; however, local groups believe that this figure is overstated. FGM is practiced on girls as young as 5 years old. No law prohibits FGM. A number of NGO's are working to inform the public about the harmful health effects of FGM and to eradicate it; however, active resistance by secret societies countered the well-publicized international efforts against FGM.

Prostitution is widespread. Many women, especially those displaced from their homes and with few resources, resort to prostitution as a means to support themselves and their children.

The Constitution provides for equal rights for women; however, in practice women face both legal and societal discrimination. In particular their rights and status under traditional law vary significantly depending upon the ethnic group to which they belong. The Temne and Limba tribes of the north afford greater rights to women to inherit property than does the Mende tribe, which gives preference to male heirs and unmarried daughters. However, in the Temne tribe, women cannot become paramount chiefs. In the south, the Mende tribe has a number of female paramount chiefs. Women are nevertheless very active in civic and philanthropic organizations and NGO's. They were instrumental in pressuring the previous government to allow free and fair multiparty elections in 1996 and were vocal representatives of civil society during the peace talks in Lome in 1999. A significant number of women are employed as civil servants.

Women do not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas, women perform much of the subsistence farming and have little opportunity for formal education.

Children.—Although the Government is committed to improving children's education and welfare, it lacks the means to provide them with basic education and health services. The Ministry of Social Welfare, Gender, and Children's Affairs has primary responsibility for children's issues. The law requires school attendance through primary school; however, schools, clinics, and hospitals throughout the country were looted and destroyed during the 10-year insurgency, and most have not been rebuilt. A large number of children receive little or no formal education. Schools are financed largely by formal and informal fees, but many families cannot afford to pay them. The average educational level for girls is markedly below that of boys, and only 6 percent of women are literate. At the university level, male students predominate.

FGM is performed commonly on girls (see Section 5, Women).

Up to an estimated 5,000 child soldiers at a time served alongside adults on both sides during the civil conflict, but in greater numbers on the RUF side; some observers place the number at almost double that figure. The recruitment of children for military service by the CDF remained a problem, and there is credible evidence that the CDF forces continued to accept children as volunteer soldiers, but at lower numbers than in previous years (see Section 1.g.).

The kidnaping and forced conscription of children into rebel forces continued during the year; however, there were fewer cases than in previous years (see Sections 1.b., 1.f., 6.c., and 6.f.). For years rebels kidnaped young boys and girls to augment their forces and to abduct other children. Girls are forced to perform as sexual slaves (see Sections 6.c. and 6.f.). In some cases, rebel forces forced these children to commit atrocities involving family members. However, even children who escape and wish to leave the ranks sometimes are rejected by their families and communities because of their perceived involvement in rebel activities. Locating the families of released child combatants often was difficult, and some did not want to assume responsibility for their children, some of whom were mentally and emotionally incapable of rejoining their families. There were reports that the rebels released disproportionate numbers of boys, leading many to conclude that many girls continued to be held as sex slaves (see Section 1.b.).

Persons with Disabilities.—Public facility access and discrimination against persons with disabilities are not considered public policy concerns. No laws mandate accessibility to buildings or provide for other assistance for persons with disabilities. Although a few private agencies and organizations attempted to train persons with disabilities in useful work, there was no government policy or program directed particularly at persons with disabilities. There does not appear to be outright discrimination against persons with disabilities in housing or education; however, given the high rate of general unemployment, work opportunities for persons with disabilities are few.

Some of the many individuals who were maimed in the fighting, or had their limbs amputated by rebel forces, are receiving special assistance from various local and international humanitarian organizations. Such programs involve reconstructive surgery, prostheses, and vocational training to help them acquire new work skills. Although the Lome Accord also called for the creation of a special fund to implement a program for rehabilitation of war victims, the fund had not yet been established by year's end. Attention to amputees increased the access of other persons with disabilities to health care and treatment.

National/Ethnic/Racial Minorities.—The country's population is ethnically diverse and consists of at least 13 ethnic groups. These groups generally all speak distinct primary languages and are concentrated outside urban areas. However, all ethnic groups use Krio as a second language, little ethnic segregation is apparent in urban areas, and interethnic marriage is common. The two largest ethnic groups are the Temne in the northern part of the country and the Mende in the southern part; each of these groups is estimated to make up approximately 30 percent of the population.

Ethnic loyalty remained an important factor in the government, the armed forces, and business. Complaints of corruption within ethnic groups and ethnic discrimination in government appointments, contracts, military commissions, and promotions were common. There did not appear to be a strong correspondence between ethnic or regional and political cleavages. Ethnic differences also did not appear to contribute appreciably to the RUF rebellion, the 1997 coup, or the civil conflict. The rebels have no identifiable ethnic or regional base of voluntary popular support, and they controlled territory by terror and coercion rather than by popular consent.

Residents of non-African descent face institutionalized political restrictions. The Constitution restricts the acquisition of citizenship at birth to persons of patrilineal Negro-African descent. Legal requirements for naturalization, such as continuous residence in the country for 15 years or the past 12 months and 15 of the previous 20 years, effectively deny citizenship to many long-term residents, notably the Lebanese community.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association, and in practice workers had the right to join independent trade unions of their choice. Approximately 60 percent of the workers in urban areas, including government workers, are unionized, but attempts to organize agricultural workers and mineworkers have met with little success. By custom all labor unions join the Sierra Leone Labor Congress (SLLC), but such membership is voluntary. Police and members of the armed services are prohibited from joining unions. There are no reliable statistics on union membership, but membership numbers have declined as a percentage of all workers because of the virtual collapse of the small manufacturing sector.

The Trade Union Act provides that any five persons may form a trade union by applying to the registrar of trade unions, who has statutory powers under the act to approve the creation of trade unions. The registrar may reject applications for several reasons, including an insufficient number of members, proposed representa-

tion in an industry already served by an existing union, or incomplete documentation. If the registrar rejects an application, the decision may be appealed in the ordinary courts, but applicants seldom take such action.

Workers have the right to strike, although the Government can require 21 days' notice. There were several significant strikes in the public sector during the year. Most notably teachers and doctors struck over wages and unpaid salaries in the form of work stoppages and sick-outs. No laws prohibit retaliation against strikers, even for a lawful strike; however, the Government did not take adverse action against the employees and paid some of them back wages. An employee fired for union activities may file a complaint with a labor tribunal and seek reinstatement. Complaints of discrimination against trade unions are made to a tribunal.

Unions are free to form federations and to affiliate internationally. The SLLC is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The 1971 Regulation of Wages and Industrial Relations Act provides the legal framework for collective bargaining. Collective bargaining must take place in trade group negotiating councils, each of which has an equal number of employer and worker representatives. Most enterprises are covered by collective bargaining agreements on wages and working conditions. The SLLC provides assistance to unions in preparations for negotiations; in case of a deadlock the government may intervene. The Industrial Court for Settlement of Industrial Disputes, required by Section 44 of the 1971 Act, was created and began hearing cases in 2000; however, most cases involving industrial issues continued to go through the normal courts system, and the Industrial Court did not hear any cases during the year. The law does not prohibit antiunion discrimination against workers or employer interference in the establishment of unions; however, there were no reports of such cases during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced and bonded labor, including that performed by children; however, forced labor remains a problem. Under the Chiefdom's Council Act, individual chiefs may impose compulsory labor and may require members of their villages to contribute to the improvement of common areas. This practice exists only in rural areas. There is no penalty for noncompliance. There were reports of some compulsory labor, possibly including labor by children in rural areas.

Despite releasing many children during the year, the RUF rebels continued to use previously impressed young boys and girls as involuntary servants. Many became fighters with the rebel forces. Women and girls also were forced to act as sexual slaves (see Sections 1.b., 5, and 6.f.).

Rebel forces also forced civilians, including children, to labor as porters and as workers in diamond fields under their control despite the signing of the peace accord in 1999 and a July agreement to halt diamond mining until a formal peace accord was signed.

d. Status of Child Labor and Minimum Age for Employment.—The official minimum age for employment is 18 years, although children between the ages of 12 and 18 years may be employed in certain nonhazardous occupations, provided they have their parents' consent. In practice this law is not enforced because there is no government entity charged with the task. Children routinely assist in family businesses and work as petty vendors. In rural areas, children work seasonally on family subsistence farms.

Because the adult unemployment rate remains high, few children are involved in the industrial sector. Foreign employers have hired children to work as domestics overseas at extremely low wages and in poor conditions. The Department of Foreign Affairs and International Cooperation is responsible for reviewing overseas work applications to see that no one under the age of 14 is employed for this purpose; however, the reviews were not effective.

In February the Government ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced and bonded labor, including that by children; however, such practices exist (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—A 1997 law set the minimum wage at approximately \$10.50 (21,000 Leones) per month; it has not been adjusted since then. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. Most workers support an extended family, often including relatives who have been displaced by the insurgency in the countryside, and it is common to pool incomes and to supplement wages with subsistence farming.

The Government's suggested workweek is 38 hours, but most workweeks for those who are employed exceed that figure.

Although the Government sets health and safety standards, it lacks the funding to enforce them properly. Trade unions provide the only protection for workers who file complaints about working conditions. Initially a union makes a formal complaint about a hazardous working condition. If this complaint is rejected, the union may issue a 21-day strike notice. If workers remove themselves from dangerous work situations without making a formal complaint, they risk being fired.

The law protects both foreign and domestic workers; however, there are fewer protections for illegal foreign workers.

f. Trafficking in Persons.—No law prohibits trafficking in persons, and there were reports that rebel forces abducted young boys and girls and forced them to work as servants (see Sections 5 and 6.c.). Women and girls also were forced to act as sexual slaves (see Sections 1.b., 5, and 6.c.). Rebel forces also forced civilians, including children, to work as porters and in diamond fields (see Section 6.c.). The Government is attempting to combat these practices by compelling the RUF to disarm and demobilize and by its emphasis on the release of child soldiers.

Traffickers sent many victims to the rebel-held diamond fields in eastern Sierra Leone to work as forced laborers (see Section 6.c.).

There were no figures available on the extent of the trafficking problem. There were no confirmed reports of persons trafficked outside of the country.

SOMALIA³

Somalia has been without a central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. Subsequent fighting among rival faction leaders resulted in the killing, displacement, and starvation of thousands of persons and led the U.N. to intervene militarily in 1992. Following the U.N. intervention, periodic attempts at national reconciliation were made, but they did not succeed. In September 1999, during a speech before the U.N. General Assembly, Djiboutian President Ismail Omar Guelleh announced an initiative to facilitate reconciliation under the auspices of the Inter-Governmental Authority for Development (IGAD). In March 2000, formal reconciliation efforts began with a series of small focus group meetings of various elements of Somali society in Djibouti. In May 2000, in Arta, Djibouti, delegates representing all clans and a wide spectrum of Somali society were selected to participate in a "Conference for National Peace and Reconciliation in Somalia." More than 900 delegates, including representatives of non-governmental organizations (NGO's), attended the Conference. The Conference adopted a charter for a 3-year Transitional National Government (TNG) and selected a 245-member Transitional National Assembly (TNA), which included 24 members of Somali minority groups and 25 women. In August 2000, the Assembly elected Abdiqassim Salad Hassan as Transitional President. Ali Khalif Gallayr was named Prime Minister in October 2000, and he appointed the 25-member Cabinet. Administrations in the northwest (Somaliland) and northeast ("Puntland") areas of the country do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders. In October the TNA passed a vote of no confidence in the TNG, and Gallayr was dismissed as Prime Minister. In November Abdiqassim appointed Hassan Abshir Farah as the new Prime Minister. Serious interclan fighting continued to occur in parts of the country, notably in the central regions of Hiran and Middle Shabelle, the southern regions of Gedo and Lower Shabelle, and in the Middle Juba and Lower Juba regions. No group controls more than a fraction of the country's territory. There is no national judicial system.

Leaders in the northeast proclaimed the formation of the Puntland state in 1998. Puntland's leader, Abdullahi Yusuf, publicly announced that he did not plan to break away from the remainder of the country, but the Puntland Administration did not participate in the Djibouti Conference or recognize the TNG that emerged from it. In July Yusuf announced his refusal to abide by the Constitution and step down. This led to a confrontation with Chief Justice Yusuf Haji Nur, who claimed interim presidential powers pending elections. In November traditional elders elected Jama Ali Jama as the new Puntland President. Yusuf refused to accept the elders' decision, and in December he seized by force the town of Garowe, reportedly with Ethiopian support. Jama fled to Bosasso. Both Yusuf and Jama continued to claim the presidency, and there were continued efforts to resolve the conflict at year's end. A ban on political parties in Puntland remained in place.

³The United States does not have diplomatic representation in Somalia. This report draws in part on non-U.S. Government sources.

In the northwest, the "Republic of Somaliland" continued to proclaim its independence within the borders of former British Somaliland. Somaliland has sought international recognition since 1991 without success. Somaliland's government includes a parliament, a functioning civil court system, executive departments organized as ministries, six regional governors, and municipal authorities in major towns. During the year, 97 percent of voters in a referendum voted for independence for Somaliland and for a political party system. Presidential and parliamentary elections were scheduled to be held in February 2002; however, President Egal requested and Parliament granted a 1-year extension for the next elections.

After the withdrawal of the last U.N. peacekeepers in 1995, clan and factional militias, in some cases supplemented by local police forces established with U.N. help in the early 1990's, continued to function with varying degrees of effectiveness. Intervention by Ethiopian troops in 1996 and 1997 helped to maintain order in Gedo region by closing down the training bases of the Islamic group Al'Ittihad Al-Islami (AIAD). In Somaliland more than 60 percent of the budget was allocated to maintaining a militia and police force composed of former troops. In 2000 a Somaliland presidential decree, citing national security concerns in the wake of the conclusion of the Djibouti Conference, delegated special powers to the police and the military. Also in 2000, the TNG began recruiting for a new 4,000-officer police force to restore order in Mogadishu. The TNG requested former soldiers to register and enroll in training camps to form a national army. At year's end, the TNG had a 3,500-officer police force and a militia of approximately 5,000 persons. During the year, 7,000 former non-TNG militia were demobilized to retrain them for service with the TNG; however, many of the militia members left the demobilization camps after the TNG was unable to pay their salaries for 3 months. At year's end, the TNG was attempting to restore salaries and to continue the demobilization process. During the year, Mogadishu police began to patrol in the TNG-controlled areas of the city. Police and militia committed numerous human rights abuses throughout the country.

The country's population is estimated to be between 7 and 8 million. The country is very poor with a market-based economy in which most of the work force is employed as subsistence farmers, agro-pastoralists, or pastoralists. The principal exports are livestock and charcoal; there is very little industry. Insecurity and bad weather continued to affect the country's already extremely poor economic situation. A livestock ban, lifted in 2000, was reinstated by Saudi Arabia because of fears of Rift Valley fever and reportedly because of Saudi political considerations. Livestock is the most important component of the Somali economy, and the ban has harmed further an already devastated economy. The country's economic problems continued to cause serious unemployment and led to pockets of malnutrition in southern areas of the country.

The country's human rights situation is poor, and serious human rights abuses continued throughout the year. Citizens' right to change their government is circumscribed by the absence of an established central authority. Many civilian citizens were killed in factional fighting, especially in Gedo, Hiran, Lower Shabelle, Middle Shabelle, Middle Juba, Lower Juba regions, and in the cities of Mogadishu and Bosasso. Kidnaping remained a problem. There were some reports of the use of torture by Somaliland and Puntland administrations and militias. In Somaliland and Puntland, police used lethal force while disrupting demonstrations. The use of landmines, reportedly by the Rahanwein Resistance Army (RRA), resulted in several deaths. Prison conditions were harsh and life threatening. Arbitrary arrest and detention remained problems. Somaliland authorities detained a number of persons who challenged President Egal and his management of the nascent political party system. In most regions, the judicial system relied on some combination of traditional and customary justice, Shari'a (Islamic) law, and the pre-1991 Penal Code; reports of harsh physical punishments by Islamic Shari'a courts, including public whippings and stonings, were rare. Citizens' privacy rights were limited. There were restrictions on the freedoms of speech, press, assembly, association, and religion. There were restrictions on freedom of movement. There were several reports of attacks on NGO's during the year. Violence and discrimination against women, including the nearly universal practice of female genital mutilation (FGM), continued. The abuse of children remained a problem. Abuse and discrimination against ethnic and religious minorities in the various clan regions persisted. There was no effective system for the protection of workers' rights, and there were isolated areas where local gunmen forced minority group members to work for them. Child labor and trafficking remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Political violence and banditry have been endemic since the revolt against Siad Barre, who fled the capital in January 1991. Since that time, tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. The vast majority of killings throughout the year resulted from clashes between militias or unlawful militia activities; several occurred during land disputes, and a small number involved common criminal activity. The number of killings increased from 2000 as a result of fighting between the following groups: Between the RRA and TNG; between the TNG and warlord Muse Sudi in Mogadishu; between warlord Hussein Aideed and the TNG; between Abdullahi Yusuf's forces and those of Jama Ali Jama in Puntland; and between the SRRC and Jubaland Alliance in Kismayo.

Security forces and police killed several persons, and in some instances used lethal force to disperse demonstrators during the year. For example, on February 3, in Bosasso, security forces and police shot and killed 1 woman and injured 11 other persons during a demonstration. On August 23, Somaliland police, who were arresting supporters of elders for protesting actions of President Egal, killed a small child during an exchange of gunfire. On August 28, in Mogadishu, TNG police reportedly killed two young brothers. There were no investigations, and no action was taken against the perpetrators during the year.

Unlike in the previous year, Islamic courts did not execute summarily any persons during the year.

Members of militias killed several members and supporters of the TNG during the year. For example, on January 6, in the Bakol region, approximately 200 militia members, reportedly from the RRA, attacked a convoy of TNG officials and killed at least 9 persons and injured numerous others. On February 4, troops from the Somali National Front militia belonging to warlord Abdirizak Bihi attacked a TNG delegation in Garbaharre town in Gedo region and killed 10 persons. There was no investigation nor action taken against the perpetrators during the year.

Attacks against humanitarian and NGO workers resulted in some deaths during the year.

For example, on July 14, militiamen loyal to warlord Osman Atto ambushed a World Food Programme (WFP) relief convoy near Mogadishu, killed six persons and injured several others. There were no investigations nor any actions taken against those responsible for the abuses by year's end.

Killings resulted from conflicts between security and police forces and militias during the year. On March 13, in Mogadishu, four persons were killed, including a deputy police inspector, during a gun battle between police and militia members over rights to a former bank property. On May 12, more than 50 persons were killed and more than 100 were injured during fighting between Somali National Alliance (SNA) militiamen and TNG security forces. On May 27, 13 persons were killed in Libahelh town near Wanle Weyn during fighting between RRA militiamen and TNG forces. On June 11, two persons were killed and several others were injured during fighting between TNG police and militiamen at the Mogadishu livestock market during a dispute over land ownership. On July 1, 4 persons were killed and 10 others were injured during clashes between security forces belonging to Islamic Court Militia in Merka and clan militiamen from the area. The clashes reportedly began when the Islamic Court Militia disarmed a group of youths. On August 6, fighting between a coalition of factions supported by the Government of Ethiopia and the TNG-supported Jubaland Alliance militia in the southern port city of Kismayo resulted in at least 18 deaths and numerous civilian injuries. There were no investigations or further action on the cases by year's end.

There were occasional reports of the use of harsh physical punishments by the five Islamic Shari'a courts in Mogadishu, which are aligned with different subclans, including public whippings and stoning (see Sections 1.e. and 2.c.). The courts rarely administered punishments such as amputation, but their militias administered summary punishments, including executions, in the city and its environs. During the year, the courts were absorbed into the TNG and no longer existed by year's end (see Section 1.c.).

Militia attacks resulted in numerous deaths during the year. On February 1, one person was killed during renewed border clan warfare between Somaliland and Puntland. On June 10, in Mogadishu armed militiamen, who earlier had hijacked a truck, shot at militiamen who they thought were pursuing them, killing three persons and injuring several others. On June 10, unidentified heavily armed militiamen shot at a passenger bus in Mahadday area of Lower Shabelle region, killing five persons; the motive remained unknown at year's end. On June 11, militiamen

fired into a minibus in Mogadishu, killing seven persons and injuring several others. The militiamen, whose motive was unknown, took the vehicle with the dead bodies still inside. On August 6, while retreating to Garowe from Bosasso, Abdullahi Yusuf's militia killed four men who attempted to stop them at a roadblock. There were no investigations into any of these incidents, and no action was taken against members of the militia groups for abuses; however, local mediation efforts resolved some cases.

Conflicts between rival militias resulted in deaths during the year. On February 7, rival militias clashed in Qardho town in Puntland, killing at least three persons. On February 9, two militia groups fought during the attempted robbery of a truck, killing one person and injuring several others. On April 15, rival militias in Kismayu attacked a residential area, killing at least 8 persons and injuring 25 others. On May 1, rival militias clashed over the administration of a transport station in Mogadishu, killing three persons. On May 2, five persons were killed and numerous other persons were injured during a fight between rival militia at a qat market in Mogadishu. On May 11, 80 persons were killed during a clash between clan militiamen loyal to the TNG and forces of warlord Hussein Aideed. On June 12, two militia groups fought in Lugh, Gedo region over their respective shares of money from a vehicle checkpoint, killing three persons. On June 12, four persons were killed in Mogadishu in a clash between the SNA and the Islamic Court Militia, and on June 21, two persons were killed and five were injured in militia fighting in Mogadishu. On June 22, two persons were killed in Mogadishu during militia fighting. On June 23, in Mogadishu, Mahadday, and Burhakaba, militiamen loyal to warlord Mohammed Dhere confronted two militiamen in an attempt to disarm them, killing 8 persons and injuring 15 others. On July 13, 11 persons were killed, including 2 children, and numerous others were injured during fighting between warlord Muse Sudi's militiamen and rival militia groups. On July 25, in Buale town, 8 persons were killed and 15 persons were injured in a fight between SRRC militiamen loyal to General Morgan and Jubaland Alliance militiamen over Buale. On August 5, militiamen loyal to former Puntland president Abdullahi Yusuf fought militiamen loyal to interim president Yusuf Nur. The fight, which occurred over control of the Bosasso airport, resulted in the deaths of 20 persons and injuries of 60 persons. There was no further action taken on the cases by year's end.

In-fighting within militia groups resulted in numerous deaths during the year. For example, on February 1, militiamen who were controlling the Balligdogle airstrip began to fight among themselves over the collection of levies on a convoy of trucks traveling to Baidoa; four persons were killed and six others were injured.

All but one killing by TNG forces, Somaliland and Puntland forces, warlord supporters, or members of militias from 2000 remained unresolved during the year; there were no investigations, and no action was taken against the perpetrators during the year. No action is likely against any of those responsible. In August Tanzanian police arrested three individuals who reportedly killed former Siad Barre army General Yusuf Tallan in 2000; they remained in custody in Tanzania at year's end.

No action is known to have been taken against the persons responsible for the following 1999 killings: The September killing of a senior UNICEF official; the September killing of businessman Haji Abdullahi; the August killing of one person during a demonstration at the Ismail Jumale Center for Human Rights; the July killing of Osman Jeyte; the March killing of a foreign religious worker; and the February killing of Dr. Singh Bohgal.

In 1997 a War Crimes Commission in Hargeisa in Somaliland began investigating the killings in 1988 of at least 2,000 local residents, including women and children, by Siad Barre's troops. Heavy rains in 1997 revealed numerous mass graves in the Hargeisa area. During the year, the War Crimes Commission continued to record eyewitness accounts and other evidence; however, the work of the Commission was limited by a lack of funding.

There were reports during the year that Ethiopian troops participated in fighting and killed persons. For example, in January there was a report that Ethiopian soldiers killed 5 persons and injured 17 others after they fired shots into a group of demonstrators in the south-west. A resident reported that the troops fired directly at the demonstrators, and that they tortured several persons who were captured. In September 2000, approximately 30 Ethiopian soldiers attacked Haji Salah village in Somaliland, killed 2 persons, and confiscated radio equipment. Somaliland President Egal wrote a letter to the Ethiopian Government and asked for an explanation for the attack. The Ethiopian Government denied the reports and maintained that Ethiopian troops were not present in the country.

Unknown assailants killed persons during the year. On February 6, independent gunmen attacked the Mogadishu police chief in Mogadishu and killed one bystander. On February 7, three children were shot and killed in Mogadishu while returning

from Koranic school; the motive remained unknown at year's end. On March 17, 10 men were killed in Jowhar in retaliation for the killing of a young girl. On March 24, four persons were killed at the police station in Qardho after complaining about police harassment. There were no investigations, and no action was taken against those responsible for the abuses during the year.

Landmine explosions caused several deaths and injuries during the year (see Section 1.c.). The RRA laid numerous landmines in the Lower Shabelle and Middle and Lower Juba regions. On February 1 in Burhakaba, Bay region, four nomads were killed by a landmine explosion. On May 10, a landmine explosion near Ballidogle airstrip killed a man. On June 2, a truck hit a mine in Saragoble, which exploded and killed one person and injured four others. On July 24, four cars hit landmines on the road linking the Lower Juba and Middle Juba regions. The cars exploded and killed several persons and injured some others.

Clan fighting resulted in numerous deaths during the year. On March 1, 6 persons were killed and 20 persons were injured in a clan-related fight in Hawl Wadag. On March 30, 40 persons were killed during Marehan intra-clan fighting. On May 16, 7 persons were killed and 14 injured in a clash between the Galjecel and Rahanwein clans over camel rustling in Burhakaba.

Persons were killed during disputes over land during the year. For example, on February 13, 3 persons were killed and 13 villages were burned in Jowhar during a land dispute.

b. Disappearance.—There were no known reports of unresolved politically motivated disappearances, although cases easily might have been concealed among the thousands of refugees and displaced persons.

There continued to be reports of kidnappings of aid workers during the year. On March 27, militiamen loyal to warlord Muse Sude attacked the Medecins Sans Frontieres (MSF) compound and held nine U.N. and MSF aid officials hostage. On March 28, five of the hostages were released; on March 30, two were released; and on April 4, the remaining two were released. On April 21, a WFP vehicle near Garowe in Puntland was ambushed; the perpetrators kidnaped a WFP official during the attack (see Section 1.c.). Guardsmen from the Puntland presidency chased the vehicle and rescued the official; the perpetrators escaped. There were no investigations, and no action was taken against the perpetrators in these cases.

There were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. In January gunmen in Mogadishu held hostage a member of the TNG Parliament who they claimed owed them money. On March 9, a group of militiamen at the Kismayu port seized 2 foreign-registered cargo ships and 28 foreign crew members and demanded payment for maintenance. The ships and their crews were released approximately 2 months later. On June 13, an armed group abducted a TNA member, Mohammed Abdi Gas, in Mogadishu. The abductors demanded money that they claimed a relative of Gas owed them; on September 2, they released him. In early August, a militia group seized a Kenyan fishing vessel and held hostage approximately 30 crew members off the coast of Puntland. The militia demanded money from the ship's owners and from the captain after a local court in Eil town determined that they had been fishing illegally. On September 16, unknown gunmen kidnaped a medical doctor from a hospital in Mogadishu and demanded ransom; on September 25, he was released.

Unlike in the previous year, there were no reports of kidnappings of critics of faction leaders during the year.

There were no investigations nor action was taken against the perpetrators of kidnappings that occurred in 2000.

There were no further developments and none are expected in the 1999 kidnaping case of two OLF officials from Ethiopia and a senior Al'Ittihad official.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional National Charter, adopted in 2000 but not implemented by year's end, prohibits torture, and the Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law;" however, there were some reports of the use of torture by the Puntland and Somaliland administrations and by warring militiamen against each other or against civilians. Observers believe that many incidents of torture were not reported.

Security forces killed and injured persons while forcibly dispersing demonstrations during the year (see Sections 1.a. and 2.b.). Security forces, police, and militias also injured persons during the year, including supporters and members of the TNG (see Section 1.a.).

Acts of violence, including several killings, increased against supporters or members of the TNG (see Section 1.a.).

There were several attacks on humanitarian and NGO workers by militia and other groups, which resulted in deaths and injuries (see Sections 1.a. and 4). For

example, on April 21, a WFP vehicle near Garowe in Puntland was ambushed; two security guards were injured (see Section 1.b.).

During the year, the TNG gradually absorbed Islamic courts and their militias, and the courts ceased functioning by year's end (see Section 1.e.). Unlike in the previous year, reports of stonings and of public whippings were rare. In 1999 an Islamic court in Buulo village, Lower Shabelle, sentenced Nuurto Muhammad Ali to death by stoning after she was discovered to have three husbands; the execution was suspended until after Ali, who was pregnant, gave birth. She was released by year's end.

There were a number of attacks with explosives during the year. On February 16, a grenade was thrown into the compound of African Action Help (AAH), an NGO, in Qardho. There were no reported injuries. On February 20, in Merka, an explosive device was detonated in the area between the compound of an Italian NGO, Coordinating Organization for Voluntary Service (COSV), and a nearby school. There were no reported injuries in either of the attacks, and the motivations remained unclear at year's end. On April 2, a bomb went off in the outskirts of Baidoa; there were no reported injuries. It was suspected that the explosion was connected to the arrest of traditional elders by the RRA leadership. On June 23, a bomb was thrown into the offices of Nugal newspaper in Garowe, which destroyed the building; the identity of the perpetrators was not known at year's end. On September 7, an unidentified person threw a grenade inside the World Health Organization (WHO) compound in Merka; there were no reported injuries. On September 25, in Borama, Somaliland, a grenade was thrown into the office of Somaliland's ruling party, the UDUB. There were no reported injuries.

Unlike in the previous year, there were no reports that labor disputes led to the use of force or resulted in injuries (see Section 6.a.).

In April a domestic human rights group, Doctor Ismail Juma'ale Human Rights Organization (DIJHRO), issued a statement that accused militia members loyal to warlord Hussein Aided of raping numerous women in 15 villages in the southern Qoroley district.

There were reports of numerous rapes of Somali women and girls in refugee camps in Kenya during the year. The majority of the rapes were perpetrated by Somali bandits who crossed over the border and a small number were by Kenyan security forces and police. The U.N. High Commissioner for Refugees (UNHCR) documented more than 100 reported cases between February and August but estimates that the actual number is likely 10 times greater. The aid agency CARE estimated that approximately 40 women were raped every month in 4 refugee camps; other reports indicated that 10 percent of Somali women in the camps have been raped. The rapes usually followed looting attacks by bandits and occurred when women and girls left the camps to herd goats or collect firewood or at night when bandits enter the refugee camps. The victims ranged in age from 4 to 50 years of age, and many of the rapes reportedly resulted in pregnancies during the year.

Landmine explosions killed and injured several persons during the year (see Section 1.a.). For example, on July 18, three persons were injured near Marere village when their car hit a landmine that exploded. No action reportedly was taken against the TNG forces, Somaliland and Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2000.

Although reliable statistics were not available, a large number of persons were killed and injured as a result of interfactional and interclan fighting (see Section 1.a.).

Prison conditions varied throughout the country; however, in general they remained harsh, and in some cases, life threatening. Conditions at the north Mogadishu prison of the Shari'a court system remained harsh and life threatening. Hareryale, a prison established between north and south Mogadishu reportedly holds hundreds of prisoners, including children. Conditions at Hareryale are described as overcrowded and poor. Similar conditions exist at Shirkhole prison, an Islamic Court Militia run prison in south Mogadishu and at north Mogadishu prison for Abgel clan prisoners run by warlord Musa Sudi. In September the U.N. Secretary General's Independent Expert on Human Rights, Dr. Ghanim Alnajjar, visited prisons in Hargeisa and Mogadishu. Alnajjar reported that conditions had not improved in the 3 years since his previous visit.

Overcrowding, poor sanitary conditions, a lack of access to adequate health care, and an absence of education and vocational training characterized prisons throughout the country. Tuberculosis was widespread. Abuse by guards reportedly was common in many prisons. Pretrial detainees and political prisoners are held separately from convicted prisoners.

According to an international observer, men and women are housed separately in the Puntland prison in Bosasso; this is the case in other prisons as well. Juveniles frequently are housed with adults in prisons. Custom allows parents to place children in prison without judicial proceedings.

The detainees' clans generally pay the costs of detention. In many areas, prisoners are able to receive food from family members or from relief agencies. Ethnic minorities make up a disproportionately large percentage of the prison population.

The Puntland Administration permits prison visits by independent monitors. Somaliland authorities permit prison visits by independent monitors, and such visits occurred during the year. The Jumale Center for Human Rights visited prisons in Mogadishu during the year.

d. Arbitrary Arrest, Detention, or Exile.—In the absence of constitutional or other legal protections, various factions and armed bandits continued to engage in arbitrary detention, including the holding of relief workers.

On February 26, a U.N. Educational, Scientific and Cultural Organization (UNESCO) academic who was in Garowe, Puntland to conduct a seminar, was arrested and charged with distributing antigovernment leaflets; he was released after paying a fine.

On May 22, authorities in Somaliland arrested and detained Suleiman Mohamoud Adan "Gaal" for holding meetings outside of Somaliland with Djibouti President Gelleh and TNG members; on June 5, he was released.

On June 12, warlord Muse Sudi's militia arrested six clan elders for attending a meeting to discuss clan affairs, because he reportedly believed that they were attempting to undermine his authority; the elders were released after several days.

On June 13, the Puntland Administration arrested two intellectuals reportedly for engaging in antigovernment political activities; they were released after a few days.

On August 23, Somaliland President Egal ordered the detention of approximately 10 elders. After fighting between Somaliland authorities and supporters of the elders, four sultans (sub-clan chiefs)—and one of their supporters were arrested. On September 3, President Egal ordered their release.

On September 24, the RRA in Burhakaba arrested 11 pro-TNG elders and accused them of fomenting division and dissension within the Rahanwein clan.

Unlike in the previous year, there were no reports that Somaliland authorities detained foreigners for proselytizing. Seven Christian Ethiopians arrested in Somaliland in 1999 for allegedly attempting to proselytize were released at the beginning of the year.

Unlike in previous years, there were no reports that authorities in Somaliland, Puntland, and in areas of the south detained local or foreign journalists.

It was unknown whether persons detained in 2000 were released during the year.

There were no developments in the following arrest cases from 2000: The September arrests of five persons by Somaliland police, and the March detention of five persons by the Puntland region security committee.

There were no developments in the arrests of the following persons arrested by the Somaliland authorities in 2000 for participating in the Djibouti Conference: Sultan Mohamed Abdulkadir, who was arrested in November; Bile Mahmud Qabowsadeh, who was arrested in October; and Abdi Hashi, who was arrested in May.

There were no reports of lengthy pretrial detention in violation of the pre-1991 Penal Code in Somaliland or Puntland.

None of the factions used forced exile.

e. Denial of Fair Public Trial.—There is no national judicial system.

The Transitional Charter, adopted in 2000, provides for an independent judiciary and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, the Charter had not been implemented by year's end. Some regions have established local courts that depend on the predominant local clan and associated factions for their authority. The judiciary in most regions relies on some combination of traditional and customary law, Shari'a law, the Penal Code of the pre-1991 Siad Barre Government, or some combination of the three. For example, in Bosasso and Afmadow, criminals are turned over to the families of their victims, which then exact blood compensation in keeping with local tradition. Under the system of customary justice, clans often hold entire opposing clans or sub-clans responsible for alleged violations by individuals.

Islamic Shari'a courts, which traditionally ruled in cases of civil and family law but extended their jurisdiction to criminal proceedings in some regions beginning in 1994, ceased to function effectively in the country during the year. The Islamic courts in Mogadishu gradually were absorbed during the year by the TNG, and the courts in Merka and Beledweyne ceased to function. In Berbera courts apply a combination of Shari'a law and the former Penal Code. In south Mogadishu, a segment

of north Mogadishu, the Lower Shabelle, and parts of the Gedo and Hiran regions, court decisions are based on a combination of Shari'a and customary law. Throughout most of the country, customary law forms a basis for court decisions.

In 2000 Somaliland adopted a new Constitution based on democratic principles but continued to use the pre-1991 Penal Code. The Constitution provides for an independent judiciary; however, the judiciary is not independent in practice. A U.N. report issued in 2000 noted a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. Untrained police and other persons reportedly served as judges. The Puntland Charter implemented in 1998 provides for an independent judiciary; however, the judiciary is not independent in practice. The Puntland Charter also provides for a Supreme Court, courts of appeal, and courts of first reference. In Puntland clan elders resolved the majority of cases using traditional methods; however, those with no clan representation in Puntland were subject to the Administration's judicial system.

The Transitional Charter, which was not implemented by year's end, provides for the right to be represented by an attorney. The right to representation by an attorney and the right to appeal do not exist in those areas that apply traditional and customary judicial practices or Shari'a law. These rights more often are respected in regions that continue to apply the former government's penal code, such as Somaliland and Puntland.

In January more than 50 gunmen attacked an Islamic court in Mogadishu and released 48 prisoners and looted the premises; the motivation for the attack remained unknown at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Transitional Charter, adopted in 2000 but not implemented by year's end, provides for the sanctity of private property and privacy; however, looting and forced entry into private property continued in Mogadishu, although on a smaller scale than in previous years. The Puntland Charter recognizes the right to private property; however, the authorities did not respect this right on at least one occasion.

Militia members reportedly confiscated persons' possessions as punishment during extortion attempts during the year (see Section 2.d.).

Most properties that were occupied forcibly during militia campaigns in 1992–93, notably in Mogadishu and the Lower Shabelle, remained in the hands of persons other than their prewar owners.

Approximately 300,000 persons, or 4 percent of the population, are internally displaced persons (IDP's) as a result of interfactional and interclan fighting.

In November the only Internet company in the country and a telecom company closed down (see Section 2.a.). The closures reportedly restricted telephone lines and prevented money transfer services for citizens in the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Charter, adopted in 2000, provides for freedom of speech and the press; however, the charter was not implemented by year's end, and there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland Charter provides for freedom of the press "as long as they respect the law;" however, this right is not respected in practice. The Somaliland constitution also provides for freedom of the press; however, this right is restricted in practice.

The print media consist largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally are independent and are critical of the faction leaders.

Somaliland has two daily newspapers, one government daily, and one independent. There also is an English language weekly newspaper. The Government tolerated criticism by journalists during the year.

On February 21, senior parliamentary officials in Mogadishu barred journalists from covering proceedings of the TNA.

On February 26, a UNESCO academic in Garowe, Puntland, to conduct a seminar, was arrested and charged with distributing antigovernment leaflets; he was released after paying a fine.

In August 2000, the Islamic Court Militia detained Ahmed Abd Al Rahman Dhalbaaq, the editor of the Merka, Lower Shabelle, bimonthly newspaper, Gaim, reportedly for reporting on a decrease in security in the town. He was released on bail pending trial later the same day. It was not known whether he had been tried by year's end.

In 1999 in Puntland, the regional administration arrested Abulkadir Ali and Mohamed Deq of the newspaper Sahan, and Ahmed Mohamed Ali of the newspaper

Riyyaq, reportedly for writing articles critical of the Government. Both journalists were released during the year.

The majority of the country's citizens obtain news from foreign news broadcasts, primarily the British Broadcasting Corporation (BBC), which transmits a daily Somali-language program. The major faction leaders in Mogadishu, as well as the authorities of the self-declared Republic of Somaliland, operate small radio stations. The TNG recently began operating an FM station. In April a new radio station, funded by local businesses, began operating in the southern part of the country.

In November the only Internet company in the country and a telecom company closed down, which resulted in a denial of Internet access in Mogadishu; however, access to the Internet was available in other parts of the country.

There are restrictions on academic freedom; academics operate under restrictions similar to those imposed on members of the media. There is no organized higher education system in most of the country. There are two universities in Mogadishu and two in Somaliland.

b. Freedom of Peaceful Assembly and Association.—There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there legal protection for freedom of assembly, and although citizens are free to assemble in public, the lack of security effectively limits this right in many parts of the country. The ban on demonstrations continued; however, demonstrations occurred during the year. In August 2000, Puntland President Abdullahi Yussuf ordered regional governors to ban all antigovernment demonstrations. Demonstrations occurred throughout the country during the year; however, the authorities in Somaliland, Puntland, and the south sometimes forcibly dispersed demonstrations and used excessive force in some instances, resulting in a number of deaths (see Sections 1.a. and 1.c.).

There were a number of peaceful demonstrations that occurred during the year without interference by authorities. For example, in August in Somaliland, thousands of persons demonstrated in support of President Egal's intention to hold elections with political parties and against elders who supported the traditional clan-based selection of the president. In October thousands of Mogadishu residents protested against the refusal of businesses to accept 500 shilling notes. In October thousands of Kismayu residents demonstrated in support of an inter-clan peace agreement. In November the Puntland Coalition of Women for Peace organized demonstrations in Bosasso and Galkacyo in support of peace and against the use of force by Abdullahi Yusuf or Jama Ali Jama to settle the dispute over the presidency in Puntland.

No action was taken against the members of the Somaliland police, Puntland police, Mudug (Puntland) region security committee, or security guards responsible for forcibly dispersing demonstrations on the following dates in 2000: November 11; November 1; September 10; March 30; March 29; and March 20.

The Puntland Charter provides for freedom of association; however, the Puntland Administration banned all political parties for 3 years, beginning in 1998. The Somaliland constitution provides for freedom of association. In a referendum in May, Somaliland voters approved legislation governing the formation of political parties (see Section 3). The law limits the number of political parties allowed to contest general elections to three. An ad hoc commission, nominated by the President and approved by the House of Representatives, is responsible for considering applications. The law provides that approved parties that win 20 percent of the next Somaliland elections would be allowed to operate.

Professional groups and local NGO's operate as security conditions permit.

c. Freedom of Religion.—There is no national constitution and no legal provision for the protection of religious freedom, and there were some limits on religious freedom.

The Transitional Charter, adopted in 2000 but not implemented by year's end, establishes Islam as the national religion. There is no central government, but some local administrations, including the Republic of Somaliland and Puntland, have made Islam the official religion in their regions. The judiciary in most regions relies on some combination of traditional and customary law (Xeer), Shari'a law, the Penal Code of the pre-1991 Siad Barre Government, or some combination of the three. The TNG absorbed the Shari'a courts in Mogadishu during the year; however, the Government did not have effective control over the courts at year's end. Shari'a courts ceased functioning this year in Merka and Beledweyne (see Section 1.e.). These courts generally refrained from administering punishments such as amputation, but their militias administered summary punishments, including executions, in the city and its environs; however, the courts and their militias were absorbed by the TNG during the year and ceased functioning by year's end (see Sections 1.a. and 1.e.). Reports during the year of the use of harsh physical punishments by Islamic Shari'a courts including public whipping and stoning were rare.

Local tradition and past law make it a crime to proselytize for any religion except Islam. Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operate without interference, as long as they refrain from proselytizing. In 2000 in Somaliland, nine Ethiopians allegedly were detained for 1 month for engaging in Christian missionary activities; all nine were deported following their release. Seven Christian Ethiopians arrested in Somaliland in 1999 for allegedly attempting to proselytize were released at the beginning of the year (see Section 1.d.).

In 1999 the Minister of Religion in Somaliland issued a list of instructions and definitions on religious practices. Under the new rules, religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. The Ministry must approve entry visas for religious groups, and certain unspecified doctrines are prohibited. In Puntland religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Transitional Charter, adopted in 2000 but not implemented by year's end, and the Puntland Charter provide for freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibited passage by other groups. In the absence of a recognized national government, most citizens do not have the documents needed for international travel.

In January in the town of Baidoa, a militia group, reportedly the RRA, cut off communications lines from the rest of the country for several days and refused to allow vehicles to enter the town in order to prevent support from reaching opposition forces.

In the Qoryoley district, militia members reportedly created checkpoints along the river where residents obtain water and charged them to take water from the river. The militia members also reportedly charged money from persons who were going into or out of the town. Persons who refused to comply with the extortion attempts reportedly were punished by having their belongings taken or were killed by militia members (see Section 1.a.).

The Somaliland and Puntland administrations impeded the travel of participants at the Djibouti Conference in 2000. Numerous persons were arrested and detained for attempting to attend the conference. In 2000 the Puntland Administration attempted to prohibit flights from landing at Bosasso Airport in an effort to restrict the movements of participants to and from the Djibouti Conference. In 2000 Puntland President Abdullahi Yussuf decreed the arrest of any person returning to Puntland from Arta, Djibouti (see Section 1.d.).

As security conditions continued to improve in many parts of the country, refugees and IDP's returned to their homes. During the year, 50,216 Somali refugees returned to the country from Ethiopia under the auspices of the UNHCR. Despite sporadic harassment, including the theft of humanitarian provisions and convoys by militiamen, repatriation generally took place without incident. However, despite the relative stability in many parts of the country, many citizens continued to flee to neighboring countries, often for economic reasons. Most migrants left from the northeast and traveled via boat to Yemen. There were reports that hundreds of such migrants drowned in accidents at sea during the year.

There are approximately 300,000 IDP's in the country, representing approximately 4 percent of the population. The majority of IDP's in the country reportedly lived in old schools and former government buildings.

The U.N. estimated that approximately 305,000 Somalis were living as refugees in neighboring countries, including approximately 139,000 in Kenya at year's end, a decrease from more than 400,000 at the height of the humanitarian crisis in 1992. There were approximately 60–70,000 Somali refugees in Ethiopia and 23,872 Somali refugees in Djibouti at year's end.

As there is no functioning central government, there is no policy of first asylum, nor are there any laws with provisions for the granting of refugee or asylee status. A small number of Ethiopian refugees remained in the country, mostly in the northeast near Bosasso. The authorities in Somaliland have cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

On October 7, approximately 106 Tanzanian refugees arrived in Mogadishu from Kenya. The refugees were living in an open yard at the Hamar school at year's end. On October 30, a second group of approximately 93 Tanzanian refugees arrived in Mogadishu; the group moved to another location until the TNG's National Refugee Agency was able to renovate abandoned buildings in the city for their use.

There were numerous reports of rapes of Somali women and girls in refugee camps in Kenya (see Section 1.c.).

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

In the absence of a fully functioning national government, citizens cannot exercise the right to change their government. In most regions, local clan leaders function as de facto rulers. Although many such groups derive their authority from the traditional deference given clan elders, most face opposition of varying strength from clan groups and political factions.

In 2000 in Arta, Djibouti, more than 900 delegates representing all clans and a wide spectrum of Somali society were selected for a "Conference for National Peace and Reconciliation in Somalia." The Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included 24 members of Somali minority groups and 25 women. The assembly elected Abdiqassim Salad Hassan as Transitional President. Ali Khalif Gallayr was named Prime Minister, and he appointed the 25-member Cabinet. In October the TNA passed a vote of no confidence in the TNG, and Gallayr was dismissed as Prime Minister. In November Abdiqassim appointed Hassan Abshir Farah as the new Prime Minister.

The Transitional Charter, adopted in 2000, but not implemented by year's end, provides for universal suffrage. Both of the Puntland and Somaliland administrations provide for universal suffrage.

In January the Prime Minister accused Ethiopia of forcing clan elders to sign statements supporting secession of the south-west region of the country.

In the Republic of Somaliland, a clan conference led to a peace accord in 1997. This accord demobilized militia groups, established a constitution and bicameral parliament with proportional clan representation, and elected a president and vice president from a slate of candidates. The Hargeisa authorities have established functioning administrative institutions in virtually all of the territory they claim, which equals the boundaries of the Somaliland state that achieved international recognition in 1960. In 2000 the Somaliland parliament approved legislation governing the formation of political parties. Several new political parties were formed in Puntland during the year, including the Union of the People of Somaliland (UDSL). In May a referendum was held with 97 percent of voters supporting Somaliland independence; voters also ratified the political party legislation approved in 2000 by Parliament. Municipal and parliamentary elections were scheduled for the end of the year. In January President Egal's and the Parliament's terms were extended for 1 year, and presidential, parliamentary, and municipal elections were postponed until the end of 2002 or the beginning of 2003.

In 1998 Puntland was established as a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based subclans chose Abdullahi Yusuf as President. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which plays a largely consultative role. Political parties are banned in Puntland. Regional elections in Puntland were held during the year; however, President Yusuf refused to step down, and Chief Justice Nur assumed powers as interim president. In November elders elected Jama Ali Jama as the new President of Puntland, and he assumed power in Garowe. Yusuf refused to accept the decision, and in December he militarily seized Garowe, reportedly with Ethiopian support. Jama fled to Bosasso. Both Yusuf and Jama continued to claim the presidency, and efforts continued to resolve the conflict at year's end.

The Somaliland and Puntland administrations do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders.

Somaliland and Puntland continued to contest the Sanaag and Sol regions and the Buhodle district during the year. Both governments sent administrators to the Sanaag and Sol regions, and both governments exerted influence in various communities.

The percentage of women in government or politics does not correspond to their percentage of the population, and no women held prominent public positions; however, several women were important behind-the-scenes figures in the various factions. There are only 5 female representatives out of a total of 69 representatives in the Puntland Parliament. Women played a prominent role in the Djibouti Conference. In the TNA, women were allocated 25 seats out of a total of 245 seats. Minorities were allocated 25 seats in the TNA during the Djibouti conference, which reflected their percentage of the population.

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

Several local human rights groups were active during the year, including the Mogadishu-based Ismail Jumale Center for Human Rights and the Hargeisa-based Horn of Africa Human Rights Watch Committee. The Ismail Jumale Center supported the Djibouti Reconciliation process in 2000, investigated the continuing causes of conflict in the Mogadishu area, conducted effective human rights monitoring, protested the treatment of prisoners before the Islamic Shari'a courts, and organized periodic demonstrations for peace. The Horn of Africa Human Rights Watch Committee monitored human rights in Somaliland. Women's NGO's also played an important role in galvanizing support in the country for the Djibouti process.

In Hargeisa in Somaliland, local NGO's continued to operate freely and without harassment during the year.

Numerous international organizations operated in the country during the year, including the Red Cross, CARE, Save the Children, and various demining agencies such as the Halo Trust. The TNG, Somaliland, and Puntland administrations permitted visits by U.N. human rights representatives during the year. Sporadic security problems complicated the work of some local and international organizations, especially in the south. There were reported incidents of harassment against NGO's, resulting in a number of deaths and injuries (see Sections 1.a. and 1.c.). Attacks on NGO's disrupted flights and food distribution during the year. During a protest march by Merca's "Shura" or council, three members threw a grenade into the offices of COSV in 2000. There were no reported injuries; staff members were evacuated, and COSV programs were suspended for 2 weeks in 2000.

During the year, the DIJHRC issued a statement that accused militia members loyal to warlord Hussein Aided of raping numerous women in 15 villages in the southern Qorooley district. The DIJHRC also issued a statement that criticized human rights abuses by rival militias in Mogadishu.

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

The Transitional Charter, adopted in 2000 but not implemented by year's end, contains provisions that prohibit discrimination on the basis of sex and national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex and national origin; however, these rights were not respected in practice.

Women.—Domestic violence against women exists, although there are no reliable statistics on its prevalence. Women suffered disproportionately in the civil war and in the strife that followed. There was no information available on the prevalence of domestic violence in the country. There are no laws that specifically address domestic violence; however, both Shari'a law and customary law address the resolution of family disputes (see Section 1.e.). Rape commonly is practiced in inter-clan conflicts. Laws prohibiting rape exist; however, they are not enforced. There are no laws against spousal rape. A few rapes were prosecuted during the year. There were reports of numerous rapes of Somali women and girls in refugee camps in Kenya during the year (see Section 1.c.).

Female genital mutilation (FGM), which is condemned widely by international experts as damaging to both physical and psychological health, is a near-universal practice. Estimates place the percentage of women who have undergone FGM at 98 percent. The majority of women are subjected to infibulation, the most harmful form of FGM. In Somaliland FGM remains illegal under the Penal Code; however, the law is not enforced. In 1999 Puntland authorities passed legislation banning FGM in northeastern areas of the country; however, in practice the law is not enforced strictly. While U.N. agencies and NGO's have made intensive efforts to educate persons about the danger of FGM, no reliable statistics are available on the success of their programs.

Trafficking in women for the purposes of sexual exploitation continued to be a problem (see Section 6.f.).

Women are subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny is permitted, but polyandry is not. Under laws issued by the former government, female children could inherit property, but only half of the amount to which their brothers were entitled. Similarly according to the Shari'a and Somali tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family as they would if the victim were a man.

Several women's groups in Mogadishu, Hargeisa (Somaliland), Bosasso (Puntland), and Merka (Lower Shabelle) actively promoted equal rights for women and advocated the inclusion of women in responsible government positions. Women's groups played a prominent role in the Djibouti Conference.

Children.—Children remain among the chief victims of the continuing violence. Boys as young as 14 or 15 years of age have participated in militia attacks, and many youths are members of the marauding gangs known as "morian," "parasites," or "maggots." Even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. Approximately 10 to 20 percent of the school-age population attends school; more boys than girls are enrolled in school. There are three secondary schools in Somaliland and more than three secondary schools in Mogadishu; however, only 10 percent of those few children who enter primary school graduate from secondary school. Parents generally pay fees for their children's education. Schools at all levels lack textbooks, laboratory equipment, and running water. Teachers are trained poorly and paid poorly. The literacy rate is approximately 25 percent throughout the country; however, reliable statistics do not exist. There was a continued influx of foreign Muslim teachers into the country to teach in new private Koranic schools. These schools are inexpensive and provide basic education; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture. In 1999 the Somaliland authorities drafted guidelines for a national education policy; however, no action on such a policy was taken by year's end.

Medical care is rudimentary, and only a small percentage of children have access to adequate medical facilities.

There was no information available on the prevalence of child abuse in the country.

There were reports of numerous rapes of Somali girls in refugee camps in Kenya during the year (see Section 2.d.).

FGM is performed on approximately 98 percent of girls (see Section 5, Women). Child labor is a problem, and there were reports that trafficking in children for forced labor also is a problem (see Section 6.f.).

Persons with Disabilities.—In the absence of a functioning state, the needs of persons with disabilities are not addressed. There are several local NGO's in Somaliland that provide services for persons with disabilities.

Religious Minorities.—Non-Sunni Muslims often are viewed with suspicion by members of the Sunni majority. There is strong social pressure to respect Islamic traditions. Organized Islamist groups whose goal is the establishment of an Islamic state include: Al-Islah, which openly operates primarily in Mogadishu; and Al-Ittihaad, which during the mid-1990's was organized and operated training camps, continued to have adherents throughout the country but did not have a central structure during the year. Unlike in the previous year, there were no mosque takeovers during the year. There was a continued influx of foreign Muslim teachers into the country to teach in new private Koranic schools; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture.

There is a small, low-profile Christian community. Christians, as well as other non-Muslims who proclaim their religion sometimes faced societal harassment.

National/Racial/Ethnic Minorities.—More than 80 percent of citizens share a common ethnic heritage, religion, and nomadic-influenced culture. In most areas, members of groups other than the predominant clan are excluded from effective participation in governing institutions and are subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans include the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, and Faqayaqub. Inter-marriage between these groups and mainstream Somali clans is restricted. These groups have limited access to whatever social services are available, including health and education. Members of minority groups continued to be subjected to killings, harassment, intimidation, and abuse by armed gunmen of all affiliations.

Section 6. Worker Rights

a. The Right of Association.—The 1990 Constitution provided workers with the right to form unions, but the civil war and factional fighting negated this provision and broke up the single labor confederation, the then government-controlled General Federation of Somali Trade Unions. In view of the extent of the country's political and economic breakdown and the lack of legal enforcement mechanisms, trade unions could not function freely.

The Transitional Charter, adopted in 2000 but not implemented by year's end, the Puntland Charter, and the Somaliland Constitution established the right of freedom of association, but no unions or employer organizations yet exist.

Unlike in the previous year, labor disputes did not lead to the use of force during the year. In 2000 the Habr Gibr clan used force against the Digil and Biyamal clans in Lower Shabelle.

b. The Right to Organize and Bargain Collectively.—Wages and work requirements in the traditional culture are established largely by ad hoc bartering, based on supply, demand, and the influence of the clan from which the worker originates.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The pre-1991 Penal Code prohibits forced labor; however, local clan militias generally forced members of minority groups to work on banana plantations without compensation. Trafficking in women for the purposes of sexual exploitation was a problem (see Sections 5 and 6.f.).

The pre-1991 Labor Code prohibits child labor, including forced or bonded labor by children; however, child labor occurs, and there are child soldiers (see Sections 5 and 6.d.). Trafficking in children for forced labor is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The pre-1991 Labor Code prohibits child labor, including forced or bonded labor by children; however, child labor occurs, and there are child soldiers (see Sections 5 and 6.c.). Formal employment of children was rare, but youths commonly were employed in herding, agriculture, and household labor from an early age. Substantial numbers of children work. In 1999 it was reported that 41.9 percent of children between the ages of 5 and 14 years worked; however, the percentage of children engaged in labor was believed to be higher than 42 percent during the year. The lack of educational opportunities and severely depressed economic conditions contributed to child labor (see Section 5). There were reports that trafficking in children for forced labor is a serious problem (see Section 6.f.).

e. Acceptable Conditions of Work.—There was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year.

f. Trafficking in Persons.—The pre-1991 Penal Code prohibits trafficking; however, there were some reports of trafficking during the year. In 2000 Djibouti law enforcement authorities arrested members of a group that was smuggling Somali women to destinations such as Lebanon and Syria to work in brothels. The number of women being trafficked from the country appears to be small. There were reports that trafficking in children for forced labor is a serious problem (see Sections 5 and 6.d.).

SOUTH AFRICA

South Africa is a multiparty parliamentary democracy in which constitutional power is shared between the President and the Parliament. The Parliament consists of the National Assembly and the National Council of Provinces. President Thabo Mbeki leads the African National Congress (ANC) party, which holds 266 seats in the 400-seat National Assembly. The Parliament was elected in free and fair elections in 1999; the Parliament, in turn, elected the President. The country continued to consolidate the democratic transformation initiated by the 1994 elections. The Government includes ministers and deputy ministers from the ANC, the Inkatha Freedom Party (IFP), which is the ruling party in KwaZulu-Natal Province, and the Azanian People's Organization (AZAPO), but is dominated by the ANC. In October the New National Party (NNP) formed a coalition with the ANC. The official opposition party in the National Assembly is the Democratic Party (DP) and its smaller Democratic Alliance (DA) partner, the Federal Alliance (FA). The judiciary, including the Constitutional Court, is independent.

The South African Police Service (SAPS) has primary responsibility for internal security, although the Government continues to call on the South African National Defense Force (SANDF) to provide support for the SAPS in internal security situations. The SAPS continued its major restructuring and transformation from a primarily public order security force to a more accountable, community service-oriented police force; however, it remained ill-equipped, overworked, and undertrained. The SANDF and the SAPS border control and policing unit share responsibility for external security. The Government continued to train and deploy the new Directorate of Special Operations (DSO), dubbed the Scorpions, to coordinate efforts against organized crime and corruption. The civilian authorities maintain effective control of

the security forces. Some members of the security forces committed human rights abuses.

The country has a population of approximately 43,680,000. The economy continues to undergo important fundamental changes as the manufacturing, wholesale and retail trades, transportation and travel services, and communication services continue to grow and the contributions of agricultural and mining sectors to the economy decline. The gross domestic product (GDP) of the country is \$130 billion (887,795,000 billion Rands) and the per capita GDP is \$3,023 (20,646 Rands). Although agriculture and mining account for relatively small shares of GDP (approximately 4 and 6 percent respectively), they are important sources of foreign exchange. Manufacturing accounts for 24.8 percent and services for 48 percent of GDP. During the last 50 years, the economy has been characterized by strong state involvement in a number of industries. The Government has made privatization and restructuring a key part of its economic policy. The debate over restructuring of state assets continued during the year. Since the end of the apartheid era, investors have used the country as a base of operations for doing business throughout southern Africa. Tariff reductions, the partial removal of exchange controls, competition policy, and disciplined monetary and fiscal policies have succeeded in making firms more competitive on world markets, in reducing inflation, and in instilling discipline in public sector spending. Real GDP growth has remained at approximately 3 percent. The distribution of income and wealth remained highly skewed along racial lines and between urban and rural citizens. Official unemployment remained very high at approximately 26 percent, although some statistics indicated that it was higher. More than one-third of employed persons work outside of the formal economy. The country suffers from a significant shortage in skilled workers, and many black citizens are poorly educated and ill-equipped to function in an increasingly globalized economy. The numerous social and economic problems that the country faces today, many of which originated during the apartheid era, persist.

The Government generally respected the human rights of its citizens; however, although there were improvements in a few areas, numerous problems remained in several areas. Some members of the security forces committed killings due to use of excessive force, and there also were deaths in police custody. In addition to killings by security forces, there were an estimated 44 politically motivated or extrajudicial killings during the first 6 months of the year. The Government took action to investigate and punish some of those involved and to prevent future abuses. Political violence remained a problem; however, it was reduced from 2000 levels, especially in KwaZulu-Natal. Some members of the security forces were responsible for torture, excessive use of force during arrest, and other physical abuse. Some members of the police beat, raped, tortured, and otherwise abused suspects and detainees. The Government took action to investigate and punish some of those involved and committed itself to curbing future abuses. Prisons are seriously overcrowded, and prison employees and other prisoners abused prisoners. There were occasional reports of attacks on persons accused of witchcraft by their rural communities. Gang violence continued to be a serious problem in the Western Cape, and vigilante violence and mob justice increased throughout the country during the year. The judiciary is overburdened, and lengthy delays in trials and prolonged pretrial detention are problems. The Government generally respects citizens' privacy; however, the Cabinet passed the Interception and Monitoring Bill, which provides for state monitoring of all telecommunications. Legislation still in force from the apartheid era poses a potential threat to the independence of the media, and self-censorship exists. Police forcibly dispersed a demonstration during the year. Violence against women and children remained a serious problem, while discrimination against women and persons with disabilities also remained problems. Xenophobia continues to be a problem, and there were a number of violent attacks on foreigners, including refugees and asylum seekers. Child labor, including forced child labor, is a problem, and trafficking in persons is a problem.

The Truth and Reconciliation Commission (TRC), created to investigate apartheid-era human rights abuses, makes recommendations for reparations for victims, and grants amnesty for full disclosure of politically motivated crimes, continued its work on a large backlog of amnesty and restitution applications. The activities of the amnesty committee of the TRC concluded at the end of June.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Police use of lethal force during apprehensions resulted in numerous deaths, and deaths in police custody also remained a problem. The Government took action to investigate and punish some of

those involved and to prevent future abuses. The Government's Independent Complaints Directorate (ICD) investigates deaths in police custody and deaths as a result of police action. The ICD reported 387 deaths as a result of police action in the first 8 months of the year, including 137 that occurred while in police custody. These figures represent a decrease in the monthly rate of deaths as a result of police action, compared with the 511 deaths as a result of police action that occurred in the last 8 months of 2000. The ICD's report lists subcategories under deaths in police custody, which include natural causes, suicide, injuries in custody, injuries prior to custody, and possible negligence. The Government's cooperation with the ICD was poor. Unlike in the previous year, racial tensions in the military did not result in any killings.

On January 24, Thokozani Nhlapho was shot and killed by members of a SAPS dog unit in Newcastle, KwaZulu-Natal Province. Police reported that Nhlapho was part of an unruly mob, members of which were throwing stones and bottles at members of the unit as they attempted to arrest another man in the neighborhood. They reportedly returned fire after Nhlapho shot at them; however, a preliminary investigation by the ICD indicated that Nhlapho was unarmed when he was killed. On February 9, three police officers were arrested; one of the police officers was released after questioning. The case was pending before the High Court in Kwazulu-Natal at year's end.

On March 2, a police captain shot three times and killed Makawe Makiti in Kabalskraal, near Cape Town. The captain reported that he mistook the victim for an escaped prisoner who was attempting to flee from a farmhouse that the police had surrounded. It was unclear whether the captain was suspended after the shooting, and the ICD was investigating the case at year's end.

On March 3, a woman died from injuries sustained during shooting between the police and residents in Avilla Park (see Section 1.c.).

In July 2000, SAPS members who claimed they were searching homes for illegal weapons shot and killed an ANC Member of Parliament (M.P.), Bheki Mkhize, in his parents' home in Mahlabathini, KwaZulu-Natal. There was no indication that the officers had a warrant or that they attempted to search other homes in the area. Three officers were charged in the killing. In September one of the officers was convicted for murder and sentenced to 25 years in prison; the other two officers were acquitted.

In April 2000, police in Barkly East, Eastern Cape Province, arrested six teenagers for a local burglary. In the course of the arrest, they dragged two of the boys behind their police vehicle, killing a 14-year-old boy. Three police officers were charged with murder, assault and related crimes; their trials were postponed until 2002. The police officers were released on bail and suspended from duty pending their trials.

During the year, the TRC continued to consider amnesty applications involving apartheid era violence and killings; however, all applications were completed in June (see Section 4). Former apartheid security police colonel, Eugene de Kock, was granted amnesty for a variety of apartheid atrocities, including murder, conspiracy, defeating the ends of justice, and contravening the Arms and Ammunition Act. He was pardoned for: The abduction and murder of Jameson Mngomezulu; the murders of KP Shabangu, Thabo Mohale, and Derik Mashobane; the death of Xolile Samson; being an accessory in the killing of Johannes Sambo; and for supplying weapons to the IFP. In April and May, De Kock was granted amnesty for a variety of crimes during the apartheid regime; at year's end, De Kock was serving a sentence of life in prison for committing crimes for which he did not receive amnesty.

The application for amnesty by Ferdie Barnard of the Civil Cooperation Bureau was denied during the year.

The trial of Dr. Wouter Basson was ongoing at year's end (see Section 4). Basson was the head of the chemical warfare program under the former apartheid regime, and he was charged with 46 counts, including murder, fraud, and narcotics trafficking; 15 of the original 61 charges for acts committed outside of the country were dropped. During his trial, it was revealed that the former apartheid regime was involved in the murders of hundreds of members of the Namibian Liberation Movement between 1980 and 1987. The trial was ongoing and expected to continue into February 2002.

Racial tensions in the military between white commanding officers and their black subordinates continued; however, unlike in the previous year, such tensions did not result in any killings. In 2000 a black platoon commander murdered his white company commander at an army base near Phalaborwa; at the beginning of the year, he was sentenced to 15 years in prison. No further action was taken in the 2000 case in which a black navy seaman shot and killed his white commanding officer at Simons Town naval base and then committed suicide, or in the 1999 case in

which a black lieutenant killed six white officers at an army base in Tempe before he was shot and killed. In 1999 the Ministry of Defense announced the formation of a commission of inquiry into the shootings and into racism within the SANDF in general. The report was scheduled for release in October; however, there was no further information available at year's end. Investigations into these killings were ongoing, but the Defense Minister stated publicly that racism was likely a motivating factor in the cases.

The South Africa Institute for Race Relations (SAIRR), a nongovernmental organization (NGO) concerned with political and extrajudicial killings, reported 44 politically motivated killings during the first 6 months of the year, compared with 90 for the same period in 2000 and 175 in 1999. Of the 44 incidents, 29 took place in KwaZulu-Natal.

In April two members of the Zulu royal family, Prince Sikhumbuzo Zulu and Prince Bongani Cril Zulu, were kidnaped and killed. Some observers believed that the killings were politically motivated; however, the motivation remained unknown at year's end. Some observers noted the growing dissatisfaction among some persons in KwaNongoma about the perceived relationship between the ANC and royal family as a possible motivation. There were no arrests in the case by year's end.

In 1999 prominent Zulu leader and ANC member Prince Cyril Zulu was killed. The motivation for the killing was not known. Four men were arrested in connection with the case; in July two of the four were convicted in the unrelated killing of another ANC member.

There were continuing reports of politically motivated murders between the United Democratic Movement (UDM) and the ANC in Western Cape, but it was uncertain whether politics or general crime was the true motivating factor. In September, three men shot and killed Nzomtu Tutuka, a UDM branch leader, at his front door in an informal settlement area. Later the same day, Sydney Mnu kwa, an ANC member and a taxi owner, was shot in the chest and killed in Philippi. It was unknown whether the killing was politically motivated. There was no further information available on the case at year's end.

In 1999 seven persons were arrested for the 1999 killing of the general secretary of the UDM, Sifiso Nkabinde; 5 persons were arrested for a retaliatory attack after the killing, in which 11 persons associated with the ANC were killed and several others were injured. In 2000 seven suspects in the Nkabinde killing went on trial, and five were convicted. In August the 5 suspects arrested for the retaliatory attack were found guilty; 3 of the 5 men were sentenced to 11 life terms in prison. The 2 other men were sentenced to 15 years in prison for each of the 11 murders, and an additional 5 years for attempted murder.

There was no further action on the March 1999 killing in Cape Town of one ANC member and four UDM members.

In September the provincial cabinet secretary for safety and security began an investigation into the killings of 13 UDM members since 1998, primarily in the Cape Flats areas of Nyanga and Philippi. Observers in those areas believed that tensions between the ANC and the UDM increased after the mid-year defection of 46 UDM members to the ANC.

A peace process continued between the IFP and the ANC, the two parties most closely associated with the political violence in KwaZulu-Natal. In 1999 a special bilateral IFP-ANC Peace Committee signed a provincial code of conduct for peace, which remained in effect during the year; however, the committee established to enforce the provincial code of conduct continued to receive complaints regarding the intimidation of party members, primarily in rural areas. Although violence in KwaZulu-Natal remained higher than in other provinces, resulting in dozens of deaths during the year, there was a higher level of overall tolerance attributable to the IFP-ANC peace process, as well as an increased police presence. Isolated rural areas in KwaZulu-Natal that previously experienced violence remained tense at times; however, the overall level of violence continued to decrease. There continued to be killings as a result of the factional and intraparty rivalry in the Nongoma area, and authorities had limited success in solving three related killings. A Public Order Policing Unit dispatched from elsewhere in the province was moderately effective in calming tensions, but investigations continued to be handled by local authorities. Mandeni, KwaZulu-Natal Province, was another area that remained tense during the year as a result of lingering ANC/IFP as well as intra-IFP political rivalry. There are several theories to explain the violence in KwaZulu-Natal, including a legacy of "warlordism" that fuels interparty conflict, and the actions of criminal elements involved in a Mafia-like illegal trade in drugs, arms, and wildlife. Some observers have blamed an undefined "third force," which allegedly combines criminal and conservative elements determined to undermine the new political order; however, fewer observers supported this view during the year. Observers

noted that the fact that the province was not demilitarized and disarmed promoted the area's violence.

Violence in Richmond continued to decrease during the year.

During the 2000 local elections in an area near Johannesburg, there were reports that five persons were killed; in December 2000, nine suspects were arrested and eight were charged with the killings. There was no further information available on the additional person who was arrested but never charged. It was not known if the killings were politically motivated; however, they occurred near a polling place in an area with a history of interparty violence. Three of the eight suspects were charged with murder; they were denied bail and held in pretrial detention. Charges against two suspects were dropped; the other three suspects were charged with reckless endangerment while using a weapon and were released on bail. The trial was scheduled to begin on November 5. No additional information was available on the case at year's end.

In 2000 the mayor of Nongoma, Joseph Sikhonde, was killed. Six suspects were charged with the murder, but they were acquitted on July 31. On October 25, police arrested one suspect who had served as a state witness in the trial on charges of obstructing the cause of justice and fraud for offering false testimony during the trial. There was no further information available on the case at year's end.

Taxi drivers in crime-ridden neighborhoods were responsible for a continuing series of attacks on rivals. Conflict between drivers representing taxi companies led to gun battles and other street violence and resulted in the deaths and injuries of bystanders. Taxi violence continued to be prevalent in KwaZulu-Natal. For example, on March 30, a prominent taxi boss, Thula Maxwell Sithole, and his wife were killed in a drive-by shooting by gunmen in KwaZulu-Natal.

Between January and April, more than 20 persons reportedly were killed in violence between 2 warring factions, the Durban Long Distance Taxi Association and the Durban Taxi Owners' Association. During the year in KwaZulu-Natal, four taxi ranks, which are places designated by the municipality as a pick-up and drop-off point for taxis, temporarily were closed as a result of escalating violence between two factions. On August 12, near Zinkwali Beach, KwaZulu-Natal, 8-year-old Lungile Zikalala was killed, and her mother and sister were injured seriously after a gunman in a passing vehicle shot at the taxi in which they were traveling. A taxi driver, Musa Zondi, was killed in a similar attack a short time later near KwaDukuza, KwaZulu-Natal. On August 15, near Mahlabathini, KwaZulu-Natal, Mxwayiseli Ntuli, a taxi driver from the Durban Long Distance Taxi Owners' Association and a passenger were killed after another passenger in their vehicle shot them. Investigations into the three incidents were ongoing at year's end.

On July 5, Sithembiso Owen Shona confessed that he was a hitman for the KwaZulu-Natal Long Distance Taxi Association and pleaded guilty to four counts of murder and three charges of attempted murder for attacks carried out in Umlazi, KwaZulu-Natal, in 2000. In August the Durban High Court sentenced Shona to four life terms and an additional 60 years in prison.

In September renewed conflict broke out on popular routes near the northern Cape Town suburbs of Bellville and Kraaifontein after several months of relative peace in the local taxi industry. Three persons were killed, including a 7-year-old girl, in the attacks; a total of seven murders and attempted murder cases were under investigation at year's end. Following these events the local Road Transportation Board began mediating negotiations between Convention for a Democratic Taxi Association (CODETA) and Cape Amalgamated Taxi Association (CATA). On September 19, CODETA and CATA agreed on a peace accord in which the parties would return to their previous routes. The unrest had started after the parties began to encroach on each other's territory.

Unlike in the previous year, there was no new violence between taxi owners and Golden Arrow bus drivers in Western Cape. In early October, charges of murder were dropped against seven persons in connection with taxi violence against Golden Arrow in 2000 because the charge sheets were incomplete. In December 2000, Bandile Immanuel Botya was sentenced to three life sentences and 75 years in prison after he admitted to being paid to carry out the attacks on Golden Arrow buses in 2000.

In the first half of the year, more than 30 deaths occurred in the Eastern Cape on routes around Umtata. On September 16, seven persons were killed near Mount Frere in Eastern Cape Province, including two taxi owners returning from a taxi association national peace conference in Durban, after passengers of two vehicles following the convoy of taxis returning from the conference shot at the convoy. A driver of one of the vehicles from which gunfire was initiated was shot and killed in the exchange. No other suspects were identified by year's end. In July the Uncedo Service Taxi Association and the Umtata Taxi Owners' Association agreed on a

peace accord; however, no further information was available on the accord at year's end.

There was no further information available on action by the South African Taxi Council or the Taxi Cooperatives Project during the year.

Vigilante action and mob justice increased throughout the country during the year. The Institute for Security Studies (ISS) reported an increase in vigilante action since 1996 as a result of police inefficiency and the perception that the courts fail to deliver justice. The ISS also reported an increase in mob justice, although no figures were available by year's end. The SAIRR reported that gang violence was worsening in the Cape Flats areas around Cape Town and elsewhere in the Western Cape; however, there were fewer incidents in the province than in the period prior to late 2000.

A vigilante group called Mapogo A Mathamaga has grown in membership and has opened offices in at least nine cities, including Pretoria. Mapogo A Mathamaga reportedly has more than 90 branches and 50,000 members throughout the country. Mapogo members attacked and tortured suspected criminals and beat persons with clubs and whips. Mapogo targeted persons whom they suspected of property crimes against their members. During the year, the vigilante group continued its activities in various provinces. On January 15, two Mapogo members were charged with murder in connection with the killing of a man whose body allegedly was fed to crocodiles in the Kruger National Park in 2000; the case was ongoing at year's end. In February two Free State members of Mapogo A Mathamaga were charged with assault with intent to cause grievous bodily harm in connection to a case in which a suspect was locked up and assaulted when his house was broken into and robbed. In 2000 two men suspected of stealing tomatoes on a farm near Brits were beaten severely; one of the men died from his injuries. In September the trial began in the Pretoria High Court and was ongoing at year's end. In November 2000, the National Directorate of Public Prosecutions established a unit to investigate more than 200 cases attributed to Mapogo members in the Northern and Mpumalanga provinces, which included the crimes of kidnaping, murder, assault, and intimidation.

In Eastern Cape, the Umfela Ndawonye group killed and attacked suspected criminals in instances of vigilante violence. People Against Drugs and Violence (PADAV), the Eastern Cape counterpart to People Against Gangsters and Drugs (PAGAD) in the Cape Town area, clashed with gangsters in and around northern areas (Nelson Mandela Metropole) in Port Elizabeth. In late August, the Organized Crime Unit arrested 12 PADAV members for a series of crimes committed between September 2000 and July. The charges included kidnaping, assault, intimidation, arson, and malicious damage to property.

In the Western Cape, the activities of PAGAD were curtailed severely by a successful law enforcement and prosecutorial effort against leading members of the organization for crimes linked to urban bombings and murder. PAGAD is an Islamic-oriented, community-based organization with a mandate calling for stronger action against crime and drugs. PAGAD was suspected of acts of intimidation and violence against drug dealers, gang leaders, and critics of its violent vigilantism. In September 2000, a PAGAD G-force (murder squad) member testified in court that in January 2000, he had been ordered by PAGAD leadership to attack a gang stronghold and kill gang members and drug dealers. The Minister of Justice and the Minister of Safety and Security publicly charged that PAGAD G-force cells and members of Qibla, an Islamic-based political organization whose membership may share affiliation with PAGAD, were responsible for urban terror incidents in 2000, including: Nine bombings that caused serious injuries but no deaths (see Section 1.c.); the murder of a police captain who had been investigating PAGAD; the murder of Magistrate Piet Theron; and the attempted murder of Magistrate Wilma Van der Merwe (both presiding over PAGAD-linked trials). There have been no incidents of urban terror since late 2000.

Court cases involving PAGAD continued throughout the year. By October there were more than 500 cases under investigation against suspected members of PAGAD, with 81 trials pending based on hundreds of charges. The charges included: 47 charges for murder; 56 for attempted murder; 1 for possession of explosives; 11 for possession of an unlicensed firearm; 13 for armed robbery; and 2 for conspiracy to commit murder. Seventy suspected PAGAD members were arrested, and 9 were released on bail by year's end; bail was denied in as many as 40 cases. The Muslim community has protested the infrequent availability of bail and staged periodic small-scale protests, criticizing the treatment as unfair compared with the judicial treatment of non-Muslims (see Sections 2.c. and 5). There were three sets of murder trials pending at year's end: Ebrahim Jeneker, Abdulla Maansdorp, and Ismail Maansdorp; Moegamat Zain Cornelison and Anees Adams; and Moegamat Isaacs. The case against Cornelison and Adams was postponed until February 2002. In Au-

gust 2000, Ebrahim Jeneker and Ismail Edwards, alleged PAGAD members, were charged with the killing of a police captain who had been investigating PAGAD; the trial was pending at year's end. On October 4, seven PAGAD members, including Jeneker and the Maansdorps, escaped from detention at the Cape High Court; Jeneker, the Maansdorps, and one other escapee were recaptured quickly. Two of the other detainees who escaped were recaptured the following month. At year's end, one suspect remained at large. The trial was ongoing at year's end.

There have been 51 convictions of PAGAD members since 1998. On September 18, Faizel Waggie and Ismael Edwards were convicted for the bombing of a Landsdowne Police station in 1998; this was the first conviction directly related to a specific bombing incident that involved PAGAD. On October 17, Waggie and Edwards were sentenced to 30 years in prison: 15 for the bombing and 15 for three counts of attempted murder.

There were several acquittals of PAGAD suspects during the year. On July 27, Anwar Francis and Yusuf Salie were acquitted for the 1998 pipe bomb explosion that occurred in a vehicle in which they were traveling and killed two other passengers. In September Rieduwaan Hendricks, Imam Moegsien Barendse, and Faried Mohammed were acquitted of charges related to the 1998 bombing of a synagogue in Wynberg.

There were instances of murder and intimidation of witnesses who were testifying against PAGAD; a total of eight witnesses (five named, three unnamed) were shot and killed during the year. On April 8, Mogamat Zaid Abrahams was killed after he voluntarily left the witness protection program to attend a wedding. Other witnesses who were killed during the year included Ebrahim Gollie and Ashrat Saban, who were scheduled to testify in trials involving six PAGAD members detained after arms and explosives were discovered in their vehicles. Abrahams was scheduled to testify in May in a murder trial of four PAGAD members, including PAGAD chief Abdus-Salam Ebrahim. Three potential witnesses against Dawood Osman for murder, attempted murder, and possession of a stolen cell phone, also were killed in May 1998 and January 1999. Yusuf and Fahiemman Enous, who were scheduled to testify in the Keg and Swann bombing attempt in Durbanville in 2000, were murdered in 1999. A suspect in their murder was arrested in 2000.

The trial for the 1996 lynching of drug dealer and Hard Livings gang leader Rashied Staggie was ongoing at year's end (see Section 2.a.). The suspects on trial included: Abdus-Salam Ebrahim, the national coordinator of PAGAD; and Salie Abader and Nadthmie Edries, current and former security chiefs of PAGAD. On December 12, the Government dropped charges against Edries. The trial was scheduled to begin in February 2002.

Murders of farm families in rural parts of the country continued to receive considerable media attention, but data on numbers of attacks have not been available since the SAPS declared an embargo on crime statistics in July 2000. There was widespread concern among white farmers that they were targeted for racial and political reasons; however, according to police and academic studies of farm attacks, the perpetrators reportedly were common criminals motivated by financial gain. It also was reported that in the majority of cases, the perpetrators were not farmworkers. The number of farm attacks and murders doubled over the past 3 years; however, there was a reported decrease during the year. There were 813 farm attacks in 1999 and 905 in 2000. AgriSA reported 639 attacks and 91 killings during the year. There were 144 killings in 1999 and again in 2000. In August Human Rights Watch released a report titled, "Unequal Protection: The State Response to Violent Crime in South African Farms." The report concluded that the Government failed to protect adequately residents of commercial farms from attacks and that black farm residents, especially black women, were most vulnerable to abuse. The Government reportedly established a rural protection plan to coordinate the activities of law enforcement and other relevant actors to address violent crime on farms; however, no further information was available at year's end.

There were incidents of abuse and killings of black farm laborers by their white employers. NGO's claim that rural police and courts refuse to arrest or prosecute whites in many cases (see Sections 1.c. and 4). On June 11, the South African Human Rights Commission (SAHRC) launched an inquiry into the human rights situation in farming communities. The purpose of the inquiry was to examine civil and political rights, economic and social rights, and land rights and the issue of tenancy. Research for the inquiry was ongoing at year's end. In 2000 the SAHRC launched an investigation into allegations of abuse of black farmworkers, local justice system prejudice against farmworkers, and violence against white farm owners. The SAHRC report was not released by year's end.

In May a black teenager was beaten to death near the northern town of Pietersburg in an attack that appeared to be racially motivated. On March 27 and

29, police arrested a total of nine white men for the killing. On April 5, a court was forced to reschedule the bail hearing for the defendants after an angry crowd of approximately 1,000 black protesters disrupted it. In April bail applications were denied for all of the defendants; however, between May 21 and June 21, bail was granted for seven and denied for two of the defendants. The trial was scheduled to begin in January 2002.

In the Northern Province, where traditional beliefs regarding witchcraft remain strong, there were occasional reports of attacks on persons accused of witchcraft by their rural communities. Some survivors of attacks and their families were driven from their villages and were living in "witch villages" for safety. The Ministry of Safety and Security, with the assistance of the quasi-governmental Commission on Gender Equality, and traditional leaders instituted programs to end violence against suspected practitioners of witchcraft. Traditional leaders cooperated with the programs and reported threats against persons suspected of witchcraft to the police.

Occasional witchcraft-related incidents occurred during the year. On September 18, four women and one man were sentenced to life imprisonment for killing a 74-year-old man whom they accused of witchcraft. The court sentenced the five defendants to an additional 5 years in prison on witchcraft-related charges. In November and December, the Commission on Gender Equality and the Department of Justice conducted a successful program to address witchcraft in the Northern Province.

In 2000 two guards were shot to death in Cape Town in what police believe was a strike-related attack. The investigation was continuing at year's end.

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

In April two members of the Zulu royal family were kidnaped and killed (see Section 1.a.). Some observers believed that the killings were politically motivated; however, the motivation remained unknown at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution's Bill of Rights prohibits such practices and provides for the right to be free from all forms of violence from either public or private sources; however, some members of the police beat, raped, tortured, and otherwise abused suspects and detainees. Some incidents of torture and ill-treatment by the police and SANDF occurred during interrogation, arrest, detention, and searches of persons' homes. The ICD reported 27 cases of torture and 18 cases of rape perpetrated by security forces between April 2000 and March; the Government investigated these allegations and prosecuted some offenders.

On March 3, six civilians were injured in Avilla Park in Vredendal, Western Cape Province, during a shooting between residents and police engaged in a crime prevention drive. Residents began to throw stones at the police after they witnessed a SAPS officer assault an elderly man. The police responded by firing at the residents, and shots also were fired at police officers. One person was shot in the spine, and another woman died of her injuries in the hospital 3 days after the incident. No arrests were made, and an investigation was ongoing at year's end.

On September 23, in Pretoria, officers from the Pretoria SAPS dog unit reportedly used their dogs to attack two Mozambican immigrants, Charles Ndlovu and Stanley Dluwayo. After the attack, the victims were treated at the local hospital for bite wounds on their hands and feet. In November the Pretoria High Court convicted for aggravated assault four white police officers; the officers were sentenced to between 4 and 5 years each. Two other police officers pleaded not guilty to the charges, and their trials were pending at year's end.

Incidents of police harassment and attacks against foreigners continued at the same level as in 2000, particularly during coordinated police raids of areas where foreign nationals resided. Some state hospitals reportedly routinely refused treatment to indigent foreigners, despite regulations that required such treatment.

There were reports of police abuse of detainees awaiting deportation (see Section 2.d.). In 2000 after a 2-year investigation, the SAHRC released a report assessing conditions at the Lindela Repatriation Center, the largest detention facility for undocumented immigrants in the country (see Section 1.d.). The report described abuses against detainees, which included long detentions, poor living conditions, xenophobia, abuse, corruption by officials, and sexual abuse of women. The SAHRC reported that the Department of Home Affairs failed to respond to the Commission's recommendations. However, the Department of Home Affairs implemented some changes, and there was some improvement in the conditions during the year. The contractor operating the facility responded positively to most of the SAHRC's recommendations and improved conditions; however, problems remained, particularly as a result of occasional overcrowding after Home Affairs conducted sweeps of squatter camps and sent illegal immigrants to Lindela to await repatriation. It was unknown whether Home Affairs officials continued to assault detainees and subject them to degrading treatment during the year. In 2000 approximately 300 refugees

demonstrated in front of the Department of Home Affairs to protest the Government's refusal to process asylum applications for those applicants without certain documents. Some of the refugees alleged that Home Affairs employees assaulted them and requested bribes. The SAHRC sued the Department of Home Affairs to compel the processing of all applications by asylum seekers as required by the Refugees Act; the case was pending at year's end (see Sections 1.d. and 2.d.).

On two occasions during the year, police used excessive force to disperse demonstrations and strikers (see Sections 2.b. and 6.a.).

In 2000 a video filmed in 1998 was broadcast on national television showing six white police officers beating and torturing three black illegal immigrants with vicious dogs while they yelled racial insults. In January 2000 the officers were arrested and charged with assault and attempted murder and suspended from duty. Three of the six accused officers resigned from the police force after the report was televised. On November 11, the Pretoria High Court convicted four of the officers of several charges, including assault with intent to do grievous bodily harm. Several similar cases were reported to the ICD after the broadcast of the video. For example, in 2000 police from the North Rand Dog Unit reportedly took seven Mozambican immigrants to a deserted field near Springs, ordered them out of the police vehicle, and attacked them with police dogs. After they received medical treatment and were detained for several days in a police jail, the victims were taken to the Lindela Repatriation Center and returned to Mozambique. Another Mozambican immigrant reported that a similar incident took place in 2000 in the West Rand area. The Government still was investigating the cases at year's end.

The Government made efforts to address abuses with an official antitorture policy and training programs for police and SANDF officers. Broad efforts to reform police practices continued to reduce the number of abuses, and the ICD investigated reports of police misconduct and corruption (see Section 1.a.). The ICD reported 36 cases of corruption and 1,707 incidents of SAPS misconduct, including assault, neglecting duty, or performance of duty in an improper manner. In 1999 the SAPS Training Division initiated a human rights program; by September 30, more than 27,000 of the estimated 90,000 targeted officers completed training. The largest number of officers were trained in the Western Cape Province, and officials credited the training with an increase in police disciplinary actions in the province. Another police training initiative, developed by a group of human rights NGO's and the SAPS, focused on the protection of refugees and foreign nationals.

The SAPS continued to undergo sweeping, mostly positive changes, including the institution of reforms designed to create partnerships between local police forces and the communities that they serve, and the establishment of metropolitan police forces in major cities with local control. Resignations and retirements of senior police officials have permitted the infusion of new personnel at senior levels from both inside and outside the SAPS; these appointments also have promoted affirmative action within the SAPS. However, the SAPS continued to have deficiencies in midlevel leadership and institutional memory that were harmful to its overall performance. The SAPS continued to be ill-equipped, overworked, and undertrained.

There was a continuing decline in the number of attacks and killings between ANC and IFP members in the province of KwaZulu Natal (see Section 1.a.).

In September ANC councillor Wandile Nkwele was shot in the face and injured seriously by a person who reportedly was stalking him in Philippi, Western Cape.

Between 1996 and September 2000, there were a total of 189 bomb attacks in the Western Cape. In 2000 there were nine pipe and car bomb explosions in Cape Town (see Section 1.a.). There was one fire bomb attack during the year (see Section 2.c.).

There were incidents of abuse of black farm laborers by their white employers, and NGO's claimed that rural police and courts refused to arrest whites in many incidents (see Section 1.a.).

There were a few illegal strikes that resulted in some worker violence, in particular incidents of intimidation and threats of violence by striking workers against nonstriking and replacement workers (see Section 6.a.). In December 2000, during a legal strike of security guards, strikers used intimidation and violence against nonstriking and replacement guards and also against journalists covering the strike. Nonstriking security guards were harassed by groups of strikers while taking public transportation; the groups stripped them, forced them to lay down in the dirt, and beat them. In December 2000, two guards were shot to death in Cape Town in what police believe was a strike-related attack. Police were investigating the cases at year's end.

Conflict between warring taxi companies led to gun battles and other street violence and resulted in the deaths and injuries of bystanders (see Section 1.a.).

On March 1, students participating in a protest march in central Johannesburg attacked and robbed bystanders, motorists, and journalists. Police officers were

present but reportedly did not take action to stop the violence. There were minor injuries reported.

Vigilante action and mob justice resulted in attacks on suspected criminals and drug dealers, some of whom were tortured (see Section 1.a.).

Xenophobia continued to worsen during the year. Xenophobia was expressed in institutional and social interactions with foreigners, particularly those from other African countries. There were a number of violent attacks on foreigners, including refugees and asylum seekers (see Section 2.d.). Many of those attacked were hawkers and street vendors.

In 2000 three suspects were arrested for a series of bombings in January 1997, including one in a mosque in Rustenburg that injured two persons. In 2000 two of the three accused were sentenced to 19 years' imprisonment each, and the third was sentenced to 16 years' imprisonment (see Section 5).

Prisons do not meet international standards, and prison conditions do not always meet the country's minimum legal requirements. Food, especially for prisoners with HIV/AIDS and other medical problems, frequently is of poor quality and insufficient quantity. NGO's reported that prison employees steal food from prisoners. Although prisoners generally have access to health care, prison officials sometimes withheld prescribed treatment as punishment. Severe overcrowding in some prisons led to poor health; as many as 75 inmates may occupy a cell designed to hold 40 inmates. The Department of Correctional Services (DCS), which manages prisons, reported that in September there were 165,000 prisoners in facilities designed to hold only 105,000. Prisoners often are required to sleep in shifts because of a lack of space. Overcrowding is cited as the main reason for the high rate of HIV/AIDS infection in prisons and a reported increase of more than 300 percent in deaths among inmates. Concerns have been raised over the potential threat to thousands of juvenile offenders. In the first 7 months of the year, 1,101 inmates died of HIV/AIDS, with the rate of infection among prisoners increasing by 36 percent over the same period in 2000. Prison employees and other prisoners abused prisoners, including physically and sexually assaulting them. Press reports indicated that some detainees awaiting trial contracted HIV/AIDS through rape. Male and female prisoners are held separately; however, female prison wards often are on the same grounds as male wards, and Amnesty International reported that prisoners raped women. Pretrial detainees are not held separately from convicted prisoners.

Juveniles between the ages of 14 and 18 accused of serious crimes, including murder or rape, sometimes are placed in pretrial detention in prisons with adult offenders (see Section 5). DCS statistics from September documented that there were 29,873 youth offenders (prisoners under age 21), 3,556 of whom were 17 years of age or younger. Juveniles normally are not housed with adults; however, in April 320 juveniles under 18 years of age awaiting trial were transferred to secure care centers after it was discovered that they were detained with adult prisoners at Pollsmoor Prison near Cape Town. A similar transfer took place in 2000. There were credible reports that youths from juvenile wards were sold to adult prisoners for sexual exploitation, including rape.

C-MAX prisons are designed to hold the country's most dangerous criminals. Human rights groups have raised serious concerns regarding C-MAX facilities, including the Government's criteria for transferring prisoners from other prisons to a C-MAX facility and the restrictive, solitary conditions of the prisons. No additional C-MAX prisons were opened by year's end, but a new prison based on the C-MAX model was under construction and scheduled to begin operations in January 2002.

Parliament passed legislation in 1998 to restructure the prison service and bring prison law in line with the Constitution. Sections of the Correctional Services Act on parole board policy were not implemented by year's end. The parole boards still are staffed by lower ranking DCS employees; NGO's have attributed the low number of parole decisions and an exacerbation of the overcrowding conditions in prisons to this.

A Judicial Inspectorate for prisons began operations during 1999, and a number of official civilian prison visitors were approved throughout the country. Visits were conducted during the year; however, most of the official civilian prison visitors were not trained in legal matters. Those who received some training from NGO's generally were more successful in encouraging compliance with regulations on inmate treatment.

The Government generally permits independent monitoring of prison conditions, including visits by human rights organizations; however, only those organizations that are able to send legal practitioners are allowed to visit prisons. Other prisoners' rights organizations routinely are denied access.

d. Arbitrary Arrest, Detention, or Exile.—The Bill of Rights prohibits detention without trial, and the Government generally respects this right in practice. It also provides that every detained person has the right to be informed promptly of the reasons for the detention; to be advised promptly of the right to remain silent and the consequences of waiving that right; to be charged within 48 hours of arrest; to be detained in conditions of human dignity; to consult with legal counsel at every stage of the legal process; to communicate with relatives, medical practitioners, and religious counselors; and to be released (with or without bail) unless the interests of justice require otherwise. Courts and police generally respected these rights; however, there was a continuing problem with bringing detainees to trial expeditiously.

According to the SAHRC, prisoners wait an average of 6 months to be tried in the regional courts and 6 months to 1 year in the high courts; however, in extreme cases detention may extend up to 2 years. This problem primarily is the result of an understaffed, underfunded, and overburdened judiciary (both magistrates and prosecutors), with more cases than can be handled efficiently (see Section 1.e.). On June 5, the Government initiated an electronic system pilot project called the Court Process Project, which is designed to control criminal cases in a more structured way, from the police stations where they originate through the adjudication process until the convicted person is handed over to the relevant prison or welfare/health authorities. This process includes electronically storing the fingerprints and picture of the accused, which assists authorities in minimizing the incidence of mistaken identity or deliberate identity switching by detainees, thereby limiting the chances of escape. The system also was designed to prevent docket thefts and to curtail the activities of corrupt police and court officials.

Human rights groups, judges, and judicial scholars have expressed concern about the Criminal Procedure Second Amendment Act, which mandates minimum jail sentences and prohibits bail in certain cases, thus raising concerns about judicial independence and civil liberties.

There were reports that authorities abused detainees awaiting deportation. Under the provisions of the law, an illegal immigrant may be detained for 48 hours pending the determination of his or her status. A person declared illegally in the country may be detained for an additional 30 days pending his or her removal from the country. In practice persons may be held in detention for several days before being declared as an illegal immigrant or released, and those declared as illegal regularly are held for more than 30 days. In 2000 the SAHRC reported that immigrants in Lindela Repatriation Center experienced long detentions and abuse (see Section 1.e.). In 1999 the SAHRC sued the Department of Home Affairs for the release of 40 individuals challenging the lawfulness of their lengthy detentions at Lindela. Despite the court ruling in favor of the SAHRC, continued detention in excess of 30 days remains widespread at Lindela (see Sections 1.c. and 2.d.).

There were no reports of forced exile.

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

Under the Constitution, the Constitutional Court is the highest court for interpreting and deciding constitutional issues, while the Supreme Court of Appeal is the highest court for interpreting and deciding other legal matters. Generally magistrates courts and high courts are the courts of original jurisdiction in criminal cases.

Judges and magistrates hear criminal cases. There is a presumption of innocence for criminal defendants. The presiding judge or magistrate determines guilt or innocence. The law requires that a panel of lay assessors hear cases along with a magistrate in cases involving murder, rape, robbery, indecent assault, and assault leading to serious bodily harm. The two assessors may overrule magistrates on questions of fact. Magistrates also are required to use their discretion in using assessors in an advisory capacity in bail applications and sentencing. The Office of the National Director of Public Prosecutions (the so-called super Attorney General) exercises national control over prosecution policy and applies a consistent national policy for the prosecution of offenses. There are nine provincial directors and offices to coordinate and streamline prosecutions.

The Bill of Rights provides for due process, including the right to a fair, public trial within a reasonable time after being charged, and the right to appeal to a higher court. It also gives detainees the right to state-funded legal counsel when “substantial injustice would otherwise result.” In practice the law functions as intended; however, a general lack of information on the part of accused persons regarding their rights to legal representation and the Government’s inability to pay the cost of those services are continuing problems. The Government plans to open 60 legal assistance centers in the country, comprised of the Departments of Justice, Correc-

tional Services, Welfare and Health, along with the SAPS, to speed up the administration of justice, free up the court rolls, and alleviate overcrowding in prisons; 26 centers were established during the year. There were serious backlogs in the numbers of cases that have gone to trial (see Section 1.d.). On February 17, justice officials began a program called Saturday Courts to address the huge backlog of cases in the courts. It was estimated that it would take 2 years for this program to clear the backlog completely. Officials also instituted privately contracted Additional Courts, which operate in specific districts where there are significant backlogs and where space is available in existing courtroom buildings. The Additional Courts use private sector employees or retirees with judicial experience. In November the National Director of Public Prosecutions reported that the Saturday and additional courts had reduced the backlog of cases by 12,000. A total of 13,705 completed cases was reported at year's end.

In March the Minister of Justice and Constitutional Development, Penuell Maduna, announced the appointment of business managers to oversee the overall effective functioning of the courts. This is part of a process of reforming the system of justice delivery.

There was public concern about the capacity of the criminal justice system to deal with the high level of crime. The increasing incidence of vigilante justice reflected this concern (see Section 1.a.).

Some human rights groups expressed concern with laws that provided minimum sentencing guidelines and refusal of bail for certain serious offenses, stating that they harm judicial independence and limit civil liberties. The new bail law was upheld by the Constitutional Court in 1999. In 2000 the South African Law Commission submitted a report to the Minister of Justice on the effects of minimum sentencing laws. The report showed that there remained disparities in the application of the sentencing guidelines, mostly at the regional level. Courts have the authority to depart from the guidelines if "substantial and compelling circumstances" justify it. The National Prosecuting Authority has defended successfully the constitutionality of the minimum sentence legislation in two cases before the Constitutional Court. The Supreme Court has ruled that prescribing certain minimum sentences for specific crimes is constitutional and has provided clear guidelines for interpreting the law on minimum sentencing. However, some human rights groups continued to have concerns about the effects of the minimum sentencing laws. The new laws have contributed to prison overcrowding by imposing an increased number of long-term prison sentences.

The Government and legal bodies have acted to redress historic racial and gender imbalances in the judiciary and the bar. The ranks of judges, magistrates, senior counsels, and attorneys are more reflective of society than in the past, although they still fall far short of a representative composition. The majority of judges of the Constitutional and High Courts remain white and male. Magistrate courts continue to face large caseloads and a shortage of resources.

The Promotion of Equality and Prevention of Unfair Discrimination Act, which entered into force in August, provides for the establishment of Equality Courts within magistrate courts and High Courts to adjudicate complaints. The Equality Courts were not established by year's end; one reason for the delay was that the required training for court officials was not completed.

The activities of the TRC were completed by year's end (see Sections 1.a. and 4). The amnesty committee concluded its activities at the end of June. The committee was finalizing the last two volumes of the final report at year's end, and it was scheduled for completion in March 2002. At year's end, the National Directorate of Public Prosecutions (NDPP) was reviewing all cases that were considered by the TRC to determine which cases to prosecute. The NDPP considered for prosecution only those cases in which amnesty was not granted or those in which the individual did not apply for amnesty.

There were no reports of political prisoners.

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

During the year, the Department of Home Affairs conducted sweeps of squatter camps and sent illegal immigrants to Lindela Repatriation Center to await repatriation (see Section 1.c.).

In 2000 SAPS members who claimed to be searching homes for illegal weapons in Mahlabathini, KwaZulu-Natal, shot and killed Bheki Mkhize, an ANC M.P., in his parents' home; the officers reportedly did not have a warrant to enter the home. On August 30, three officers were charged in the killing. In September one of the officers was convicted of murder and sentenced to 25 years in prison; the other officers were acquitted (see Section 1.a.).

In July the Cabinet passed the Interception and Monitoring Bill which provides for state monitoring of all telecommunications systems, including cell phones, the Internet, and e-mail (see Section 2.a.). The Bill requires an order from a judge in most cases; however, in some cases high-ranking police or army officers are authorized to grant permission. The Bill was submitted to Parliament on August 13 but was not passed by year's end. In 2000 Parliament passed the Promotion of Access to Information Act, and it was implemented in March. Although the purpose of the act was to increase transparency, opposition parties and human rights NGO's objected to a broadly-defined provision that enables the Government to access individuals' personal information.

The Land Claims Court settles cases previously screened and evaluated by the Commission on Restitution of Land Rights. Claims only can be filed for land dispossessions that occurred after the promulgation of the Natives Land Act of 1913, although this does not include dispossessions that occurred in 1913, the year of the Government's most significant land redistribution in favor of whites. The various forms of compensation offered to claimants are the return of the original land, a deed to another piece of land, financial remuneration, or preferential access to government housing. The Commission ceased accepting applications after 1998, but the cases have moved slowly, which has caused increasing tension and frustration and has resulted in some land occupations by squatters. In March the Commission began a process to determine which claims were valid. The process was not completed in most of the provinces by year's end, and the Transvaal Agricultural Union was disputing the process for validating claims that did not meet the requirements of the Restitution Act. The Ministry of Land Affairs is authorized to offer settlements without first going to court, which has expedited the resolution process. As of September 7, 12,675 land restitution claims had been settled. Although the majority of the claims were settled out of court, some were settled by the Land Claims Court. By year's end, 12,863 claims had been settled involving 39,209 households and 217,940 beneficiaries. The Land Claims Court had restored 429,490 acres (173,805 hectares) of land to the rightful owners, and the Minister of Land Affairs had restored 473,844 acres of land. Approximately 55,000 claims remained unresolved at year's end.

In July individual members of the Pan Africanist Congress (PAC), acting on behalf of the African Renaissance Civic Movement (ARCM), organized an illegal occupation of land in Bredell on the East Rand. Members of the ARCM/PAC illegally sold plots to squatters for \$2.50 (25 Rands) per plot, and illegal occupation began on July 1, with an estimated 5,000 squatters residing on the land. On July 10, the Pretoria High Court ordered the squatters to vacate the land within 48 hours; evictions started shortly afterwards, and most occurred peacefully. Churches assisted many persons and provided temporary shelter in nearby township areas. Approximately 110 squatters were detained and charged with illegal land occupation and trespassing. In September the charged trespassers were acquitted, because they believed they legitimately had bought the plots. PAC members allegedly involved in the illegal selling of the plots denied receiving any money for the sales.

There were reports that farm residents were evicted illegally by farmers. Between November 1999 and August 2000, there were hundreds of threatened evictions reported, and at least 125 illegal evictions occurred; however, many evictions were not reported.

There were reports that persons accused of witchcraft were driven from their villages in rural communities (see Sections 1.a. and 5). Traditional leaders in at least three villages in the Northern Province offered unused land to persons accused of witchcraft and their families. The villages have no running water or electricity. Although some persons accused of witchcraft returned to their homes, many persons remained in the villages and requested government assistance for schools and basic infrastructure.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice; however, these rights can be limited by law in some circumstances. Several apartheid-era laws that remain in force pose a potential threat to media independence; the South African National Editors' Forum (SANEF) recommended that between 13 and 15 laws be reviewed. In 2000 the Justice Department agreed to establish a committee with SANEF to review the legislation in question; however, the review did not occur by year's end. In addition the Constitution bans the advocacy of hatred based on race, ethnicity, gender, or religion that constitutes incitement to cause harm. Nevertheless, the press criticizes both the Government and the opposition.

On May 31, the Minister for Safety and Security released crime statistics after he had banned the release of statistics in 2000 on the grounds that they were unreliable. However, government officials continued to question the reliability of crime statistics because of the difficulties experienced by the SAPS in introducing standardized statistics-gathering methods in a consistent manner across the country.

Several laws remain in effect that permit the Government to restrict the publication of information about the police, the national defense forces, prisons, and mental institutions. While these laws have not been employed often, journalists perceive them to be a threat to constitutional free press rights. The Criminal Procedure Act may be used to compel reporters to reveal their sources. In June 1999, SANEF launched a media campaign to compel changes to legislation that restricts the free flow of information. In July 1999, SANEF and the Government reached an informal agreement to introduce safeguards to prevent the use of the Criminal Procedure Act against journalists; however, in September 1999, the Western Cape Provincial Director of Public Prosecutions decided to invoke a section of the Criminal Procedure Act against two photographers and an editor of *Die Burger* newspaper in the case of the 1996 lynching of drug lord Rashaad Staggie (see Section 1.a.). In 2000 police officers raided the offices of the South African Broadcasting Corporation (SABC), Reuters, the Associated Press, and the *Mail & Guardian* newspaper. Police confiscated material for use in the trial of PAGAD national coordinator Abdus-Salaam Ebrahim and three others in the 1996 killing of Staggie. The State prosecutor for the case was replaced after he and a superior were found to have acted improperly in their attempts to obtain from press organizations film footage of the events on the night Staggie was killed. The prosecutor had applied in another country for a court order compelling news agencies to hand over the video without consulting the news agencies' lawyers about the tapes. On July 31, Justice John Foxcroft ruled that the Reuters/AP footage obtained in the other country was not admissible in the trial. The photographers and editor of *Die Burger* newspaper contested their subpoenas in court under the clauses on media freedom and freedom of speech in the Bill of Rights. In October the Government withdrew the subpoenas, but the subpoenas subsequently were reissued. The journalists continued to refuse to testify and the case was ongoing at year's end. The SANEF continued to lobby unsuccessfully for a formal amendment to the act codifying the terms of the informal agreement.

The Government used both legislative and structural means to encourage greater diversity in the media. The media offer a broad diversity of news, opinion, and analysis. Coverage of news and expression of opinion is vigorous. High-ranking government officials on occasion have reacted sharply to media criticism of government programs and problems, and have at times accused journalists, particularly black journalists and editors, of disloyalty, and white journalists and editors of racism. Some journalists express concern that the Government would like to control the media. A larger number of journalists believe that the Government's sensitivity to criticism causes self-censorship in the media.

All newspapers are owned by conglomerates. One of the prominent companies, New Africa Media, is a black-owned consortium that controls the country's largest circulated newspaper, *The Sowetan*, as well as a larger publishing business, Times Media Limited.

Print media reaches only approximately 20 percent of the population. This is due to high levels of illiteracy, the lack of newspapers in rural areas, and the cost of newspapers. The majority of the population receives the news through radio broadcasts from the national broadcaster (SABC) and community radio stations.

A ruling by the Supreme Court in 1998 decreed that journalists who could prove that they had taken all the steps necessary to verify that the information they obtained was genuine and that the articles published as a consequence were reasonable and not negligent would not be liable for defamation. Media freedom advocates noted the ruling as an important change in shifting the burden of proof from the media to the plaintiff.

The government-owned SABC, a limited liability company, continues to own and control the majority of the television and radio outlets. In 2000 the SABC was scheduled to be split into two operational units: a public broadcasting company and a commercial entity. However, the restructuring did not occur by year's end. The SABC is managed by black executives, provides broadcasting in the country's main African languages, and offers news coverage of the Government and the leading opposition parties. The SABC maintains editorial independence from the Government, although the balance between editorial independence and national interest remains a delicate topic with governmental officials. Critics allege that top officials are chosen for political reasons without regard for media expertise or relevant experience.

The first commercial television station, e-tv, has been broadcasting for more than 3 years. Although e-tv's signal reaches 75 percent of the population, e-tv's share is consistently only approximately 10 percent of viewers. Most of e-tv's schedule consists of newscasts and foreign-produced programs; the Government encouraged e-tv to meet its licensing conditions, which would require programming to include at least 30 percent local content. Majority ownership of e-tv is held by Midi Television, a black-owned consortium composed of a number of associations and syndicates representing workers, women, and persons with disabilities.

In addition to e-TV, the SABC competes with two pay-per-view broadcasters, M-NET (encoded UHF transmissions) and MultiChoice (direct from satellite broadcasts); several commercial radio broadcasters; and a large number of low-power, not-for-profit community radio stations.

Government broadcast regulators have issued more than 100 community radio licenses since 1994; many of the more than 80 stations operating continue to experience financing and personnel problems. Nevertheless, community radio provided radio access for the first time to thousands of historically marginalized citizens, providing special event information and news tailored for specific interest groups.

In March Radio Islam, the Muslim Community Radio Station, applied for and was granted a 12-month temporary license (see Section 2.c.).

In 2000 the SAHRC published the finding of its investigation into racism in the media. The investigation examined selected publications over a limited period, looking at the problem of subliminal racism and the disproportionate representation of whites in media ownership and newsroom staffing. The SAHRC report concluded that: "To the extent that expressions in the media reflect a persistent pattern of racist expressions and content of writing that could have been avoided, the media can be characterized as racist institutions." The report recommended workshops and conferences to sensitize journalists to the risk of racial prejudice in their reporting. The SAHRC reported ongoing interaction between itself and the media, and specifically SANEF. Two workshops were held early in the year in Durban and Cape Town with senior journalists on the issue of racism. Commissioners also met with individual members of the media, editorial staff, and representatives of the independent media group to discuss racism in the media. There was an ongoing debate on whether there is a need to share a single regulatory authority. The SANEF and the Freedom of Expression Institute (FXI) were less receptive to the SAHRC recommendation that a single regulatory authority be established for the media. Although the proposed authority would be funded and under the control of the media, SANEF and FXI assert that radio and television require different controls than newspapers. They are concerned that the Government's alleged attempts to silence expressions of dissent eventually could be codified into law.

The SAHRC remained opposed to legislating a single authority to establish international codes of conduct for the media.

There are several government agencies with media-related responsibilities. Under the South African Communications Regulatory Authority Bill passed in 2000, the Independent Broadcast Authority (IBA) and the South African Telecommunications Regulatory Authority (SATRA) were merged to form the Independent Communications Authority of South Africa (ICASA). Under the new regulations, ICASA has less independence from the Ministry of Telecommunications than previously was granted to the IBA. In September the Department of Telecommunications introduced a bill to Parliament that includes further limits to the power of ICASA and gives greater authority to the Minister of Telecommunications. This bill was the subject of a great deal of domestic and foreign media scrutiny and criticism. SANEF regarded it as a regressive step by the Government that could result in very little independence for the regulator of the broadcasting and telecommunications media. A proposed amendment, which would provide the Minister of Telecommunications with the authority to appoint and dismiss members of the board, was dismissed.

The Minister of Telecommunications has a direct role in the awarding of telecommunication-service licenses. This role came under scrutiny during the extended bidding process for the third cellular license in the country after unsuccessful bidders for the cellular license alleged that the regulator unfairly recommended one bidder for the contract; they sued to have the decision reviewed. The allocation of the third cellular license to the company Cell.c was finalized after the unsuccessful bidders reached an agreement with Cell.c and subsequently withdrew their case; Cell.c was operational by year's end.

The Foreign Publication Board, formerly the Government Board of Censors, reviews and passes judgment on written and graphic materials published in or imported into the country. The Board has the power to edit or ban books, magazines, movies, and videos, and it regularly exercises that power, mostly regarding pornographic material. The Government Communications and Information Service (GCIS)

coordinates and facilitates communications with the citizenry through its Directorate for Media Diversity and Development.

Internet access is unrestricted for persons with the ability to pay for the service. The number of Internet users continued to expand quickly. All major newspapers maintain Internet sites, most of which are updated daily with the latest news and features. In July the Cabinet passed a bill that provides for state monitoring of telecommunications, including the Internet and e-mail (see Section 1.f.).

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects these rights in practice. However, on February 13, police fired rubber bullets, stun grenades, and tear gas at a group of approximately 100 persons who were protesting the removal of squatters illegally occupying land along Jukskei River in Alexandra Township after the protesters refused to disperse (see Section 1.f.); two persons were injured during the incident. In March police shot at and used tear gas to disperse striking postal workers who were attacking workers who were not on strike (see Section 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Bill of Rights prohibits the State from unfairly discriminating directly or indirectly against anyone on religious grounds, and it states that persons belonging to a religious community may not be denied the right, with other members of that community, to practice their religion and to form, join, and maintain religious associations. Cases of discrimination against a person on the grounds of religious freedom can be taken to the Constitutional Court.

Christianity is the dominant religion in the country, but no religion is declared the official state religion by law. The ruling party favors no particular religion.

On March 21, approximately 500,000 persons attended a gathering at Newlands Rugby Stadium in Cape Town that was organized by Christian groups and endorsed by 600 Christian leaders. The event promoted unifying the city and addressing unacceptable levels of crime, violence, poverty, bombings, gangsterism, and drug trafficking with celebration and prayer for divine intervention through the power of gospel. Education Minister Kader Asmal, who spoke at an ANC gathering in nearby Langa, criticized the gathering as sectarian, divisive, and non-inclusive. Asmal also claimed that a day of great importance, such as Human Rights Day, had been used by the organizers to promote a particular religious viewpoint, rather than the philosophy of the day. Religious leaders, opposition parties, and the media criticized Asmal's comments and accused him, and by extension the ANC, of not respecting the rights of freedom of association. Asmal apologized repeatedly for his comments, stated that he was in no way opposed to Christianity, and affirmed his commitment to religious freedom.

In February nine pupils were suspended from their high school for wearing dreadlocks. The students claimed that they subscribed to Rastafarianism as a religion, which they claimed requires that adherents grow their hair. The Department of Education allowed the children back into the school and stated that the Department would allow pupils wearing dreadlocks to attend school if they were members of the Rastafarian religion. The Department asked the school to launch an investigation to determine whether the children were Rastafarians in fact.

In 2000 a candidate attorney asked the Constitutional Court to rule that adult Rastafari should be exempted from the application of statutory provisions that make the possession and use of cannabis illegal and subject to a fine or imprisonment, because the use of cannabis is considered to be part of the practice of Rastafarianism. The candidate attorney was refused admission in 1997 as an attorney on the grounds of convictions for possession and use of cannabis, which is illegal. The Western Cape Director of Public Prosecution has opposed the candidate attorney's application, due to the link between cannabis and violent crime in that province. The case was heard on May 17, and the judgment was pending at year's end.

The Constitution states that religious instruction at public schools is permitted so long as it is voluntary and religions are treated equally. The current syllabus allows local boards to decide whether to include religious instruction in their schools. Many public schools have dropped religious instruction in practice. In schools that do administer religious instruction, students have the right not to attend the religious instruction, and school authorities respect this right in practice. There are some private religious schools in which religious instruction is required.

During the 1998/1999 licensing season, the IBA's Broadcasting Monitoring Complaints Committee found the Muslim Community Radio Station, Radio Islam, guilty of violating its license conditions because, among other things, it refused to allow women to speak on the air. In March the station applied for and was granted a 12-

month temporary license because of its compliance with license conditions. The station now has women on its board and also on the air.

Members of PAGAD complained that they were the targets of police brutality (see Sections 1.a. and 5); however, there was no indication that police targeted PAGAD members for investigation because of their religious affiliation. Some religious communities believe that the Government is too lenient in regards to PAGAD.

In late September, the offices of the Muslim Judicial Council in Cape Town were firebombed, causing superficial damage to the building's facade. Police believe the attack may have been a retaliatory act to September 11 terrorist attacks. No suspects were identified by year's end.

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

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Refugees Act codifies the country's obligations under the U.N. Convention and its Protocol. The act's regulations, which delineate actual government procedures and responsibilities, became effective in 2000. The act stipulates that no person shall be expelled, extradited, or returned to any other country if he or she face persecution due to race, religion, or political affiliation, or when "his or her life, physical safety, or freedom would be threatened." The act also stipulates that designated refugees lose their status if they voluntarily return to their country of origin, take citizenship of another country, or if the circumstances that caused their flight from the country of origin change. However, the act stipulates that in order to renew their temporary residency permits, asylum seekers must return to the town in which they originally submitted their applications to be recognized as refugees. Permits that are lost, stolen, or destroyed are not renewed. If found without a valid permit, asylum seekers are subject to arrest, detention, and deportation.

The U.N. High Commission for Refugees (UNHCR) is assisting the Government in processing asylum applications. The regulations implementing the Refugees Act require the Department of Home Affairs to interview asylum seekers within 14 days of entry and to determine their status within 180 days of the interview; however, asylum applications are not processed efficiently by the Department of Home Affairs due to poor management and insufficient resources. There were interview delays of up to 3 months, followed by a 6-month adjudication period, and under new procedures, applicants are prohibited from working or attending school until asylum is granted. NGO's continued to encourage the Government to give equal access to health, education, and legal protection to foreigners. Human rights groups have criticized the Department of Home Affairs for not following the provisions of the act. New applicants for asylum and NGO's assisting refugees reported abuse and assaults by immigration authorities and requests for bribes to process applications for permits to remain in the country (see Section 1.c.). Human rights groups also reported asylum seekers being turned away at borders or repatriated immediately upon arrival at airports without benefit of a formal asylum procedure. In 2000 approximately 300 refugees demonstrated in front of the Department of Home Affairs to protest its refusal to process asylum applications for those refugees without passports. The U.N. High Commission for Refugees (UNHCR), the National Consortium on Refugee Affairs, and the SAHRC continued their "Roll Back Xenophobia" campaign to raise public awareness of the situation and rights of refugees and the difference between refugees and economic migrants. The campaign has produced publications, organized several public relations events, and has instituted a Police Training Initiative in cooperation with the SAPS to sensitize police officers on the need to protect refugees and in dealing with foreign nationals.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum and grants applicants the right to work and study. The Department of Home Affairs reported that as of August, 65,798 persons had applied for asylum since 1994. Of this number, 58,721 applications had been finalized, including 19,106 granted asylum and refugee status, 35,268 refused, and others falling into various other categories such as applications withdrawn, cancelled, and manifestly unfounded applications; 7,077 were awaiting a decision at year's end. At year's end, there were 66,000 asylum seekers in the country; 18,500 were granted refugee status. The majority of recognized refugees came from Somalia, the Democratic Republic of the Congo (DRC), and Angola; there also were refugees from Rwanda, Burundi, and the Republic of the Congo.

The majority of illegal immigrants come from Mozambique and Zimbabwe. Illegal immigrants are processed for deportation at a central facility, and sent back to Mozambique and Zimbabwe by weekly trains. Inadequate security on the trains allows many deportees to jump from the train en route, perpetuating the illegal immigra-

tion problem. Despite numerous procedural safeguards, efforts to combat a growing illegal immigration problem occasionally resulted in the wrongful deportation of aliens who were legally in the country (see Section 1.c.). However, there were no reports of the forced return of persons to countries where they feared persecution.

There were credible reports of overcrowded, unhygienic detention facilities; beatings by security personnel in detention centers; and the theft of money and personal possessions from refugees by security personnel. In 2000 after a 2-year investigation, the SAHRC released a report assessing the conditions at the Lindela Repatriation Center, the largest detention facility for undocumented immigrants in the country. The report described abuses against detainees, which included long detentions, poor conditions, xenophobia, abuse and corruption by officials, and sexual abuse of women. In March the SAHRC met with representatives of the Department of Home Affairs to discuss the Commission's recommendations regarding Lindela. The Commission reported that the contractor subsequently made some improvements in the conditions at Lindela but that corruption and abuses by individual Home Affairs officials, including sexual assaults of detainees and degrading treatment, were not addressed (see Section 1.d.).

Xenophobia led to a number of violent attacks on foreigners (see Section 1.c.). In October a number of Zimbabweans residing in an informal settlement on the outskirts of Johannesburg were attacked by a mob of South African residents from the same settlement after a South African reportedly was killed by one of the male Zimbabweans; 112 shacks were burned down and 126 were looted, and 11 of the Zimbabwean inhabitants were forced to flee the area. The attacks were criticized by the Government, the ruling political party, opposition parties, and the media. In the week following the attack, 14 persons were arrested in connection with the attack. On December 19, Zimbabweans who fled the settlement were allowed to return to the area after a peace agreement was negotiated; those who were in the country illegally were repatriated to Zimbabwe.

On September 23 in Pretoria, officers from the Pretoria SAPS dog unit reportedly used their dogs to attack and injure two Mozambican immigrants (see Section 1.c.).

In 2000 a video taped in 1998 was broadcast on national television showing six white police officers using dogs to beat and torture three black illegal immigrants (see Section 1.c.).

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage. In June 1999, national elections were held that observers deemed to be free and fair. There was an improved level of overall tolerance during the campaigning and voting period compared with the 1994 elections, attributable to IFP-ANC talks, as well as an increased police presence. Complaints primarily concerned posters being removed or defaced, individuals being threatened because of political affiliation, and other incidents of intimidation. In 2000 local government elections were held, which were generally peaceful. The elections were declared free and fair by the Independent Electoral Commission.

Under the terms of the Constitution, the country has a bicameral parliament, an executive state presidency, and an independent judiciary, including a constitutional court.

The two houses of Parliament are the National Assembly, with 400 members, and the National Council of Provinces (NCOP), consisting of 6 permanent and 4 rotating delegates from each of the 9 provinces. The NCOP, created to give a greater voice to provincial interests, is required to approve legislation that involves shared national and provincial competencies according to a schedule in the Constitution and to concur on other legislation. There is an 18-member Council of Traditional Leaders, which the Constitution accords an advisory role in matters of traditional law and authority.

Three parties, the ANC, the IFP, and the AZAPO shared executive power, although the ANC dominated the Government and gained in parliamentary strength in the 1999 elections. ANC members occupy 24 of the 27 ministerial positions. In 1999 the ANC leader, Thabo Mbeki, succeeded Nelson Mandela as President and Head of State. As a result of the 1999 national elections, the DP replaced the NNP as the official opposition in the National Assembly. In 2000 the DP and NNP, along with the FA, formed the DA; however, in October the NNP threatened to leave the DA. The National Assembly also includes the UDM, the African Christian Democratic Party, the Pan-Africanist Congress, the United Christian Democratic Party, the Freedom Front, the Afrikaner Unity Movement, the AZAPO, and the Minority Front.

Traditional leaders expressed concern over the redrawing of municipal boundaries in anticipation of nationwide municipal elections in December 2000. These leaders traditionally have held all of their subjects' agricultural land in trust for their subjects and have controlled many aspects of social and cultural life in rural areas. They claimed that the new demarcations split and diminished their hereditary status and power bases. They also complained that new municipal structures and legislatures denied them voting rights in local councils, which control development funds for local communities. Although some chiefs advocated a boycott of the 2000 elections, most decided to participate based on an agreement with the Government to negotiate compromise legislation. Negotiations continued intermittently after the 2000 elections; however, the issue of the status of traditional leaders and their role in local government structures was not resolved by year's end. There were reports that leaders in some areas actively hindered government activities where they infringed upon areas under traditional rule. Traditional leaders also threatened to form their own political party to challenge the ANC at the polling stations in the 2004 national elections; however, this did not occur by year's end.

There were very few reports of violence or irregularities during the 2000 local elections; however, in the East Rand area of Johannesburg, there were reports that five persons were killed in two incidents of violence that may have been politically motivated (see Section 1.a.).

The percentage of women in government or politics does not correspond to their percentage in the population; however, there are no legal impediments to women's participation in Government. Of the 400 National Assembly members, 117 are women, while in the NCOP, 18 of the 54 permanent delegates are women. Women occupy three of four parliamentary presiding officer positions (speaker and deputy speaker of the National Assembly, and chair of the NCOP). Women hold 9 of 27 ministerial positions, as well as 6 of 13 deputy ministerial slots.

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

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. Many organizations participate in governmental bodies that seek to gather public input and to fashion policies related to human rights.

The government-created SAHRC is tasked with promoting the observance of fundamental human rights at all levels of Government and throughout the general population. The SAHRC also has the power to conduct investigations, issue subpoenas, and hear testimony under oath. Following the 2000 release of its report on the 1999 investigation into racism in the media, opposition parties again questioned the SAHRC's broad interpretation of its mandate and the impartiality of the Commission (see Section 2.a.). During the year, the SAHRC began an investigation into allegations of abuse of black farmworkers, local justice system prejudice against farmworkers, and violence against white farm owners (see Section 1.a.). The SAHRC report was not released by year's end. The SAHRC undertook a number of other activities during the year, including a national action plan and strategy to combat racism, the "Roll Back Xenophobia" campaign, a study of socio-economic rights, and an inquiry into sexual offenses against children (see Section 5).

The Office of the Public Protector investigates abuse and mismanagement by the Government, and acts as an office of last resort to which citizens report unfair treatment by government organizations. Such complaints generally take the form of concerns over lost pension checks or unfair hiring practices. The office handles an increasing number of complaints but is hampered by severe resource constraints.

The TRC was empowered by legislation to investigate apartheid-era gross human rights abuses committed between 1960 and 1994, to grant amnesty to perpetrators of a broad range of politically motivated crimes, and to recommend compensation for victims of human rights abuses. Due to the volume of work, the TRC's original 2-year mandate was extended to allow the continuation of amnesty hearings, and the TRC continued to operate freely throughout its sixth year. In its report, the TRC found that apartheid was a crime against humanity, that the former apartheid regime was responsible for most of the human rights abuses during the era of its rule, and that the ANC and other liberation movements also committed abuses during their armed struggle. The TRC was scheduled to dissolve in March 2002. The amnesty committee concluded its proceedings at the end of June, but a committee of the TRC was compiling the last two volumes of the TRC report to be added to the five earlier volumes (the initial report) at year's end. The final report was scheduled for submission to the President in March 2002.

By 1999 7,112 amnesty applications had been filed with the TRC; no new applications were accepted after 1997. Almost all amnesty applications were completed when the Amnesty Committee ended its activities in June, and only a few applications were finalized after June; by year's end, no applications were pending. An estimated 80 to 90 percent of all applications were from persons already incarcerated. A total of 1,146 applicants were granted amnesty. The amnesty applications of former Minister of Law and Order Adrian Vlok and former Civil Cooperation Bureau operative Ferdi Barnhard were denied during the year. In 1999 the TRC began amnesty hearings on 10 former members of the Umkhonto we Sizwe, the armed wing of the ANC, for their role in a series of 1986 bar bombings; 7 individuals were granted amnesty for those bombings during the year.

The TRC report called for a reconciliation summit to be scheduled in 1999, but had not received a formal response from the Government by year's end. The TRC also called for increased counseling services for victims of trauma, and consideration of a mechanism for restitution, such as a wealth tax. Victims' groups such as Khulumani called for the Government to set aside \$650 million (6 billion Rands) for reparation funding according to the TRC formulas. The Government did not approve the TRC's recommendations for an overall payment formula for reparations, which included monetary compensation as well as community support and legal and symbolic reparations, by year's end. The Government had not resolved any of these matters by year's end; however, the processing of emergency financial reparation applications from eligible victims continued, with approximately \$4.7 million (43 million Rands) paid by year's end. During the year, interim assistance continued to be given to persons considered to be in the greatest financial difficulty. The TRC officially expressed concern regarding delays in implementing reparation measures and doubt about the level of government support for reparation funding. Although the Government did not make a final decision on reparations for apartheid victims during the year, it committed \$86 million (800 million Rands) for reparation payments. Minister of Justice Penuell Maduna stated that the Government opposed the distribution of money to individuals, and instead favored compensation through the delivery of new housing, further development of infrastructure in areas formerly not served during the apartheid era, and delivery of land. The reparations committee completed its activities on November 30. Of the 20,563 reparation applications filed, 17,100 received interim reparations totaling \$7.06 (48.37 Rands).

The Human Rights Investigative Unit has authority to prosecute those persons who failed to ask for amnesty or to whom amnesty had been denied. All human rights abuses addressed by the TRC's amnesty committee are scrutinized by the unit, which has received approximately 11,000 amnesty applications. In October the TRC's amnesty committee submitted its final report; it is estimated that no more than 20 cases potentially could be prosecuted, which could take up to 5 years. The case against Dr. Basson is the first case pursued by this unit to go to trial (see Section 1.a.).

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

The Constitution prohibits discrimination on the grounds of race, religion, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, or marital status. The Promotion of Equality and Prevention of Unfair Discrimination Act, which entered into force on August 9, outlaws unfair discrimination against any person on the grounds of gender, race, and disability, and places a responsibility on the State and any person in the public domain to promote equality. The act addresses discrimination in a broad context in the workplace, health care, education, services, pensions, and other socio-economic areas. Legal recourse is available to those who believe that they have been discriminated against; however, entrenched attitudes and practices, as well as limited resources, limit the practical effect of these protections.

Women.—There is an extremely high rate of domestic violence, including physical, sexual, emotional, and verbal abuse, as well as harassment and stalking of former partners. Entrenched patriarchal attitudes towards women are a significant factor in underreporting. It is difficult for abused women's cases to be prosecuted effectively, and abused women often are treated poorly by doctors, police officers, and judges.

A study conducted in three provinces by the Medical Research Council (MRC), a statutory body, found that 27 percent of women in the Eastern Cape, 28 percent of women in Mpumalanga, and 19 percent of women in the Northern Province had been abused physically in their lifetimes by a current or ex-partner. In a 1999 study by the MRC of 1,394 men working for 3 Cape Town-area municipalities, approximately 44 percent admitted to abusing their female partners. In a MRC study of

1,800 working men in the Western Cape Province over a 10-year period, 22 percent reported forcing their wives or girlfriends to have sex.

The law defines victims of domestic violence, facilitates the serving of protection orders on abusers, requires the police to take victims to a place of safety, and allows police to seize firearms at the scene and arrest abusers without a warrant. The law defines marital rape as a criminal offense and allows women to obtain injunctions against abusive husbands in a simple, less expensive, and more effective manner. The law extends legal protection from domestic abuse to persons who are not in legal or common-law marriages. Violating a protection order is punishable by a prison sentence of up to 5 years, or 20 years if additional criminal charges, including indecent assault, rape, incest, attempted murder, malicious damage to property, or pointing a firearm, are made.

The implementation of domestic violence legislation was hampered by societal attitudes and a lack of infrastructure, resources, and training for law enforcement officials. Researchers at the University of Cape Town's Institute of Criminology reported that while many police and other judicial system officials are committed to complying with the law, it has not been implemented adequately. It is believed that the number of women who filed complaints represented only a fraction of those who suffered abuse. Statistics on prosecution and conviction of domestic abusers were not available at year's end. Domestic violence has been the subject of extensive media coverage, much of which has been focused on the need to improve implementation of domestic violence legislation and to impose longer sentences on convicted abusers. At year's end, the parliamentary monitoring committee on women's affairs was completing consultations with NGO's and local and national government officials regarding defects in the domestic violence laws, preparing a report for the relevant ministries on how the legislation could be modified to ensure more effective implementation, and focusing on efforts to ensure that the budget oversight process included greater emphasis on the effects of government programs on women. The report was completed but the committee had not considered it by year's end.

The Government finances 25 shelters for abused women. This number is inadequate, particularly in the rural areas. The SAPS operates 12 Family Violence, Child Protection, and Sexual Offenses (FCS) Units, which deal specifically with these issues and which are intended, in part, to increase victims' confidence in the police, thereby leading to increased reporting of such crimes. Six training courses for FCS Investigating Officers are held annually, and there are numerous additional workshops and seminars for other members of the police force, including gender sensitivity training. The Government conducts domestic violence awareness campaigns and counseling services in partnership with the Network of Violence Against Women, an NGO consortium.

Rape, including spousal rape, is illegal. There is an extremely high incidence of rape for reasons including a poor general security climate and societal attitudes condoning sexual violence against women. In the large majority of rape cases, the perpetrator goes unpunished.

The SAPS reported that between January and March, there were 144.2 rapes reported per day or 29.5 rapes per 100,000 persons. According to a 2000 report by Statistics South Africa, a governmental body, 2.7 percent of women between the ages of 16 and 25 years who were interviewed in a 1998 survey said they had been raped in the previous 5 years, as compared with 1.8 percent of women between 26 and 45 years old. In 2000 approximately 52,860 rapes were reported; however, according to a 1998 SAPS survey cited in the Statistics South Africa report, only half of all respondents who were raped reported the incident to the police. Of the cases reported, 47.6 percent were referred to court after an investigation. Of the cases that went to court, 45.6 percent were withdrawn in court, and an additional 4.5 percent settled out of court; 19.8 percent of the cases that went to court resulted in the conviction of the accused. The Rape Crisis Organization of South Africa reported that only 8.9 percent of reported rapes resulted in a conviction.

Rape, sexual assault, and sexual harassment of black female farmworkers by farm owners, managers, and by other farmworkers was common.

The Office on the Status of the Women, located in the Presidency, reported in the 2000 National Policy Framework for Women's Empowerment and Gender Equality that "there are few support structures for victims of rape. At police stations, rape victims face a lack of facilities coupled with the unsympathetic treatment women frequently receive from both the police and the justice system." Although judges in rape cases generally follow statutory sentencing guidelines, judges occasionally are criticized by women's advocacy groups for using questionable criteria, such as the victim's behavior or relationship to the rapist, as a basis for imposing lighter sentences.

The Government has established 22 sexual offense courts throughout the country. In 2000 the Government launched a pilot project in two communities aimed at providing holistic care for rape victims. The Government also has designated waiting rooms for victims, established counseling, installed more than 2,000 intermediary facilities at courts, and provided training of judicial officers.

The issue of rape was covered widely in the media during the year, although NGO's working with rape victims reported a decrease in attention from 2000. There were a number of demonstrations against rape; one followed the murder of a young girl by gang members who previously had raped her and threatened to kill her if she reported the crime. In July students at a girls' high school in Cape Town organized a demonstration in which thousands of students joined hands to form a solidarity chain for a young girl who had been raped.

Female immigrants and asylum seekers were abused sexually during detention. The Lindela Repatriation Center has no special facilities for women, and although male and female detainees resided in separate sections of the Center, they often used common facilities (see Section 2.d.).

In August the Constitutional Court ruled that a woman could be awarded damages on the basis that the Government failed to protect her security.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, still is practiced in some areas of the Eastern Cape and KwaZulu-Natal, although it is not considered to be widespread. The law specifically prohibits FGM as unfair discrimination.

Prostitution is illegal, but it is widespread and practiced fairly openly. There have been incidents of harassment by policemen demanding sexual favors of prostitutes under threat of penalizing them for lewd conduct or public loitering. There is no law that specifically prohibits sex tourism, although it is covered under the general prohibition against prostitution. The Government is not involved in sex tourism. There were reports that women are trafficked into the country for prostitution (see Section 6.f.). In August the Pretoria High Court ruled that sections that prohibited prostitution in the Sexual Offences Act were unconstitutional.

Although no official statistics are available, there is anecdotal evidence that sexual harassment is a widespread problem. An attorney from the Women's Legal Center, an NGO, estimated in July that 76 percent of women had experienced some form of sexual harassment; 40 percent of these women had left their jobs or changed jobs as a result of the harassment. Perpetrators of sexual harassment can be prosecuted under a number of laws; however, there have been few successful prosecutions. The Government and legal bodies have acted to redress historic racial and gender imbalances in the judiciary and the bar. The ranks of judges, magistrates, senior counsels, and attorneys are more reflective of society than in the past, although they still fall far short of a representative composition. The National Economic Development and Labor Council (NEDLAC), a government body, produced a code of good practices designed to eliminate sexual harassment in the workplace; however, no specific action was taken to implement the code.

Discrimination against women remains a serious problem despite equal rights under family law and property law with regard to inheritance, divorce, and custody of children, and equal legal rights under the judicial system.

Polygamy continues to be practiced by several ethnic groups. Exacting a bride price ("lobola") also is a traditional practice of some ethnic groups. The Recognition of Customary Marriages Act recognizes customary marriages, both monogamous and polygamous, but it does not address religious marriages, which are not recognized by the law. The law was introduced in 1998 but not implemented by year's end.

The law prohibits gender discrimination on the following grounds: Gender-based violence; FGM; preventing women from inheriting family property; practices which impair the dignity and equality of women; policies that unfairly limit access to land rights or other resources; discrimination based on pregnancy; limiting access to social services and benefits; and denial of access to opportunities. The act also provides for the establishment of equality courts with specific jurisdiction to hear complaints under the act; however, they were not established by year's end (see Section 1.e.).

In practice women experience economic discrimination in areas such as wages, extension of credit, and access to land.

Women, especially black women, typically have lower incomes and less job security than men. Most women are engaged in poorly paid domestic labor and micro-enterprises, which do not provide job security or benefits. The Office of the Status of Women reported in 2000 that "although gender discrimination has been removed from labor laws, this has not been sufficient to achieve equality in women's participation in the paid labor force."

According to data supplied in 2000 by employers with 50 or more employees, women hold 13 percent of all top management positions, 20 percent of all senior management positions, and 43 percent of professional and middle management positions. This last figure is high because of the disproportionate representation of women within the nursing and teaching professions, which are included in those categories. Approximately 17 percent of women who work are domestic laborers; the majority of these workers are black women with little or no education. Domestic workers usually do not have contracts with their employers and have little recourse for unfair treatment or abuse. Female farmworkers often experienced discrimination. Female farmworkers' access to housing often is dependent on their relationship to male farmworkers. Women generally occupy the less well-paid farming jobs or receive lower wages than men who perform the same type of work. Many female farmworkers are denied maternity leave in violation of the law or are allowed only the minimum time to give birth and return to work.

Discrimination against women in the workplace is prohibited under the law, which includes both anti-discrimination and affirmative action provisions. The law also protects persons who have insecure and informal rights and interests in land; many women are in this category. However, the National Policy Framework for Women's Empowerment and Gender Equality reported that some land ownership and tenure practices continue to discriminate against women. For example, township housing transfer schemes favor existing title holders, who tend to be men, and women in rural areas find it hard to obtain security of tenure, which is a precondition for accessing housing subsidies.

Elderly women, many of whom are primary caregivers for their grandchildren, benefit from legislation under which women qualify for the national old age pension at 60 years of age (men qualify at 65 years of age). In 2000 the Department of Trade and Industry began a program to provide incentive grants to promote the development of small and medium businesses and microenterprises for women, and for young persons and persons with disabilities in the areas of manufacturing, tourism, arts and crafts, and imports and exports. Recent studies have shown a connection between women and the likelihood of poverty. A women's NGO reported that female-headed households have a 50 percent higher incidence of poverty than male-headed households; that a high proportion of working women live in poor households; and that 61 percent of the elderly poor are women.

The law provides procedures for child support payments and improves the ability of caregivers, most of whom are women, to collect maintenance payments from noncustodial parents; however, the Government had not implemented a section of the law mandating the appointment of maintenance investigators to track down missing noncustodial parents by year's end.

A number of governmental and nongovernmental organizations monitor and promote women's human rights. The Office on the Status of Women, located in the Office of the Deputy President, coordinates departmental gender desks, which develop strategies to ensure integration of gender concerns into governmental policy and planning. In 2000 the Office of the Status of Women published a detailed study, the National Policy Framework for Women's Empowerment and Gender Equality, which outlined the Government's plan for achieving gender equality. The Commission on Gender Equality (CGE), a constitutionally mandated body, is authorized to investigate allegations of gender discrimination and make recommendations to Parliament on any legislation affecting women; however, the CGE was hampered by a lack of funding during the year. Parliament's Joint Committee on Improvement of Quality of Life and Status of Women is mandated to monitor the effects of government programs and policies on women. During the year, the committee devoted special attention to monitoring gender equity in the government budget process.

There are numerous active women's rights groups that focus on such areas as violence against women and the economic advancement of women. Some of these groups have been successful in affecting government policy. For example, the Gender Monitoring and Advocacy Group, an NGO consortium that includes a domestic workers' organization, successfully lobbied for an amendment to proposed unemployment insurance legislation that originally did not cover domestic workers, who are primarily women. The Government subsequently decided in principle that domestic workers should be covered under the act; however, the legislation had not been amended by year's end.

Children.—The Constitution stipulates that children have the right "to security, education, basic nutrition, and basic health and social services." The Government remains committed to providing these services and has made some progress toward developing the mechanisms for delivering them, including improvements in the provision of education and a campaign against child abuse. However, the demand for such services far exceeds the resources available. The Government has found it par-

ticularly difficult to provide for the rapidly growing number of children who are affected by HIV/AIDS, including both infected children and AIDS orphans.

The law provides greater educational opportunities for disadvantaged children—traditionally black children—through a uniform system for the organization, governance, and funding of schools. It mandates compulsory education from ages 7 to 15 and ensures that children cannot be refused admission to public schools due to a lack of funds. According to the Department of Education, approximately 90 percent of 7 to 15-year-olds and 83 percent of 16 to 19-year-olds are enrolled in school. According to UNICEF figures updated in 2000, 88 percent of grade school age boys and 86 percent of grade school age girls attended primary school. The Office of the Status of Women reported in the 2000 National Policy Framework for Women's Empowerment and Gender Equality that in 1999, 50.6 percent of all students in public and independent schools were girls, and women comprised 55 percent of all university students and 46 percent of all technicon (technical college) students. However, the report noted that a number of factors, including unplanned pregnancies, domestic responsibilities (particularly in rural areas), and gender stereotypes, contributed to high drop-out rates and lower secondary school pass rates for girls.

The school funding formula, based on norms and standards tied to physical resources and performance, devotes 60 percent of nonpersonnel resources toward the 40 percent most needy schools. Each of the nine provincial departments of education has responsibility for the schools in their provinces, which has resulted in the uneven distribution of educational facilities. The disparity has affected the areas of Eastern Cape, the Northern Province, and KwaZulu-Natal most severely. The availability and quality of primary schooling still is a problem, especially in rural areas where schools may not be easily accessible or children may have to work (see Section 6.d.). To address this problem, the Government continued to build new schools, introduce basic skills development and prevocational training into the curriculum, and in some cases, develop plans to provide food for disadvantaged children.

Student populations on university campuses are becoming more representative of the general population, with the most prestigious government-administered universities, some of which used to be all-white, making an active effort to recruit students from other communities. The enrollment of black students had risen to 41 percent in 1999 at the nation's top five universities.

There are a number of governmental social welfare programs for children, known as "Presidential Initiatives," including free health care for pregnant women and children under 6 years of age and school meal programs for primary school children. In practice it is sometimes difficult for persons in rural areas to obtain access to health care facilities and other social welfare programs. NGO's have called for reforms of social security programs, including programs targeted at children, particularly in response to the increasing number of HIV/AIDS orphans. The Government was criticized widely by HIV/AIDS activists for failing to protect adequately young children from HIV/AIDS transmission through the provision of antiretroviral medication to pregnant and breast-feeding women. The Cabinet continued to withhold approval for programs to reduce the rate of mother-to-child transmission of HIV/AIDS during the year; however, the director of AIDS programs allowed provincial governments to implement the programs without cabinet approval. During the year, an activist group called Treatment Action Campaign sued the Government in court for failing to provide drugs which reduce mother-to-child transmission of HIV/AIDS. In December a Pretoria High Court judge ordered that the drug Nevirapine be provided to HIV-positive pregnant women in state hospitals. The Government appealed the order, and the appeal was pending at year's end.

In December 1999, a Cape Town High Court heard a case brought by residents of a squatter camp petitioning for government-provided housing. The court ruled that the children in squatter camps have a constitutional right to housing and, thus, are entitled to state-provided shelter. The court also ruled that the children have a constitutional right to family and therefore, have the right to be accompanied by their family members in the state-provided shelter. The Constitutional Court, the country's highest court, held hearings on the case in May 2000, and ruled that the Government had failed to carry out its obligation to provide housing, but did not rule specifically on the constitutional rights of children to housing.

Violence against children, including domestic violence, remains widespread. Domestic violence against children is prohibited under the law, which also compels medical, educational, and other practitioners working with children to report abuse immediately. While the Government, the public, and the media have paid increased attention to the problem, a lack of coordinated and comprehensive strategies to deal with violent crimes continues to impede the delivery of needed services to young victims. In July a senior police officer reported to a parliamentary committee that there was a significant increase in reports of child abuse. Although corporal punish-

ment in schools is prohibited by law, there are reports that teachers use physical violence to discipline their students. In addition there continued to be high levels of racially-motivated violence among students in schools.

Reports of child rape have increased significantly, as have reports that men are committing rape due to a growing myth that having sexual intercourse with a virgin can cure HIV/AIDS. Between January 2000 and June, the police reported 31,780 cases of rape and attempted rape of children; however, observers believe that these figures represent a small percentage of the actual incidents of child rape, because most cases involve family members and are not reported. The country has a low conviction rate for rape and child abuse. There was a reported 2.6 percent conviction rate in cases of child abuse in Johannesburg. The minimum sentence for rape of a child is life in prison, but judges have the discretion to grant more lenient sentences. Courts reportedly convicted approximately 70 persons for rape and similar offenses and sentenced them to life sentences during the year. In November a 9-month-old girl was raped in Cape Town; six men were arrested for the crime. The incident followed a series of recent rapes of baby girls. On November 26, thousands of men demonstrated against the rapes as part of a 16-day awareness campaign.

In March Human Rights Watch released a report entitled "Scared at School: Sexual Violence Against Girls in South African Schools" that documented widespread rape, sexual abuse, sexual harassment, and assaults of girls at school by teachers, students, and other persons in the school community. According to the report, girls "are confronted with levels of sexual violence and sexual harassment in schools that impede their access to education on equal terms with male students." The report stated that the Government was working to improve its responses to domestic and sexual violence, but recommended "a more proactive, coordinated, and system-wide response." There was no reported action by year's end. The law requires schools to disclose sexual abuse to the authorities; however, administrators often disregarded the obligation by concealing sexual violence or delaying disciplinary action. The report further noted that "sexual violence and harassment in South African schools erect a discriminatory barrier for young women and girls seeking an education."

A 2000 survey documented that 39 percent of sexually active teenage girls reported being raped. According to Human Rights Watch, girls who experience sexual violence often leave school temporarily, change schools, or quit attending school to escape continuing abuse; those who remain in school have difficulty completing their studies. The level of sexual violence in schools also increased the risk for girls of contracting HIV/AIDS or other sexually-transmitted diseases, as well as unwanted pregnancies.

The Government has introduced initiatives to address school violence; however, it does not have a national policy to address sexual violence and harassment in schools. Human Rights Watch reported an absence of standard procedural guidelines governing how schools should treat persons accused of sexual violence or harassment.

Virginity testing on young girls and traditional male circumcision still are prevalent in various parts of the country. Virginity testing is a violation of the law and exposes women to a potentially higher risk of being raped because of the virginity myth. Human Rights Watch reported that virginity tests were conducted at some schools in KwaZulu-Natal during the year. Traditional circumcision rituals still are practiced on teenage boys in rural areas of the Eastern Cape and KwaZulu-Natal and resulted in the hospitalization, mutilation, or death of several boys and young men. The provincial department of health reported at least 18 deaths, 5 mutilations, and 42 hospitalizations during the summer initiation season that began in September 2000. In December 2000, provincial health authorities began to regulate the practice by requiring the presence of trained medical personnel during the rituals. The Eastern Cape Provincial Government introduced legislation to regulate traditional male circumcision and improve health standards during the ritual; however, it was not implemented by year's end.

FGM still is performed on young girls in some rural areas of the Eastern Cape and KwaZulu-Natal (see Section 5, Women).

Child prostitution increased, primarily in Cape Town, Durban, and Johannesburg. A 2000 report by the NGO Molo Songololo estimated that there are 28,000 child prostitutes in the country. The child sex industry increasingly has become organized, with children either forced into prostitution by gangs or exploited by their parents to earn money for the family (see Sections 6.c., 6.d., and 6.f.). The law prohibits the commercial sexual exploitation of children, sexual intercourse with children under 16, and allowing a female under 16 to stay in a brothel for the purpose of prostitution. The 33 SAPS Child Protection Units lack the capacity to deal adequately with the problem of child prostitution.

Legislation regulates limited pretrial detention of juvenile offenders accused of serious crimes. The law states that any child under the age of 14 must be released within 24 hours into the custody of a parent or guardian when possible. In 2000 juveniles awaiting trial were transferred to secure care centers after it was discovered that they were being held with adult prisoners and receiving insufficient medical attention at Pollsmoor prison near Cape Town. Immigrant children detained in the Lindela Repatriation Centre received the same general treatment as adult detainees, were not provided with separate sleeping facilities from adults, and were not always provided with food and clothing by the facility (see Sections 1.c. and 2.d.).

There were reports that children were trafficked for prostitution and forced labor (see Section 1.f.).

Child labor, including forced child labor, is a problem.

Persons with Disabilities.—The Constitution prohibits discrimination on the basis of disability. Society is increasingly open to the concept of persons with disabilities as a minority whose civil rights must be protected. The Government attempts to ensure that all government-funded projects take account of the needs of citizens with disabilities. However, in practice Government and private sector discrimination against persons with disabilities in employment still exists. The law mandates access to buildings for persons with disabilities, but such regulations rarely are enforced, and public awareness of them remains minimal. The law requires employers with more than 50 workers to create an affirmative action plan with provisions for achieving employment equity for persons with disabilities. The National Environmental Accessibility Program, an NGO comprising consumers with disabilities as well as service providers, has established a presence in all nine provinces to lobby for compliance with the regulations and to sue offending property owners when necessary. In August the Public Service Commission reported to a parliamentary committee that persons with disabilities constitute only 0.02 percent of the public service workforce.

Indigenous People.—The Constitution provides for the recognition of “the institution, status, and role of traditional leadership,” and requires the courts to “apply customary law when that is applicable, subject to the Constitution and any legislation that specifically deals with customary law.”

The Constitution further permits legislation for the establishment of provincial houses of traditional leaders and a National Council of Traditional Leaders to deal with matters relating to traditional leadership, indigenous and customary law, and the customs of communities that observe a system of customary law. Six provinces have established houses of traditional leaders. The National Council of Traditional Leaders is mandated to advise the Government on matters related to traditional authorities and customary law. Traditional leaders and government representatives met several times during the year to discuss the relative roles of traditional leaders and municipal structures with the aim of drafting a legislative amendment setting out these roles. However, they failed to reach an agreement by year’s end.

During the year, members of the Khoisan group argued for legal protection of their culture and language, particularly recognition in the Constitution and for their languages to be taught in schools. There was no additional information available at year’s end.

Religious Minorities.—Relations between the various religious communities generally are amicable. However, there is a concern about the perceived growing influence of a politicized and radicalized brand of Islam. Reports of violence perpetrated by PAGAD have fueled these concerns.

PAGAD portrays itself as a community organization opposed to crime, gangsterism, and drugs; however, it is known for its violent vigilantism (see Section 1.a.). PAGAD is a multifaith movement, although its orientation is Islamic and the vast majority of its members are Muslim. PAGAD is most active in the Western Cape but also has branches elsewhere in the country. Surveys indicated that approximately two-thirds of Muslims supported PAGAD soon after its inception, but that figure has dropped significantly since. The vast majority of Muslims no longer support PAGAD. While PAGAD continues to lose support when it is linked to violent acts, it gains sympathy when high-profile incidents occur that are perceived by the Muslim community to have been acts of discrimination against Muslims.

The Muslim community has protested the infrequent availability of bail and staged periodic small-scale protests, criticizing the treatment as unfair compared with the judicial treatment of non-Muslims (see Sections 1.a. and 2.c.).

There were occasional reports of killings linked to the continued practice of witchcraft in some rural areas (see Sections 1.a. and 1.f.). In the Northern Province, where traditional beliefs regarding witchcraft remain strong, officials reported dozens of killings of persons suspected of witchcraft. The Government has instituted

educational programs to prevent such actions. On September 18, four women and one man were sentenced to life imprisonment for the murder of a 74-year old man whom they accused of witchcraft.

In late September, the offices of the Muslim Judicial Council in Cape Town were firebombed, causing superficial damage to the building's facade. Police believe the attack may have been a retaliatory act to September 11 terrorist attacks. No suspects were identified by year's end.

In December 1998, a synagogue in Wynberg was bombed; in September three suspects were acquitted (see Section 1.a.).

National/Racial/Ethnic Minorities.—The Constitution and Bill of Rights prohibit discrimination on the basis of race, ethnic or social origin, or culture. The Government continued efforts to reorganize and redesign the educational, housing, and health care systems to benefit all racial and ethnic groups in society more equally. The law prohibits discrimination on 19 grounds and requires employers with 50 or more employees to ensure that previously disadvantaged groups—defined as blacks, women, and persons with disabilities—are adequately represented at all levels of the workforce. However, these previously disadvantaged groups remained underrepresented in the workforce, particularly at the professional and managerial levels. A comprehensive analysis of workforce profiles submitted to the Department of Labor by 8,250 employers in 2000 showed that blacks hold 13 percent of top management positions and 98 percent of unskilled positions. The employers cited a lack of training and development, poor recruitment processes, and an antagonistic corporate culture as the main impediments to affirmative action. The armed forces have struggled with the process of integrating blacks into the predominantly white officer corps (see Section 1.a.).

Xenophobia led to a number of violent attacks on foreigners (see Sections 1.c. and 2.d.). Foreigners faced harsh reactions from antiimmigrant groups such as the Unemployed Masses of South Africa, which criticized immigrants for job losses.

The continued killings of mostly white farm owners by black assailants created concern among white farmers that they were being targeted for racial and political reasons (see Section 1.a.). There also were reports that white employers abused and killed black farm laborers, but avoided penalty due to collusion with the authorities (see Section 1.a.).

The World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance was held in Durban from August 31 to September 7.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right to strike, and these rights are given statutory effect in the Labor Relations Act (LRA). All workers in the private sector are entitled to join a union. Workers in the public sector, with the exception of members of the National Intelligence Agency and the Secret Service, also are entitled to join a union. Members of the National Defense Force are allowed to join a union, but they are prohibited from striking. Union membership in the private sector has continued to decline steadily in recent years as a result of job layoffs and declining formal sector employment, including in industries that have been heavily unionized, such as mining and manufacturing. However, some public sector unions have experienced growth. Total union membership is approximately 3.3 million persons, which constitutes nearly 31 percent of the economically active population.

The largest trade union federation, COSATU, is aligned formally with the ANC and the South African Communist Party (SACP). Several ANC members of Parliament and of the Cabinet have a COSATU leadership background, and the premier of Gauteng, the country's richest province, is a former COSATU general secretary. COSATU's largest rival, the Federation of Unions of South Africa (FEDUSA), is a nonpartisan labor federation. A relatively minor labor federation, the National Council of Trade Unions (NACTU), is independent of any political grouping. Some unions do not belong to any federation.

The LRA is designed to create an industrial relations regime that is stable and recognizes that basic worker rights need to be protected. The act, which applies to both the public and private sectors, protects workers against unfair dismissal, recognizes their right to form trade unions, provides for the right to strike, and establishes a simple set of procedures that protect striking workers from the threat of dismissal. Essentially, for a strike to proceed, all that is required is that a dispute be referred for conciliation. There is no time limit on conciliation efforts; however, if conciliation fails to resolve the dispute, or lasts more than 30 days, a trade union is entitled to advise an employer of intent to strike so long as it gives 48-hours notice to a private sector employer or 7-days notice to a state employer. Organized labor also has the right to engage in "socioeconomic protest," whereby workers can

demonstrate, without fear of losing their jobs, in furtherance of broader social objectives. The LRA also allows employers to hire replacement labor for striking employees, but only after giving 7 days' notice to the striking trade union. Employers have the right to lock out workers if certain conditions are met. Public sector employees, with the exception of essential services and the three components of the security services, also have the right to strike. Strikes by workers in essential services, such as police and hospital workers, are prohibited. If disputes between workers in essential services and their employers cannot be resolved through collective bargaining or conciliation, they are referred to arbitration.

On August 29 and 30, COSATU held a 2-day nationwide general strike to protest the privatization of state-owned enterprises and of municipal services. In December 2000 and January, security guards went on strike for 3 weeks over wages. During the strike, there were incidents of intimidation and threats of violence by striking workers against nonstriking and replacement guards. In January the strike ended after trade unions and employers signed an agreement. On March 5 in Johannesburg, during a 2-week strike by postal workers, police shot at a crowd of post office workers who attacked non-striking workers and injured one person. In Pretoria on the same day, police fired tear gas and injured one person after striking workers attempted to lock the gates to the airport's post office (see Section 6.a.). Other significant strikes resulted from wage disputes including: A 3-week strike of automobile workers in August; a 3-week strike of rubber and tire workers in August and September; and a 1-week strike by dock workers in Durban in December. Strikes were shorter and less disruptive than in previous years.

On March 7, the Labor Court overturned a ruling of the Commission of Conciliation, Mediation and Arbitration (CCMA) that would have required Volkswagen South Africa to reinstate 1,3000 workers that it fired for illegally striking in 2000.

The Government does not restrict union affiliation with regional or international labor organizations. COSATU, FEDUSA, and NACTU are affiliated with the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law defines and protects the rights to organize and bargain collectively. The Government does not interfere with union organizing and generally has not interfered in the collective bargaining process. The LRA statutorily provides for “organizational rights,” such as trade union access to work sites, deductions for trade union dues, and leave for trade union officials, which strengthens the ability of trade unions to organize workers.

Union participation as an equal partner with business and Government in the National Economic Development and Labor Council, a tripartite negotiating forum, ensures a direct voice for labor in the formulation of economic, social, and labor policy.

The LRA allows for the establishment of workplace forums that are intended to promote broad-based consultation between management and labor over issues such as work organization, corporate downsizing, and changes in production processes. The forums, in order to receive statutory protection, can be established by trade unions only in businesses with more than 100 employees. Although trade unions in only a few factories reportedly have established workplace forums, the intent of the law is to build wide support within the trade union movement and business for such cooperative workplace relationships.

Although labor laws protected farm workers, the COSATU-affiliated South African Agricultural, Plantation and Allied Workers, Union (SAAPAWU), and the NACTU-affiliated National Union of Farmworkers have encountered difficulties trying to organize farm workers, because union organizers are considered trespassers on private property. In addition farmworkers or farm residents who attempted to organize were harassed and evicted. The Ministry of Labor reported that 4.5 percent of the agricultural labor force is unionized. In 2000 the Department of Labor conducted a survey on the prevailing conditions in the agricultural sector, which was ongoing at year's end.

To further reduce the adversarial nature of labor relations, the LRA also created a Commission for Conciliation, Mediation, and Arbitration (CCMA). The CCMA has resolved successfully many disputes referred to it and remains critical to the emergence of a less confrontational business climate. The CCMA also gradually is beginning to play an interventionist role by becoming involved in disputes before they deteriorate into full-fledged strikes or lockouts. A labor court and a labor appeals court are other important creations of the LRA. The labor court has jurisdiction to resolve disputes that the CCMA is unable to mediate to the satisfaction of both parties. Notwithstanding the existence of the CCMA and specialist courts for labor disputes, the aim of industrial relations is to minimize the need for judicial intervention in labor relations, leaving it to the contending parties to resolve disputes whenever possible. No employee may be fired or discriminated against because of membership in or advocacy of a trade union.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, there were reports that smugglers used the country as a transit and destination point for trafficking in persons for prostitution and forced labor (see Section 6.f.).

The Constitution prohibits forced and bonded child labor; however, there were reports that children were trafficked, forced into prostitution, or exploited by their parents to earn money for their families (see Sections 5 and 6.f.). A 1999 survey conducted by Statistics South Africa reported that up to 2,000 children work to pay off outstanding debts to employers or obligations to their landlords (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of a child under 15 years of age. It is a criminal offense to employ a child between 15 and 18 years of age if such employment “places at risk the child’s well-being, education, physical or mental health, or spiritual, moral, or social development.” This policy is enforced effectively in the formal non-agricultural sector and less effectively in other sectors by Department of Labor inspectors, who are required to ensure that all of their inspections address child labor problems. The inspectors attempt to resolve any problems by counseling employers, child workers, and parents, and by cooperating with the Departments of Welfare and Education. The violation of the laws regulating child employment is a criminal offense, punishable by a maximum prison sentence of 3 years. However, criminal prosecution is reserved for “extreme circumstances,” and there were no prosecutions by year’s end.

Many children, especially in the rural areas of the former “homelands” where electricity and running water are rare, are expected to help with household chores and school maintenance. According to a survey conducted by Statistics South Africa in 1999, 45 percent of children between the ages of 5 and 17 worked for 1 hour or more per week in an economic activity, 5 hours or more per week in school labor, or 7 hours or more in household chores. The most common economic activity for children was gathering wood and water for domestic use, which occupied 4.5 million of the 13.4 million children between the ages of 5 and 17 years for 1 hour or more per week. Of the 2 million children who spent at least 1 hour per week in activities for pay, profit, or family economic gain, 59 percent were involved in agriculture and 33 percent in trade. A survey noted that of the 13.4 million children between the ages of 5 and 17, 17.8 percent were engaged in subsistence farming, 5.3 percent in trade, 1.4 percent in commercial agriculture, 0.8 percent in services, 0.4 percent in manufacturing, 0.1 percent in transport, 0.1 percent in informal finance, and 0.05 percent in construction and mining.

Child laborers from Zimbabwe and Mozambique work in the country on commercial farms, for the taxi industry, or as domestic servants.

Child prostitution is a growing problem in metropolitan areas (see Section 5). NGO’s estimate that there are 10,000 children working as prostitutes in Johannesburg and at least 1,000 in Cape Town. Along trucking routes child prostitutes are sought after because of the belief that they are more likely to be disease-free or that, if they are virgins, sex with them cures diseases such as HIV/AIDS (see Section 5). The Government previously had established a task force to develop a plan of action to combat the sexual exploitation of children, and has created training courses for the police force and the judiciary regarding the problem.

The Government has stated that it is committed to abolishing child labor through new legislation and improving the enforcement of current child labor laws. The Government has prepared training manuals and conducted a number of courses on enforcing child labor laws. The Child Labor Inter-sectoral Group (CLIG) is composed of representatives of trade unions, employers, organizations, NGO’s, and officials of the Departments of Labor, Welfare, and Education. The CLIG debates policy options and ensures coordination of initiatives between these different groups.

Following the Government’s ratification of International Labor Organization (ILO) Convention 182 on the Worst Forms of Child Labor in 2000, the Department of Labor began provincial consultations in order to develop and complete a comprehensive program of action to implement the convention. However, no further action was taken by year’s end.

The Constitution prohibits children under the age of 18 from participating in armed conflict. The minimum age for military recruitment is 17 years.

The Constitution prohibits forced or bonded labor; however, there were reports that children were trafficked, forced into prostitution, and that some children work in conditions that amount to bondage (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—There is no legally mandated national minimum wage. Unionized workers in the formal sector of the economy set wage rates on an industry-by-industry or plant-by-plant basis through annual negotiations with

employers or employer organizations. Such wages generally are sufficient to provide a decent standard of living for a worker and family. In those sectors in which workers are not organized sufficiently to engage in the collective bargaining process, the law gives the Minister of Labor the authority to set wages, including for farm laborers and domestic workers. However, income disparities between skilled and unskilled workers and the income distribution gap between rural and urban workers mean that many unskilled or rural workers are unable to provide a decent standard of living for themselves and their families.

The law standardizes time-and-a-half pay for overtime, establishes a 45-hour workweek, and authorizes 4 months of maternity leave for women. A ministerial determination exempted businesses employing fewer than 10 persons from certain provisions of the act concerning overtime and leave.

Occupational health and safety issues are a top priority of trade unions, especially in the mining and heavy manufacturing industries. Although attention to these issues has increased significantly, the country's industrial and mining processes are dangerous and sometimes deadly. The law provides for the right of mine employees to remove themselves from work deemed dangerous to health or safety. Moreover, a tripartite mine health and safety council and an inspectorate of mine health and safety, are tasked with enforcing the act and monitoring compliance with its provisions. The law specifically makes it an offense for a company to discriminate against an employee who asserts a right granted by the law (for example, to leave a hazardous work site) and requires mine owners to file annual reports that provide statistics on health and safety incidents for each mine being worked. On May 8, 12 persons were killed by an explosion in a gold mine.

Working conditions on farms were generally poor. There were many incidents of physical abuse of farm workers, non-payment of wages, and other forms of arbitrary treatment (see Section 1.c.). In September the Department of Labor published a report on employment conditions in the agricultural sector which found that "most South African farm workers live in circumstances of absolute and relative poverty" and recommended minimum farm wages ranging from \$40 to \$75 (400 Rands to 750 Rands), depending on the farm's location. Many farmers do not measure accurately working hours, and they often require their laborers to work 11 hours per day and 6 days per week. In addition 12 hour days were common during harvest time, and few farmers provided overtime benefits. Human Rights Watch reported low wages and the absence of basic services in farmworkers' housing. There were reports that farmers ignored laws relating to health and safety and other labor rights for their workers. Health and safety regulations often were not observed during the use of chemicals in agricultural work.

There are no laws or regulations in other industries that permit workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment; however, the law protects employees from retaliation who, with "reasonable belief that the health or safety of an individual has been, is being, or is likely to be endangered," disclose dangerous workplace conditions to the appropriate authorities.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the country is a transit and destination point for the trafficking of persons from other countries in Africa, Asia, Eastern Europe, and the former Soviet Union for prostitution and forced labor. Women and children are trafficked into the country by domestic and international organized crime syndicates for the sex industry.

The extent of trafficking operations is not known; however, it has been estimated that an average of 1,000 women are trafficked across the country's borders every month. Molo Songololo, an NGO in Cape Town, conducted a 2000 study of 44 women working in the sex industry in the country and found that women who are trafficked to the country are 18 to 25 years of age with limited English skills, limited job opportunities, and dependent families. Of the 44 women surveyed, 10 of the women were trafficked from Thailand, Eastern Europe, and the former Soviet Union; the remaining women were South African, and 4 of them were trafficked.

Women and children are lured by traffickers with the promise of jobs and decent wages, and then forced to work as prostitutes, in some cases to pay off debts to those who smuggled them into the country. While many women come willingly, some claim that they were tricked into coming, or that they were forced to continue working as prostitutes until they had paid off the cost of their transport. The Eastern European syndicates contact women through acquaintances of friends and offer employment opportunities in the South African hospitality industry, usually offering to pay airfare and obtain travel documents; the women usually enter the country with a holiday visa or claim political asylum. The women generally travel alone; upon arrival they are met by an agent at the airport and taken to a house in the

Gauging province, Eastern or Western Cape, or Kwazulu Natal. Trafficked women usually are threatened if they do not comply, and their documents are confiscated.

In Asia employment agencies, female agents, and newspaper advertisements are used in recruiting women with promises of employment in hospitality, catering, teaching, and service industries. These agencies create "books" with the photographs and personal information on the women, which are circulated among prospective buyers who are either agents or brothels and escort service owners. The women are "ordered" and brought to South Africa, where they reside in the same house and are monitored closely. The women usually are debt-bonded to the agent who recruited them and are required to make a profit for both their trafficker and employer.

In Africa women are trafficked from neighboring countries including Angola, Zimbabwe, Lesotho, Swaziland, Zambia, Cameroon, Malawi, and Rwanda. Namibia and Botswana reportedly are transit countries. The trafficking operations are run by Nigerian, Angolan, and Congolese networks; South African also are involved in trafficking syndicates. The method of recruiting in Africa reportedly is with promises of employment in the hospitality industry, and women are transported via roads into the country; the trafficked victims are indebted to the recruiting organizations.

The country also is a transit point for trafficking operations between developing countries and Europe, the United States, and Canada. Migrants from foreign countries, particularly China, India, the Middle East, Eastern European countries, and other African countries, are lured to the country with accounts or promises of money and jobs in the West. Once in the country they are provided with documentation and accommodation before being moved on to final destinations, where they are forced into prostitution, drug dealing, or other criminal activity until they pay off the debt of their travel expenses. Traffickers apparently have identified the country as one in which temporary entry permission often is granted, fraudulent documents are easy to obtain, and direct flight and shipping routes are available to most countries in the developed world.

There are four major criminal syndicates in the country that traffic women: The Chinese Mafia from Asia and operating in Swaziland; Bulgarian syndicates from Eastern Europe; the Russian Mafia; and African criminal groups, mainly from Angola, Nigeria, and the DRC. The African syndicates appear to be the managers and owners of specific establishments within the sex industry. Individual criminals from South Africa and neighboring countries also engage in trafficking. It is reported that women from Eastern Europe are trafficked by a well-organized syndicate that is run by ex-military personnel of senior rank.

Trafficked women who work in the sex industry live with other trafficked victims in segregated areas; are under constant surveillance; have no money or identifying documents; are indebted to the agents who arranged their travel; work up to 18 hours each day; work double shifts, on weekends, and when ill; are fined for infractions of strict rules; and have little communication with other workers.

The country does not have legislation that specifically prohibits the trafficking of persons; however, there are other laws that can be applied to prosecute offenses related to trafficking, including laws dealing with illegal aliens, employment, occupational health and safety, sexual offenses, domestic violence, and organized crime. Various entities of the Government investigate trafficking cases on an ad hoc basis. The Government made efforts to address the trafficking problem with investigations and arrests by the police. These efforts are hampered by police corruption, lack of training, and understaffing. In 2000 police discovered prostitutes from Thailand, Bulgaria, Russia, the Czech Republic, Romania, and Zambia at a brothel in Johannesburg, closed the establishment, arrested the owner, and seized his assets. Some of the women were returned to their home countries, and the criminal case against the owner and various civil cases were pending at year's end. On July 31, the Pretoria High Court ordered the brothel to be closed. The courts generally deal with trafficking through deportations and fines, rather than exacting criminal penalties.

Trafficking is not a focus for the Government, and few government resources have been allocated to combat trafficking. There is no plan or program in place to assist trafficking victims. There has not been any specialized training for dealing with trafficking victims. However, during the year, the border police included protection of women and children from trafficking in its strategic plan.

There were no reported government anti-trafficking public awareness campaigns or other programs to prevent trafficking. The NGO Molo Songololo is the only NGO that has worked with the Government to address trafficking, and the cooperation has been limited to interviews with government officials for the Molo Songololo study on trafficking. Molo Songololo has raised some awareness with the publication of its study and through programs in Western Cape schools.

SUDAN

The 1989 military coup that overthrew Sudan's democratically elected government brought to power Lieutenant General Omar Hassan Al-Bashir and his National Salvation Revolution Command Council (RCC). Bashir and the RCC suspended the 1985 Constitution, abrogated press freedom, and disbanded all political parties and trade unions. In 1993 the RCC dissolved itself and appointed Bashir President. Presidential and parliamentary elections were held in December 1993. All major opposition parties boycotted the elections, and there were allegations of official interference and electoral fraud. Bashir was selected for a 5-year term, and the National Congress/National Islamic Front (NC/NIF) won 340 out of 360 seats in Parliament in the deeply flawed process. In 1996 a subsequent election was held, which also was boycotted by the major opposition parties. Despite the adoption of a new Constitution through a referendum in June 1998, the Government continued to restrict most civil liberties. Since 1989 real power has rested with the NIF, founded by Dr. Hassan al-Turabi, who became Speaker of the National Assembly in 1996. In November 1998, the NIF renamed itself the National Congress (NC); NIF/NC members and supporters continue to hold key positions in the Government, security forces, judiciary, academic institutions, trade unions, professional associations, and the media. The major opposition political parties remain in self-imposed exile or otherwise barred from active roles. In December 1999, Bashir declared a 3-month state of emergency, dismissed Turabi, suspended the Constitution, and disbanded Parliament 2 days before it was to vote on a bill introduced by pro-Turabi legislators to reduce Bashir's presidential powers. In June 2000, Bashir expelled Turabi from the NC, which prompted Turabi to create a new political party, the Popular National Congress Party (PNCP). In December 2000, presidential and parliamentary elections were held; however, the seriously flawed elections were boycotted by the major opposition parties, and most international observer groups chose not to observe them. The state of emergency, which suspends basic civil liberties including freedom of expression and association, remains in effect and during the year was extended until December 2002. The judiciary is subject to government influence.

The civil war, which is estimated to have resulted in the death of more than 2 million persons and the displacement of more than 4 million, continued into its 19th year. The principal rebel faction is the southern, African, and non-Arab Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA). The SPLA remains the principal military force in the war. In the southern war zone, the SPLA controls large areas of the states of Equatoria, Bahr al Ghazal, and the Upper Nile and operates in the southern portions of Darfur, Kordofan, and Blue Nile. The Government controls a number of the major southern towns and cities, including Juba, Wau, and Malakal. The 1997 Khartoum agreement between the Government and the South Sudan Independence Movement/Army, which broke away from the SPLA in 1991, and several smaller southern factions remains largely unimplemented, and there was significant fighting between progovernment and antigovernment elements who had signed the 1997 agreement during the year. The SPLM/SPLA and most independent analysts regard the 1997 agreement as a tactical government effort to enlist southerners to the Government's side. In December 1999, Rieck Machar, a southern leader who had signed the agreement, broke away from the Government and in January 2000 formed a new rebel movement, the Sudan People's Democratic Front (SPDF). In 2000 the SPLM/SPLA and its northern allies in the National Democratic Alliance (NDA) carried out military offensives in limited areas along the borders with Ethiopia and Eritrea and in large parts of the south during the year. There were no significant military offensives by the NDA during the year; however, government forces took military initiatives against NDA strongholds in Kassala State, and there were major military engagements between the Government and the SPLA in Blue Nile State and Bahr Al Ghazal State. Neither side appears to have the ability to win the war militarily, although oil revenues allowed the Government to invest increasingly in military equipment. The Bahr El Ghazal humanitarian cease-fire, which began in July 1998, was extended by both the Government and the SPLM several times in 1999, and in August 1999, the Government offered a comprehensive cease-fire, which in October 1999 it extended through January 15, 2000. However, the Government continued its bombing campaign during this period. The SPLM similarly extended its cease-fire through the same dates, but effectively limited its offer to the humanitarian cease-fire as agreed to in Bahr El Ghazal. In June 2000, fighting between the Government and the SPLM resumed, marking the end of the humanitarian cease-fire.

Since 1993 the leaders of Eritrea, Ethiopia, Uganda, and Kenya have pursued a peace initiative under the auspices of the Intergovernmental Authority for Development (IGAD) with mixed results. In 1994 the IGAD initiative agreed on the Declaration of Principles (DOP), which identifies elements that are necessary to reach a peace settlement. The Government finally signed the DOP in 1997 after major battle losses; however, no significant progress towards a peace settlement has been made.

In 1997 and 1998, the Government signed a series of "peace from within" agreements with several former rebel leaders, which called for the end of military conflict with significant rebel factions in the southern region and the Nuba Mountains; however, the Government has not complied with the agreements, and several SPLA, SPDF, and other leaders and their factions that had joined the government side have returned to the SPLA or defected to carry out independent armed opposition activities and have taken military actions against the Government. In 2000 and during the year, foreign governments developed initiatives to facilitate reconciliation between the warring parties and proposed confidence building measures as a prelude to direct peace negotiations. During the year, the parties accepted some of the proposed confidence-building measures. Both sides took some steps toward peace during the year. The Government and the rebel movement agreed to a cease-fire in the Nuba Mountains, an international commission to investigate ways to end slavery, and the establishment of "days of tranquility" for humanitarian interventions.

In addition to the regular police and the Sudan People's Armed Forces, the Government maintains an external security force, an internal security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces, including the Public Order Police (POP), a law enforcement entity that enforces Shari'a (Islamic) laws, whose mission includes enforcing proper social behavior, including restrictions on alcohol and "immodest dress." During the year, there were no reports of abuses committed by the POP. The Popular Police Force (PPF), which was made up of nominees from neighborhood popular committees for surveillance and services to enforce Shari'a laws, was disbanded in 2000. Members of the security forces committed numerous, serious human rights abuses. The security forces are under the full control of, and responsive to, the Government.

Civil war, economic mismanagement, more than 4 million internally displaced persons (IDP's) in a country of an estimated 30 million persons, and, to a lesser extent, the refugee influx from neighboring countries have devastated the country's mostly agricultural economy. The majority of the population is engaged only marginally in the formal or cash economy; approximately 86 percent of the labor force is engaged nominally in agriculture and the informal economic sector. Exports of crude oil and petroleum products, cotton, gold, sorghum, peanuts, gum Arabic, sugarcane, livestock, and meat accounted for 100 percent (approximately \$1.8 billion) of export earnings in 2000. The estimated gross domestic product (GDP) for 2000 was \$11 billion, and yearly per capita income is estimated to be approximately \$350 (91,000 dinar). Unemployment and underemployment remain serious problems that affect more than half of the work force. Private investment in the oil sector led to significant increases in oil production during the year. Reforms beginning in the early 1990's aimed at privatizing state-run firms and stimulating private investment failed to revive a moribund economy that maintains massive military expenditures and a large foreign debt of approximately \$21.5 billion. Despite privatization efforts, the Government remains heavily involved in the economy.

The Government's human rights record remained extremely poor, and although there were some improvements in a few areas, it continued to commit numerous, serious abuses. Citizens do not have the ability to change their government peacefully. Government security forces and progovernment militias continued to act with impunity and were responsible for extrajudicial killings. There were reports of government responsibility for disappearances. There were at least eight confirmed abductions of NGO workers by government forces and progovernment militias during the year. Government security forces regularly beat, severely flogged, harassed, arbitrarily arrested and detained, and kept in incommunicado detention opponents or suspected opponents of the Government. Reports of torture were less frequent than in previous years primarily in response to increased critical scrutiny by the international community. Security forces beat refugees, reportedly raped women abducted during raids, and on occasion reportedly harassed and detained persons on the basis of their religion. Prison conditions remained harsh and life threatening; prolonged detention under emergency laws with little or no judicial review was a problem; and the judiciary continued to be subservient to the Government. The national, regional, and local authorities did not ensure due process, and the military forces summarily tried and punished citizens. The Government established emergency tribunals in the western part of the country to try banditry cases, which resulted in seven reported executions of those convicted of armed robbery. The Gov-

ernment continued to infringe on citizens' privacy rights. The Government continues to conscript forcibly men and boys. The Government did not fully respect the laws of war, took few prisoners of war (POW's), and did not cooperate with the International Committee of the Red Cross (ICRC) regarding access to or treatment of POW's in government custody. The Government continued to obstruct the delivery of humanitarian assistance. Cooperation with U.N.-sponsored relief program for the Nuba Mountains improved, and in November the Government allowed the delivery of humanitarian relief to SPLM and SPLA areas in the Nuba Mountains for the first time in more than 10 years; however, the Government continued to deny humanitarian flights access to certain areas of the country. Problems with relief flights in the south centered on the Government's frequent denials of visas and work permits to foreign humanitarian workers and aircraft clearances to the U.N.'s Operation Lifeline Sudan (OLS).

The Government severely restricted freedom of speech and of the press, repeatedly suspended publications that criticized or disagreed with the government line, and harassed and detained journalists. Moreover, all journalists continued to practice self-censorship. The Government officially lifted formal press censorship and stopped daily monitoring of each publishing house; however, four publications remained under intensive scrutiny and continued to experience intimidation, interruption, and arrests of editors. The Government continued to restrict severely freedom of assembly, association, religion, and movement. In June the Government declared a ban on all rallies and public demonstrations in the country and announced that no permits would be authorized or issued; the ban remained in effect at year's end. In the context of the Islamization and Arabization drive, government pressure—including forced Islamization—on non-Muslims remained strong, including continued reports of forced conversion of non-Muslim children and displaced persons. Fears of Arabization and Islamization and the imposition of Shari'a fueled support for the civil war throughout the country. The Government continued to resist the presence and activities of human rights groups in the investigation of human rights abuses. Violence and discrimination against women were problems. Prostitution is a growing problem, and female genital mutilation (FGM) is widespread. Abuse of children remained a problem. Discrimination and violence against religious minorities persisted, as did discrimination against ethnic minorities and government restrictions on worker rights. Child labor is widespread. Abduction of women and children, and slavery and trafficking in persons remained problems. Government security forces and associated militias were responsible for abductions of women and children, use of forced labor (including forced child labor), slavery, and the forced conscription of male children.

Rebel groups continued to commit numerous, serious abuses. The SPLM/SPLA continued to violate citizens' rights, despite its claim that it was implementing a 1994 decision to assert civil authority in areas that it controls, and in many cases, has controlled for many years. The SPLM/SPLA was responsible for extrajudicial killings, beatings, rapes, arbitrary detention, and forced conscription of boys. SPLM/SPLA officials were guilty of, or complicit in, theft of property of nongovernmental organizations (NGO's) and U.N. agencies operating in the south. The ICRC reported in 1996 that the SPLA had begun to observe some basic laws of war; it takes prisoners on the battlefield and permits ICRC visits to some of them. However, the SPLA has not allowed the ICRC to visit prisoners accused by the rebel group of treason or other crimes.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports of extrajudicial killings. There were reports in the Nuba Mountains, northern Bahr Al Ghazal, and other areas of government-supported killings of local officials who were suspected of supporting the SPLA. In their attacks on rebel forces, government troops killed a large number of civilians (see Section 1.g.). Government forces and allied militia pursued a scorched earth policy aimed at removing populations from the areas surrounding the newly built oil pipeline and other oil production facilities, which reportedly resulted in some deaths (see Section 1.g.). On numerous occasions, the Government bombed civilian facilities, which resulted in a number of civilian deaths, including of children (see Section 1.g.). Explosions of government-laid landmines resulted in some deaths (see Section 1.g.). There were reports that during raids and attacks on civilian settlements, government forces killed a number of persons, and there were reports that persons abducted during those raids at times were killed (see Sections 1.b. and 6.c.).

On March 16, security forces arrested Hassan Omar Bul Reish, an officer in the Turabi Popular National Congress party, at his home, beat him in front of his family, and took him to security offices in Kosti, in the White Nile region, where they

reportedly continued to beat him; he later was taken to the Central Police Hospital, where he died the following day from his injuries. There was no reported action taken on the case by year's end.

On April 11, three persons reportedly were killed during clashes at the All Saints Cathedral between the police and demonstrators who were protesting the government order to move an April 10 Easter service (see Section 2.b.).

On August 20, at Gezira University, 115 miles south of Khartoum, police shot and killed two students during a fight among students after progovernment students, police, and security forces attempted to break up a political debate by the Arab Nasserist Socialist Party; a police car hit 1 student, and 16 others were injured in the incident.

Between January and October, government forces reportedly killed 62 persons and injured numerous others while conducting more than 125 aerial bombing operations in civilian areas. In June 10 persons were killed in government bombing raids ostensibly to liberate the southern town of Raga, which was controlled by the SPLA. On October 6 in Mangayath, 1 person reportedly was killed and 14 others were injured when government aircraft dropped 15 bombs on the village. On October 20, in the village of Sopo, government bombing killed 20 persons. On November 20, in the village of Akuem, government bombing killed 17 persons. On November 26, government bombing killed 2 persons in the villages of Maluakon and Madhol. Government bombing campaigns continued in the south at year's end.

In May 2000, soldiers who defected from the armed forces testified before members of a fact finding human rights NGO that they were ordered to participate in ground attacks and were instructed to kill civilians in non-government and SPLA controlled villages in the Talisman oil concession area in the Western Upper Nile region in 2000; there were similar reports during the year. In 2000 Talisman officials had acknowledged that the Government launched helicopter gunship attacks on civilian settlements in the oil company's operational area.

There was no further investigation or action taken in the following cases in 2000: The unconfirmed November PDF attacks on the village of Guong Nowh, in which several persons were killed; the November NDA attack on Kassala in which 52 civilians and soldiers were killed during fighting between government and NDA troops; the September incident in which security forces in several cities in the north used tear gas and live ammunition to forcibly disperse some demonstrations and killed several persons; the June attack by government air and ground forces in the vicinity of a Catholic mission which reportedly resulted in the deaths of 32 persons, including of women and children; and the February reported PDF attack on several villages in eastern Aweil and Twic counties, northern Bahr El Ghazal, during which 156 civilians were killed.

There was no further action taken in the 1999 case of Abdallah Chol, Hassan Abu Adhan, and Gladino (Sam) Okieny, who died as a result of torture while in the custody of military intelligence personnel.

In June progovernment militia shot and killed the Episcopalian Deacon Abraham Yac Deng (see Section 2.c.).

Between October 23 and November 3, Aweil-based, progovernment militia reportedly killed 111 and abducted 198 persons during attacks on 18 villages and cattle camps in the Aweil area. On November 11, progovernment militia reportedly killed 5 persons and abducted 30 persons during an attack on the village of Malek Alel in the northern Bahr El-Ghazal region. There were no reports that the Government prosecuted or otherwise penalized the attacking militia or made efforts to protect civilian victims from attacks; government forces provided logistic and transportation support, and weapons and ammunition, to progovernment militias.

Rebel forces reportedly committed political and other extrajudicial killings, particularly in areas of active conflict such as the Nuba Mountains and northern Bahr al Ghazal; however, details generally were unavailable. There were reports that in July and August 2000 in the Western Upper Nile, SPLA forces and SPDF forces killed at least 50 civilians and abducted more than 20 women and children in intraethnic fighting. There were no reports of any investigation or action taken against those responsible.

Rebel forces killed a large number of civilians during their attacks on government forces (see Section 1.g.). There were reports that SPLA forces and allied militias summarily executed persons in the southern part of the country. Rebel forces laid landmines indiscriminately on roads and paths that killed and maimed both soldiers and civilians (see Section 1.g.). In previous years, prisoners reportedly have died while in SPLA custody due to poor prison conditions; however, there were no reports of such deaths in custody during the year (see Section 1.c.).

There was no further information or action taken in the January 2000 case in which two relief workers were killed in an attack by unidentified assailants or the

January 2000 case in which rebels believed to be from the Lord's Resistance Army (LRA), a Ugandan armed opposition group in the south, attacked a humanitarian vehicle, killing eight aid workers.

In 2000 Human Rights Watch reported that the Sudan Alliance Forces (SAF), an NDA member, committed abuses against its soldiers accused of spying or defecting to another rebel group, including summary executions, torture, and detention of prisoners in a pit in the ground; the SAF continued to deny the allegations.

There was no further action on the 1999 case in which a local Red Crescent worker and three government officials who accompanied an ICRC team near the town of Kong in the south were killed while in the custody of the SPLA under circumstances that remain unclear. The SPLM alleges that the four were killed in crossfire during a rescue attempt. The SPLM neither arranged for the return of the bodies nor permitted an independent investigation.

Interethnic and intraethnic tensions continued into the early part of the year, resulting in numerous deaths (see Section 5).

In December 2000, supporters of the outlawed Takfeer and Hijra group killed 26 persons and injured 40 others at a Sunna mosque in Omdurman (see Section 5).

b. Disappearance.—There were continued allegations that the Government was responsible for the arrest and subsequent disappearance of persons suspected of supporting rebels in government-controlled zones in the south and the Nuba Mountains. Persons arrested by government security forces often were held for long periods of time in unknown locations without access to lawyers or family members.

There were reports that during raids on civilian settlements, government and government-allied militias abducted persons, particularly women and children (see Sections 1.g., 6.c., and 6.f.). In the last 15 years, between 5,000 and 15,000 Dinka women and children have been abducted; between 10,000 and 12,000 persons, most of whom are Dinka, remained unaccounted for at year's end. Although reliable statistics generally are unavailable, observers believe that the number of abductions increased during the year. Observers believe that some of the abductees were sold into slavery, while others were used as forced labor or drafted into the military. In some cases, observers believe that the abductees escaped or eventually were released or ransomed, and that in other cases some were killed. In February 2000, the Government's PDF forces allegedly attacked and killed 16 civilians, stole cattle, and looted and burned villages.

In June Alladin Omer Ajjabna was arrested for converting from Islam to Christianity and detained incommunicado for 3 months; he reportedly was tortured. In September he was released on medical grounds, but was required to report daily to the security forces. On September 26, he was last seen telling friends that he was going to report to the government security office; his whereabouts were unknown at year's end.

There were at least eight confirmed abductions of NGO workers by government forces and progovernment militias during the year. Some persons were handed over to the Government and taken into custody (see Section 1.d.). On October 21, in South Kapoeta, Wilson Wani, an employee of OLS, was abducted; his whereabouts remained unknown at year's end. On November 2, in Bahr El Ghazal, military forces abducted Juliana Muiruri, a Kenyan citizen working for an NGO, and handed her over to the Government; she later was released.

There was no further investigation or action taken on the November 2000 unconfirmed PDF attack on the village of Guong Nowh and abduction of 24 persons, or the alleged February 2000 PDF attack on several villages in eastern Aweil and Twic counties, northern Bahr El Ghazal, and abduction of more than 300 women and children.

There was no further investigation or action taken in the February 2000 case in which a progovernment militia detained the two pilots, a U.N. worker, and a Sudanese relief worker for 1 week after a U.N. plane flew three commanders of the militia to a meeting with commanders of an antigovernment militia.

In 1996 the Government established the Special Commission to Investigate Slavery and Disappearances in response to a resolution passed by the 1995 U.N. General Assembly. The Commission technically still is functioning but has yet to produce a final report. In May 1998, the Government formed the Committee for the Eradication of the Abduction of Women and Children (CEAWC). The Committee and UNICEF jointly sponsored a workshop on abductions in July 1999, during which the Committee recognized abduction as a problem that the Government could and should address. The Committee formed mechanisms to identify and return abductees. Several high-ranking government officials participated in the activities of the committee. Despite the existence of formal reports describing thousands of victims of abduction, the committee has had limited success. CEAWC has traced and retrieved more than 500 abducted children and women from slavery. Although ap-

proximately 300 individuals were returned to their homes in 2000, there were no reports that the Government returned abducted persons to their homes during the year. An additional 1,200 have been identified; however, the Government's refusal to allow flights into SPLA territory prevented their return. In addition the Government did not record the identity of the abductors in these cases and chose not to prosecute them.

In November the Government announced the establishment of special civilian tribunals in the border regions separating the south and the north of the country to prosecute persons involved in the abduction, transport, holding, and selling or exchanging of women and children from war zones (see Section 1.e.).

There continued to be reports of abductions by SPLA forces and allied militias. There was no further information available on reports in July and August 2000, in the Western Upper Nile, that SPLA and SPDF forces abducted more than 20 women and children during intraethnic fighting.

Between 3,000 and 10,000 Ugandan children have been abducted and forced to become soldiers or sex slaves for the LRA, which is actively supported by the Government (see Section 5).

There also were reports of periodic intertribal abductions of women and children in the Eastern Upper Nile (see Section 5).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, government security forces continued to beat and harass suspected opponents and others. In 1997 the U.N. Special Rapporteur on Torture described torture as a fairly extensive problem; however, during the year, reports of torture were less frequent than in previous years, primarily in response to increased critical scrutiny by the international community. Members of the security forces rarely, if ever, are held accountable for such abuses.

In June Alladin Omer Ajjabna reportedly was tortured in custody after he was arrested for converting from Islam to Christianity (see Section 1.b.).

After the July SPLA capture of Raga, government forces allegedly detained numerous persons, and there were reports that security forces tortured and beat them.

Unlike in the previous year, there were no reports that security forces used "ghost houses," places where security forces tortured and detained government opponents incommunicado under harsh conditions for an indeterminate time with no supervision by the courts or other independent authorities with power to release the detainees; however, security forces kept incommunicado detention opponents or suspected opponents of the Government in other locations during the year.

On July 13, authorities arrested Sebit Hassan Ramadan in the western region and took him to Buram, a police location, where they detained him for more than 2 weeks; he was beaten daily and given minimal amounts of food and water. During the year, members of the security forces arrested Osman Robo in El Daein; he reportedly was tortured in detention. There was no further information available on the case at year's end.

Security forces beat and otherwise abused youths and student leaders and others whom were deemed to be opponents of the Government.

Refugees were subjected to beatings and mistreatment by security forces (see Section 2.d.).

Soldiers, PDF members, and militia forces raped women (see Section 1.g.).

Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations (see Section 2.b.).

There continued to be reports that security forces harassed and at times used threats and violence against persons on the basis of their religious beliefs and activities (see Section 2.c.).

Trafficking in persons, particularly women and children, persisted during the year (see Section 6.f.).

In accordance with Shari'a law, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and crucifixion—the public display of a body after execution. On January 23, five men who were convicted of armed robbery had their right hands and left feet amputated as punishment. There were seven reported execution sentences ordered by emergency tribunals during the year; for example, in December an emergency tribunal sentenced a man to amputation and execution for armed banditry (see Section 1.e.). In 2000 there were six reported cases of amputations of limbs as punishment under Shari'a law for aggravated cases of theft. In a 1999 case involving ethnic clashes in the Darfur region in the west (see Section 5), an emergency court sentenced 10 persons to hanging and subsequent crucifixion. These sentences had not been carried out by year's end.

Government forces and allied militias were responsible for injuring many civilians during attacks on rebel forces, during raids on civilian settlements, and during bombing attacks on civilian targets (see Section 1.g.). There were reports that per-

sons abducted during raids were subjected to torture, rape, and forced servitude (see Section 6.c.).

The Government's "scorched earth" policy in the area surrounding the oil fields in Upper Nile resulted in a number of serious injuries (see Section 1.g.).

Explosions of government-laid landmines resulted in a number of injuries (see Section 1.g.).

In December 2000, authorities arrested Ghazi Suleiman, a human rights lawyer and activist, after he publicly criticized the arrest of NDA leaders and the expulsion of a foreign diplomat; he was released and rearrested after he publicly defended Turabi. Suleiman was detained without charge and reportedly was tortured and beaten in custody; his injuries required extensive medical treatment.

No action was taken against the members of the security forces responsible for torturing, beating, raping, or otherwise abusing persons in the following cases from 2000: The November beating of a foreign ICRC worker during an NDA attack on government forces in Kassala; the September incidents in which police used tear gas, batons, and live ammunition to disperse demonstrators and in some instances, beat or otherwise injured numerous individuals; the June beating in Hilla Kuku of a Catholic seminarian on the neck and wrist with a stick after he refused to remove a wooden cross that he was wearing; the June attack on Juba University in Khartoum using sticks and tear gas; the May raids by security forces on Alnasr Technology College in which they arrested, beat, injured students, and fired bullets in the air to disperse a student protest on education issues; and the February detention and beating of two students for political activity by security forces.

There was no investigation into, nor action taken, in the 1999 case in which prison officials tortured a convicted bank robber so severely while in detention that he was blinded.

Security forces, local police, and student militants supporting the Government attacked and injured students during the year (see Section 2.b.).

Landmines laid indiscriminately in years past on roads and paths killed and maimed both soldiers and civilians (see Section 1.g.).

Rebel forces were responsible for a number of civilian injuries and for raping women (see Section 1.g.). There continued to be reports of rapes by SPLA forces and allied militias. Unlike in the previous year, there were no reports that SPLA rebels beat or otherwise punished prisoners during the year.

In previous years, Human Rights Watch reported that the Sudan Alliance Forces (SAF), an NDA member, committed abuses against its soldiers accused of spying or defecting to another rebel group, including torture, summary executions, and the detention of prisoners in a pit in the ground. SAF denied these allegations.

There were numerous injuries as a result of religious tensions. In December 2000, supporters of the outlawed Takfeer and Hijra group killed 26 persons and injured 40 others at a Sunna mosque in Omdurman (see Section 5).

Conditions in government prisons remain harsh, overcrowded, and life threatening. Built before the country's independence, most prisons are maintained poorly, and many lack basic facilities such as toilets or showers. Health care is primitive, and food is inadequate. Minors often are held with adults. There was a report in 1999 that 16 children who were living with their imprisoned mothers died of diseases. Female prisoners are held separately from men; rape in prison reportedly is rare. Prison officials arbitrarily denied family visits. High-ranking political prisoners reportedly often enjoy better conditions than other prisoners do.

The Government does not permit regular visits to prisons by human rights monitors. No independent domestic human rights organizations monitor prison conditions.

In previous years, prisoners reportedly have died while in SPLA custody due to poor prison conditions; however, there were no reports of such deaths in custody during the year. The SPLM allowed the ICRC to visit some POW's during the year and released some prisoners in poor health.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention without charge; however, the emergency decree superceded these constitutional provisions, and the Government continued to use arbitrary arrest and detention in practice. Under the Constitution and the Criminal Code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the Director of Security and another 30 days by the Director of Security with the approval of the prosecuting attorney. Under the National Security Act (NSA), as amended in June, which supercedes the Criminal Code when an individual is accused of violating national security, an individual may be detained for 3 months without charge, renewable by the Director of Security for another 3 months. During the state of emergency, the Government is not constrained by the NSA and can detain individuals indefinitely without judicial review, which report-

edly it has done. Critics argue that the state of emergency decree effectively allows indefinite detention of persons without trial and does not require formal charges during the period of detention. In December the state of emergency decree was extended for another year. In 2000 the Government used the state of emergency to detain more than 100 individuals. The Government arrested and detained numerous persons during the year.

Persons arrested by government security forces often were held incommunicado for long periods of time in unknown locations and denied access to lawyers or family members.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment. In theory the Government provides legal counsel for indigent persons in such cases; however, reports continue that defendants do not always receive this right, and that counsel in some cases only may advise the defendant and may not address the court. In some cases, courts have refused to allow certain lawyers to represent defendants.

In general the Government detains persons for a few days before releasing them without charge or trial; however, detentions of PNCP and NDA members generally were much longer. There were unconfirmed reports that security forces tortured, detained without charge, and held incommunicado members of the PNCP. In addition to detentions, government security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering them to return the following day. This process sometimes continued for days.

In January authorities arrested without charge between 10 and 12 civilians, including Ishmael Mohammed Hassan Ibrahim, the General Secretary of the dissolved Sudanese Union of Agriculturalists and a former general secretary of the Arab Union of Agriculturalists, after they inquired about a U.N. Food and Agriculture Organization (FAO) fund. There was no further information available on the case at year's end.

On March 11 in Khartoum, security forces arrested three staff members of the Amal Center for the Treatment and Rehabilitation of Victims of Torture, including Dr. Najib Nigim El Din, the Center's Director and a prominent human rights activist who provides medical treatment and rehabilitation for victims of torture. Two of the detainees were released the same day; however, Dr. Najib Nigim El Din remained in custody without charge at the high security prison outside of Khartoum at year's end.

On March 8, in a village in Eastern Upper Nile, a progovernment militia killed two civilians and abducted two Sudanese and two Kenyan relief workers employed by the Adventist Development Relief Agency; on March 16, the abducted workers were handed over to authorities and taken into custody in Khartoum (see Section 1.d.). In March the Government detained the two Kenyan relief workers for 6 weeks for illegally working in the country; they later were released to Kenyan authorities. The Sudanese workers were released from custody after international intervention.

On April 10 and 11, authorities arrested approximately 100 individuals, including Christian clergymen, and charged them with public disturbance during demonstrations protesting the cancellation of an Easter service (see Section 2.b.).

Authorities continued to detain political opponents of the Government during the year. On February 22, authorities arrested Hassan al-Turabi, NIF founder, along with several leaders of the PNCP and charged them with threatening national security and the constitutional order by signing a memorandum of understanding with the SPLM. Turabi was detained in a maximum security prison; Turabi and the PNCP alleged that he was mistreated, held in solitary confinement, and denied visitors. The charges were suspended, and he subsequently was placed under house arrest at a government guesthouse, where he remained in incommunicado detention without formal charges or a hearing before a magistrate at year's end. After Turabi's arrest, 95 other PNCP activists were arrested throughout the country. In July all but seven of the detainees were released from custody. Four of the released detainees were accused publicly of committing crimes against the State and forming a military alliance with a hostile rebel organization; however, they were not charged formally. In September and October 2000, authorities detained 120 other PNCP activists throughout the country; they were released in December after the Supreme Court ruled that the detentions were illegal.

Security forces continued to detain persons because of their religious beliefs and activities (see Section 2.c.).

In June Alladin Omer Ajjabna was arrested for converting from Islam to Christianity (apostasy), detained incommunicado for 3 months, and tortured; he disappeared in September (see Sections 1.b. and 1.c.). Generally detentions based nominally on religion were of limited duration; however, the Government routinely ac-

cused persons arrested for religious reasons of common crimes and national security crimes, which resulted in prolonged detention.

A number of journalists were arrested and detained during the year (see Section 2.a.).

There were reports that detainees were abused and tortured while in custody (see Section 1.c.).

In December 2000, government forces broke up a meeting of NDA representatives with a foreign diplomat, detained the diplomat briefly, eventually expelled the diplomat from the country, and arrested eight persons; one NDA representative and another person were released on bail. In December 2000, the Government arrested human rights activist Ghazi Suleiman and Ali Mahmoud Hassanein, head of the opposition Democratic Unionist Party, opposition lawyers for the NDA (see Section 2.b.). The Government charged the NDA representatives with treason and sedition after they spent approximately 6 weeks in detention; Suleiman reportedly was tortured and beaten while in detention (see Section 1.c.). On September 30, the trials were suspended permanently and all of the detainees were released from custody; however, criminal charges were not dropped by year's end.

In December 2000, the Government arrested and detained 65 leading members of the Takfeer and Hijra group following an attack on a rival group's worshippers; most of the individuals remained in detention and had not been tried as of year's end (see Sections 1.a., 1.c., and 5).

In September 2000, security forces detained numerous persons while forcibly dispersing demonstrations in several cities in the north, including Kosti, Atbara, and Port Sudan (see Section 2.b.). In October 2000, police arrested and detained four students at a rally at the University of Khartoum (see Section 2.b.). There was no further information available on the case at year's end.

According to the NGO Sudanese Human Rights Group (SHRG), some of the following persons arrested in 2000 remained in detention at year's end: The more than 150 PNCP members who were detained after allegedly participating in demonstrations against the Government in September and October; a leading DUP member who was arrested in Khartoum in September; a lawyer who was arrested for political activities in Khartoum in August; leading members of the DUP and UMMA parties who were arrested and detained in June in Sennar City; five students in Omdurman who were detained in June; the more than 200 students arrested and detained at Juba University in June; six members of the Communist Party who were detained in May; the students arrested at Alnasr Technology College in May; Sid Ahmed Al-Hussein, deputy secretary-general of the Democratic Unionist Party (DUP), who was detained on several occasions in April; Dr. Tobi Madot, Chairperson of the Democratic Forces Front (JAD) who was detained in March; a lawyer and leading member of the National Democratic Alliance to Restore Democracy (NARD) who was arrested and detained in March; and two students who were detained and beaten because of political activities in February.

Police continued to arrest southern women for brewing alcohol, which is illegal. In the previous year, the police reportedly demanded bribes in exchange for releasing the women; however, there were no confirmed reports of such demands during the year.

The Government does not use forced exile; however, opposition leaders have chosen voluntary exile. For example, following the arrest of Turabi in February, PNCP leaders went into self-imposed exile.

e. Denial of Fair Public Trial.—The judiciary is not independent and largely is subservient to the Government. The Chief Justice of the Supreme Court, formerly elected by sitting judges, is nominated by a Judiciary Committee and appointed by the President. As the senior judge in the judicial service, the Chief Justice also controls the judiciary. On occasion some courts displayed a degree of independence. Appeals courts on several occasions overturned decisions of lower courts in political cases, particularly public order courts.

The judicial system includes four types of courts: Regular courts, both criminal and civil; special mixed security courts; military courts; and tribal courts in rural areas which apply customary law to resolve disputes over land and water rights and family matters. Islamic law is applied in the north. There continued to be reports that non-Muslims were prosecuted and convicted under Shari'a hudud laws. Courts do not apply formally Shari'a in the south. Within the regular court system there are civil and criminal courts, appeals courts, and the Supreme Court. Public order courts, which heard only minor public order issues, were suspended in 2000, and public order cases were heard in criminal courts. There also is a constitutional court.

The Constitution provides for fair and prompt trials; however, these protections are not respected in practice in many cases. Military trials, which sometimes are

secret and brief, do not provide procedural safeguards, sometimes have taken place with no advocate or counsel permitted, and do not provide an effective appeal from a death sentence. Witnesses may be permitted to appear at military trials in cases that do not involve clemency.

Trials in regular courts nominally meet international standards of legal protections. For example, the accused normally have the right to counsel, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment. However, in practice these legal protections are applied unevenly.

On April 11, clashes broke out at the All Saints Cathedral between the police and demonstrators who were protesting the government order to move a Christian religious service; 53 demonstrators, including women and children, were tried in summary trials without access to counsel, flogged, and some were imprisoned for up to 20 days (see Sections 2.b. and 2.c.).

Special three-person security courts adjudicate a wide range of offenses, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency offenses. Special courts, on which both military and civilian judges sit, handle most security-related cases. Attorneys may advise defendants as “friends of the court” but normally may not address the court. Lawyers complain that they sometimes are granted access to court documents too late to prepare an effective defense. Sentences usually are severe and implemented at once; however, death sentences are referred to the Chief Justice and the Head of State. Defendants may file appellate briefs with the Chief Justice.

In November the Government announced the establishment of special civilian tribunals, under the Ministry of Justice, in the border regions separating the south and the north of the country to prosecute persons involved in the abduction, transport, holding, and selling or exchanging of women and children from war zones. The tribunals were not established nor were administrative procedures promulgated by year’s end. The tribunals were scheduled to begin operating in 2002.

During the year, the Government established emergency tribunals in the western part of the country to try banditry cases. The emergency tribunals were composed of civil and military judges. Defendants were not permitted access to legal representation. The emergency tribunals ordered sentences such as death by stoning and amputations during the year. Sentences ordered by emergency tribunals were carried out quickly with only 1 week allowed for appeal to the district chief justice; there were reports that persons were executed the day after sentencing. Emergency tribunals reportedly ordered seven executions during the year. For example, in December emergency tribunals convicted and sentenced four men to death (see Section 1.c.).

Lawyers who wish to practice must maintain membership in the Bar Association, which is NIF-controlled. The Government continued to harass and detain members of the legal profession whom it viewed as political opponents.

The Government officially exempts the 10 southern states, whose population is mostly non-Muslim, from parts of the Criminal Act; however, the act permits the possible future application of Shari’a law in the south, if the State assemblies so decide. No reports cited court-ordered Hudood punishments, other than lashings, in government-controlled areas of the south. Fear of the imposition of Shari’a law remained a key problem in the south.

Civil authorities and institutions do not operate in parts of the rebel-held south and the Nuba Mountains. Parts of the south and the Nuba Mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offenses against civil order.

Magistrates in SPLM/SPLA-held areas follow a penal code roughly based on the 1925 Penal Code. In rural areas outside effective SPLM control, tribal chiefs apply customary laws. The SPLM has a nascent judicial system of county magistrates, county judges, regional judges, and a court of appeals. While officials have been appointed for most of these positions, the court system did not function in many areas due to lack of personnel, infrastructure, communications, funding, and an effective police force. Some cases were heard at the magistrate and county levels. The SPLM recognizes traditional courts or “Courts of Elders,” which usually hear matters of personal affairs such as marriages and dowries, and base their decisions on traditional and customary law. Local chiefs usually preside over traditional courts. Traditional courts are particularly active in Bahr El Ghazal. The SPLM process of conducting a needs assessment for the courts continued during the year.

There are political prisoners in the country, although the Government maintains that it holds none. The Government usually charges political prisoners with a crime, allowing the Government to deny their status as political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of communication and privacy; however, the Government routinely interferes with its citizens' privacy. Security forces frequently conducted night searches without warrants, and they targeted persons suspected of political crimes. During the year, authorities seized and occupied PNCP offices.

In the north, security forces also targeted persons suspected of making alcoholic beverages, which is illegal, by arresting them on the street and searching private residences (see Section 1.d.).

Security personnel routinely opened and read mail and monitored telephones. The Government continued to restrict the ownership of satellite dishes by private citizens through use of its licensing requirement and pricing.

Unlike in the previous year, there were no reports that the Government systematically razed squatter dwellings.

Government forces pursued a scorched earth policy aimed at removing populations from around the newly built oil pipeline and other oil production facilities, which resulted in deaths and serious injuries (see Sections 1.a., 1.c., and 1.g.). Government armed forces burned and looted villages and stole cattle (see Section 1.g.).

The Government continued to conscript citizens forcibly for military service, including high school age children (see Sections 5 and 6.c.).

A Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim, unless he converts to Islam (see Section 5); however, this prohibition is not observed or enforced universally, particularly in the south and among Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

Non-Muslim prison inmates were pressured to convert to Islam, as were PDF trainees, children in government-controlled camps for vagrant minors, and persons in government-controlled peace camps (see Sections 1.g. and 2.c.).

Various government bodies have decreed on different occasions that women must dress according to modest Islamic standards (see Sections 2.c. and 5). Enforcement of female dress standards by the POP continues, but was reduced greatly during the year. Enforcement of public order generally took the form of verbal admonishment by security forces.

A wide network of government informants conducted pervasive surveillance in schools, universities, markets, workplaces, and neighborhoods.

The rebel SPLM/SPLA generally is not known to interfere with privacy, family, home, or correspondence in areas that it controls, although correspondence is difficult in war zones; however, rebel factions continued to conscript citizens forcibly including high school age children (see Sections 5 and 6.c.).

Unlike in the previous year, there were no reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since the civil war resumed in 1983, an estimated 2 million persons have been killed, and more than 4 million displaced internally as a result of fighting between the Government and rebels in the south, interethnic fighting, and famine. The civil war continued despite limited cease-fires, and all sides involved in the fighting were responsible for violations of humanitarian law. At year's end, the Government controlled virtually all of the northern two-thirds of the country but was limited to garrison towns in the south. During the year, government bombings continued, often killing or injuring innocent civilians and destroying homes, schools, and hospitals. Some government bombing intentionally was directed at civilian targets; most bombing was indiscriminate and resulted in deaths and injuries or destruction of property (see Sections 1.a. and 1.c.).

The Government also conducted bombing raids that targeted NGO's and often impeded the flow of humanitarian assistance to the south, most seriously in the Nuba Mountains. During the year, the attacks seriously jeopardized relief operations. For example, in January progovernment militia forces attacked the southern village of Chelkou and targeted and destroyed the ICRC operations base. In October government forces reportedly conducted more than 125 aerial bombardment operations on civilian areas, resulting in numerous deaths (see Section 1.a.). In October in the village of Mangayath in western Bahr al Ghazal, government military aircraft conducted bombing raids over a period of 3 to 4 days on civilians who had gathered at an officially approved World Food Program humanitarian drop site.

The Government and government-allied militia carried out raids and attacks on civilian settlements particularly in Bahr El Ghazal and Upper Nile regions. These raids were accompanied by killings, abductions, rapes, burning and looting of villages, theft of cattle, and significant displacement of civilian populations. Although the Government pledged to end this practice, there continued to be reports of such

raids during the year (see Sections 1.a., 1.b., 1.c., and 6.c.). For example, in March approximately 3,000 progovernment militia attacked civilian villagers in the Wau area. There were reports that soldiers and militias attacked villagers in the Nuba Mountains, killed numerous persons suspected of supporting the SPLA, destroyed farms and crops, and forced persons from their land.

The Government and government-associated forces have implemented a scorched earth policy along parts of the oil pipeline and around some key oil facilities. These forces have injured persons seriously, destroyed villages, and driven out inhabitants to create an uninhabited security zone for the defense of the oil fields and installations.

Victims of government bombings, and of the civil war in general, often flee to government-controlled peace camps where humanitarian agencies provide food, water, and limited medical and educational services. Some NGO's reported that persons in the peace camps were subject to forced labor and at times pressured to convert to Islam (see Section 2.c.).

Government forces and allied militia forces in the south raped women and forcibly conscripted men and boys (see Sections 1.f. and 6.c.). Government forces routinely displaced, killed, and injured civilians, and destroyed clinics and dwellings intentionally during their offensive operations.

The Government does not fully apply the laws of war, and Government forces routinely kill rebel soldiers captured in battle. Only a small group of prisoners captured before the 1989 coup and a few soldiers taken in the east in 1998 and during the year reportedly are held as POW's in government-controlled areas. The Government does not concede that it holds POW's. It has not responded to ICRC inquiries about POW's and has refused the ICRC access to POW's.

In addition to bombings that have made humanitarian assistance difficult, the Government routinely has denied flight clearances. The Government banned all relief flights to Western Upper Nile and Eastern Equatoria in 2000; the ban remained in effect during the year. In July 2000, the Government informed OLS that it would require 7 days notice for all relief flights (previously 48 hours notice was required), thus reducing OLS's flexibility. In August and December, U.N. teams conducted preliminary humanitarian assessment visits to government and rebel-held areas of the Nuba Mountains. During the year, the Government on a number of occasions permitted polio eradication teams to visit the Nuba Mountains but denied access for other humanitarian assistance. Cooperation with the special relief program for the Nuba Mountains improved during the latter part of the year in response to critical scrutiny by the international community. During the year, government forces continued to obstruct humanitarian assistance. The Government frequently denied visas and work permits to foreign humanitarian workers and aircraft clearances to the U.N.'s OLS.

During a March 1999 visit by the U.N. Special Representative for Children and Armed Conflict, both the Government and SPLM/SPLA agreed to stop using anti-personnel mines. However, in the early part of the 2000, a government militia raided a relief center at Mading and placed landmines in an NGO compound forcing the permanent evacuation of the center. Reportedly the SPLA continued to lay landmines in Eastern Equatoria for defense purposes. Injuries continued to occur during the year from landmines previously laid by the Government to protect garrison towns and from landmines laid by the SPLA and its allies during the course of the war.

Government bombing killed and injured numerous persons in 2000; there was no investigation or action taken in regard to any incident.

In 2000 northern Muslim opposition groups under the NDA umbrella structure, which includes the SPLA, took military action against the Government. In 2000 the NDA attacked government garrisons, the oil pipeline, and strategic points near the Ethiopian and Eritrean borders. However, there were no reports of NDA attacks during the year.

The SPLA has taken a number of prisoners over the years. The SPLA often cooperates with ICRC and allows regular visits to prisoners; the SPLA continues to prohibit the ICRC to visit prisoners accused of treason or other crimes. Between April and June, the ICRC was allowed to visit 167 detainees held by the SPLA in Tam, Pagak, Alero, and Cueibet counties. Access to detention camps was impeded by the government denial or delay of flight clearances, and the SPLA introduced bureaucratic procedures that obstructed visits as well. On December 5, the ICRC returned to the Government 21 POW's who were in SPLM custody. The ICRC did not return any SPLA POW's held by the Government during the year. In 2000 the SPLA released a limited number of POW's for health reasons. Prisoners reportedly have died while in SPLA custody due to extremely poor prison conditions; however, there were no reports of deaths in SPLA custody during the year (see Section 1.c.).

The ICRC has cooperated with UNICEF to remove a large number of child soldiers from combat situations and return them to civilian life.

There were credible reports of SPLA taxation and occasional diversion of relief supplies. During the year, attacks seriously jeopardized relief operations. There were a number of reported attacks on international relief operations by SPLA-allied forces during the year. For example, in February SPLA-allied forces reportedly attacked and burned the town of Nyal, looting and damaging the UNICEF compound there. The SPLM leadership has committed itself repeatedly to eliminating these problems; however, in practice it appears unable to impose consistently those commitments in the field. There were reports that the Sudan Relief and Rehabilitation Association (SRRA) diverted humanitarian food to the SPLA and that allied militias on both sides of the conflict diverted humanitarian food for their own use.

In March 2000, the SPLM/SPLA expelled 11 NGO's, which handled 75 percent of NGO-provided humanitarian aid entering the south, for refusing to sign a memorandum of understanding (MOU) on NGO activities that had been under negotiation for several years. Several other NGO's that refused to sign left the area before the deadline. All but a few of the NGO's that were expelled or left before the deadline returned to the southern part of the country and later in 2000 signed the MOU (see Section 2.b.).

Rebel forces and militias in the south forcibly conscripted men and boys and reportedly raped women (see Sections 1.f. and 6.c.). Rebel forces and militias also routinely displaced, killed, and injured civilians, and destroyed clinics and dwellings intentionally.

On May 9, an ICRC airplane was shot at, and the Danish pilot was killed. There was no information available on who fired at the plane. The ICRC suspended all flights in the country pending an investigation; after the investigation was completed, flights resumed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of thought and expression, and freedom of the press “as regulated by law;” however, the Government severely restricts freedom of speech and of the press, especially on the basis of national security. Government detentions of journalists, intimidation, surveillance, and suspensions of newspapers continued to inhibit open, public discussion of political issues. Journalists practice self-censorship.

There are 14 daily Arabic newspapers, and there are 2 English newspapers, which generally represent the viewpoint of southerners. Of the Arabic papers, one is government-controlled, several generally reflect the Government's viewpoint, and several are independent. A wide variety of Arabic and English publications are available; however, they are subject to censorship. In December the Government lifted official censorship; however, self-censorship continued, and four publications remained under intensive scrutiny and experienced intimidation, interruption, and arrest of their editors. All journalists, including the privately owned Arabic daily press, continued to practice self-censorship.

As a result of a limited easing of press restrictions that the Government began in 1997, some lively discussions of domestic and foreign policy were published in the press. Nonetheless, the Government still exercised control of news reporting, particularly of political topics, the war, and criticism of the Government, through the National Press Council and security forces. The National Press Council applies the Press law and is directly responsible to the President. It is charged with licensing newspapers, setting press policy, and responding to complaints. In the event of a complaint, it can give a newspaper a warning or suspend it for up to 15 days. It also can suspend a newspaper indefinitely and suspend journalists for up to 2 weeks. The National Press Council consists of 21 members: 7 selected by the President; 5 from the National Assembly; 7 directly elected by journalists from the Journalists' Union; and 2 selected by the Journalists' Union leadership. In February 2000, President Bashir fired five members of the National Press Council because they had been selected by the dissolved National Assembly (see Section 3). Observers believe the Journalist's Union is government-controlled. The National Press Council was active in suspending journalists and newspapers during the year.

In February a court fined the independent Al Rai Al Akhar newspaper and fined the editor and a journalist for libel against the local government after the newspaper published an article that alleged Khartoum State authorities were guilty of corruption. On February 4, authorities arrested, fined, and charged with libel Amal Abbas, the only female chief editor of a newspaper, the Al Rai Al-Akhar, for the publication of an article that accused the governor of Khartoum of corruption. Abbas was tried, convicted, and fined. She was detained briefly and then released.

During the year, restrictions on press freedom were imposed through the National Security Emergency decree. The Government suspended publications, detained journalists and editors, confiscated printed editions, conducted prepublication censorship, and limited government financial support (advertising government contracts) to progovernment media. On November 28, the Government announced the lifting of official press censorship on all but four opposition newspapers; on December 8, the Government lifted restrictions on all newspapers. Following the lifting of the restrictions, Internal Security censors no longer sat in publishing houses to approve press copies of articles; however, the Press Council continued to have the authority to suspend publications that contain articles considered objectionable by the Government.

Newspapers are prohibited from publishing articles about the war with the exception of information provided by the Ministry of Defense or official government statements.

In February the Government shut down and banned the PNCP newspaper *Rai-al-Sh'ab* (People's View).

In September the Government ordered the temporary suspension of the *Khartoum Monitor* on the basis of alleged inflammatory articles published in the newspaper.

On April 12, authorities arrested Alfred Taban, the publisher of the *Khartoum Monitor*, a leading southern-oriented English daily newspaper, and the British Broadcasting Corporation (BBC) correspondent in the country at a press conference and detained him for 1 week at army headquarters. Taban reportedly was arrested or detained five times during the year. In October authorities arrested and detained for 3 days Taban and Nhial Bol, managing editor of the *Khartoum Monitor*, a newspaper that was critical of the Government's human rights record.

In May authorities prevented a journalist from the *Al Sahafa* daily newspaper from entering the hall for coverage of National Assembly discussions on the basis that the paper had published false reports against the Assembly.

The following journalists arrested in 2000 remained in custody at year's end: Osman Mirghani, journalist for *Al Rai Al-Aam* who was arrested in August for an article criticizing government education policy; Alwola Burhi Kaidani, a journalist for *Al-Rai Al Akhar*, who was arrested in August for an "anti-government" article; and Kamal Hassan Bakheit, Chief Editor of *Al Sahafa* and four of the paper's journalists arrested and detained in March for publishing poetry calling on Egypt to rescue the country from "the unjust war" and writing an article supportive of the NDA.

Radio and television are controlled directly by the Government and are required to reflect government policies. Television has a permanent military censor to ensure that the news reflects official views. There are no privately owned television or radio stations, although one television cable company is jointly owned by the Government and private investors.

In spite of the restrictions on ownership of satellite dishes, citizens increasingly have access to foreign electronic media; the Government does not jam foreign radio signals. In addition to domestic and satellite television services, there is a pay cable network, which directly rebroadcasts uncensored Cable News Network (CNN), the BBC, the London-based, Saudi-owned Middle East Broadcasting Corporation (MBC), Dubai-TV, Kuwait-TV, Gazira TV, and a variety of other foreign programming.

The Government often charged that the international, and particularly the Western, media have an anti-Sudan and anti-Islam bias.

Uncensored but potentially monitored, Internet access is available through two Internet service providers. There are an expanding number of Internet cafes in the country.

The SPLA and the NDA have provided relatively few opportunities for journalists to report on their activities.

Academic freedom is restricted. In public universities, the Government appoints the vice-chancellors who are responsible for running the institutions. While many professors lecture and write in opposition to the Government, they exercise self-censorship. Private universities are not subject to direct government control; however, professors also exercise self-censorship, and the educational curriculum and language of instruction are determined by the Government even in religiously based schools.

Security forces, local police, and student militants supporting the Government attacked and injured students during the year (see Section 2.b.). On August 16, two students were killed and 16 others were injured after a political debate was disrupted by progovernment students, policemen, and security officers (see Section 2.b.).

The Government officially requires that young men between the ages of 17 and 19 enter military or national service to be able to receive a certificate upon leaving

secondary school; the certificate is a requirement for entry into a university (see Section 5). This decree effectively broadened the conscription base.

b. Freedom of Peaceful Assembly and Association.—The continuing National Security Emergency decree and the Criminal Procedure Act, which requires government approval for gatherings involving more than five individuals, effectively eliminates the right of assembly, and the Government continued to severely restrict this freedom. The authorities permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they view as politically oriented or potentially critical of or embarrassing to the Government or the ruling NC party. Islamic orders associated with opposition political parties, particularly the Ansar and Khatimia, continued to be denied permission to hold large public gatherings during the year. In June the Government declared a ban on all rallies and public demonstrations in the country, and announced that no permits would be authorized or issued; the ban remained in effect at year's end.

On April 10, police forcibly dispersed a crowd of worshippers in Green Square who arrived for an evangelical Easter service and protested its cancellation by the Government; police used tear gas, truncheons, and arrested persons (see Section 2.c.). On April 11, clashes broke out at the All Saints Cathedral between the police and demonstrators who were protesting the government order to move the April 10 service. Police fired at the protesters and used tear gas, live ammunition, grenades, canes and batons to disperse them. There also were reports that hand grenades were used inside the Cathedral. Authorities arrested approximately 100 persons, including Christian clergymen and charged them with public disturbance. After summary trials in April, 53 demonstrators, including women and children, were flogged, and some were imprisoned for up to 20 days.

On May 9, riot police and military police used tear gas and batons to disperse a demonstration by approximately 100 war veterans with disabilities and other retail vendors selling cigarettes and newspapers, which resulted in injuries. The vendors had been ordered to remove their stands 2 weeks earlier because they were considered to be an environmental hazard. The security forces charged them with resisting an order to remove their small retail stalls from downtown shopping areas; there were no reported arrests. Following negotiations with the authorities after the demonstration, the vendors were allowed a few additional days to comply with the government order. No action was taken against the police involved in the incident during the year.

On June 23 in Khartoum, authorities raided a workshop organized by the Gender Centre, arrested and released four speakers, and interrogated participants about their political affiliations. No action was taken against the authorities involved in the incident during the year.

On August 16 at Gezira University, progovernment students, policemen, and security officers disrupted a political debate organized by the opposition Arab Nasserist Socialist Party student group, which resulted in 2 deaths and 16 injuries. National Congress Party students wearing military-type uniforms and chanting Islamic jihad slogans reportedly marched onto the campus and interrupted the debate. Members of the police and security forces then allegedly joined with the PNCP students in the attack. No action was taken against the security forces involved in the incident during the year.

In December 2000, government forces broke up a meeting of NDA representatives with a foreign diplomat, detained the diplomat briefly, and eventually expelled him from the country; they also arrested seven NDA representatives. After approximately 6 weeks of detention, the Government charged the NDA representatives with a number of capital crimes, including treason, espionage, and sedition. There was no trial by year's end. In December 2000, the Government arrested human rights activist Ghazi Suleiman and Ali Mahmoud Hassanein, head of the opposition Democratic Unionist Party, opposition lawyers for the NDA (see Section 1.d.). Following the incident, the Government announced restrictions on diplomatic, international, and regional organizations' contact with any Sudanese political organizations, including the NDA, that the Government considered to be waging war against it. The Government routinely restricts travel by diplomats and foreign humanitarian workers into rebel-controlled areas without prior written permission from the Ministry of External Affairs; however, this restriction was not enforced systematically during the year.

No action was taken against the members of the security forces who forcibly dispersed the following demonstrations and rallies in 2000: The October rally and protest held by the PNCP and Islamic students at the University of Khartoum; the September peaceful demonstration against the Khartoum governor's decree banning women from working in public places by the National Democratic Women's Association; the September demonstrations in several cities in the northern part of the

country protesting poor economic conditions, lack of water and electricity, government failure to pay teacher salaries, and compulsory military conscription; and the unapproved political rally in June organized by the Independent Students Congress group of Sennar University.

The Government severely restricted freedom of association. In theory the law allows the existence of political parties. As a result, there were more than 20 officially registered political parties; however, the legislation includes restrictions that effectively prohibit traditional political parties if they are linked to armed opposition to the Government. Observers believe that the Government controls professional associations and trade unions, including some student organizations.

In March 2000, the SPLA implemented a MOU drafted in August 1999 that was the subject of negotiation between the SPLM, NGO's, and donors. It included items such as: Increased SPLA control over NGO interaction with local communities; SPLA control over the planning and distribution of humanitarian assistance; a requirement to work "in accordance with SPLA objectives" rather than solely humanitarian principles; the payment of "security fees," and additional fees for services, including charges for the landing of aircraft carrying humanitarian aid and for NGO movement within SPLA-held areas. In March 2000, the SPLA expelled 11 NGO's, which handled 75 percent of NGO-provided humanitarian aid entering southern Sudan, for refusing to sign the MOU; several NGO's who refused to sign the memorandum left the area before the deadline (see Section 1.g.). Most NGO's returned by year's end, and most NGO's that provide assistance to the south reported that the MOU had little or no effect on their operations.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government severely restricts this right in practice. The Government treats Islam as the state religion and has declared that Islam must inspire the country's laws, institutions, and policies. The Constitution states that "Shari'a and custom are the sources of legislation."

Religious organizations and churches are subject to the same restrictions placed on nonreligious corporations. Religious groups, like all other organizations, must be registered to be recognized or to gather legally. Registered religious groups are exempt from most taxes. The Government does not treat all groups equally in the approval of registrations and licenses. Nonregistered religious groups find it impossible to construct a place of worship or to assemble legally and are harassed by the Government. Applications to build Islamic mosques generally are granted in practice; however, the process for applications for non-Muslim churches is more difficult. The Government did not authorize the construction of any churches in the Khartoum area or in the district capitals; the Government often claimed that local Islamic community objections restricted the issuance of permits. The Government reportedly is working on new legislation to replace the Societies Registration Act, but has not yet invited the participation of religious groups in drafting the legislation.

Authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, as well as certain Islamic groups.

Muslims may proselytize freely in the government-controlled areas, but non-Muslims are forbidden to proselytize.

Authorities sometimes harassed foreign missionaries and other religiously oriented organizations; and delayed their requests for work permits and residence visas. The Government generally is least restrictive of Christian groups that historically have had a presence in the country, including Copts, Roman Catholics, and Greek Orthodox, and is more restrictive of newer arrivals.

While the Government permits non-Muslims to participate in services in existing, authorized places of worship, the Government continued to deny permission for the construction of any Roman Catholic churches, although some other Christian groups have received permission. However, the Government permitted some makeshift structures to be used for Roman Catholic services.

There is a longstanding dispute between the Episcopal Church and the Government. In 1999 the Episcopal Church stated that the Government had moved to seize a portion of the property on which the church office in Omdurman stands; however, the Government did not seize the property, and the parties continued negotiations to resolve the dispute during the year. A government-run health care center had operated on the site since 1973. The Church claims that it has a freehold title to the land, while the Government claims that the land is leased. The Church claims that the courts will not act independently of the Government in the case. The Church sent a memo to the Office of the President concerning the issue, but the President's Office replied that it did not have authority over the case because it was a state rather than a federal issue. At a June 2000 court session, a decision on the matter was postponed until August 2000. The case still was unresolved at year's end. In December 1999, police injured five persons in a clash in northwest Khartoum over

an Episcopal Church school. Local authorities claim that the school was built without a proper permit. Despite a court ruling in favor of the Church, the school eventually was taken over by the Government and reopened as a government school. The Government expropriated the Episcopal cathedral in Khartoum and converted it to a museum in the 1970's; the Catholic club was expropriated in the 1990's and converted to NIF/NC party headquarters.

The Khartoum State government in past years had razed some religious buildings and thousands of squatter dwellings around Khartoum, which largely were populated by displaced southerners, including Christians and large numbers of practitioners of traditional indigenous religions; however, this practice largely had ceased during the year. Earlier improvements in procedures to grant squatters legal title to land in other areas and to move squatters in advance of demolitions continued. In 1999 the First Vice President directed that demolition of churches and other Christian facilities in Khartoum be suspended and that a committee be formed under the Second Vice President to review the issue. Some church officials indicated that the number of church and school demolitions in squatter areas declined, apparently because the replanning of squatter areas largely is complete. However, the Government was trying to take over the unused part of a Christian cemetery in Khartoum in order to build shops; the dispute remained unresolved at year's end.

While non-Muslims may convert to Islam, apostasy (which includes conversion from Islam to another religion) is illegal and punishable by death under the Criminal Code; in practice converts usually are subjected to intensive scrutiny, ostracization, intimidation, and torture by authorities. In June Alladin Omer Ajjabna reportedly was tortured in custody after he was arrested for converting from Islam to Christianity (see Section 1.b.).

PDF trainees, including non-Muslims, are indoctrinated in the Islamic faith. In prisons and juvenile detention facilities, government officials and government-supported Islamic NGO's pressured and offered inducements to non-Muslim inmates to convert. Some persons in the government-controlled "Peace" camps for IDP's reportedly were subject to forced labor and at times pressured to convert to Islam (see Section 1.f.).

Children, including non-Muslim children, in camps for vagrant minors are required to study the Koran, and there is pressure on non-Muslims to convert to Islam (see Section 5). There are credible reports that some boys in vagrant camps and juvenile homes have been circumcised forcibly. There were credible reports that some children from Christian and other non-Muslim families who were captured and enslaved were forced to convert to Islam.

Certain provisions of Islamic law as interpreted and applied by the Government, and many traditional practices as well, discriminate against women. Various government bodies have decreed on different occasions that women must dress according to modest Islamic standards, including wearing a head covering. In January 1999, the governor of Khartoum State announced that women in public places and government offices and female students and teachers would be required to conform to what is deemed an Islamic dress code. However, none of these decrees have been the subject of legislation. During the year, there was minimal enforcement of the dress code. Women often were seen in public wearing trousers or with their heads uncovered. POP generally only issued warnings for improper dress. In September 2000, the Governor of Khartoum State issued a decree forbidding women from working in businesses that serve the public such as hotels, restaurants, and gas stations. He defended the ban as necessary under Shari'a law to protect the dignity of women (see Section 5). The issue was not brought before the courts, nor was the decree reversed; however, it was no longer a subject of public discussion, and the authorities did not enforce it; however, some employers removed women from their positions on this basis.

Although the Government considers itself an Islamic government, restrictions often are placed on the religious freedoms of Muslims, particularly on those orders linked to opposition to the Government. Although in past years there were reports that Islamic orders such as the Ansar and the Khatimia regularly were denied permission to hold large public gatherings, these orders were allowed to meet as religious but not as political organizations during the year.

Religious minority rights are not protected, and Islam is the state religion; this confers a status of second class citizenship on non-Muslim adherents. In government-controlled areas of the south, there continued to be credible evidence of favoritism towards Muslims and an unwritten policy of Islamization of public institutions, despite an official policy of local autonomy and federalism. Some non-Muslims lost their jobs in the civil service, the judiciary, and other professions; however, such occurrences were less frequent than in previous years. Few non-Muslim university graduates found government jobs. Some non-Muslim businessmen complained of

petty harassment and discrimination in the awarding of government contracts and trade licenses. There also were reports that Muslims received preferential treatment for the limited services provided by the Government, including access to medical care.

Sunday is not recognized as the Sabbath for Christians. Employers sometimes prevent Christians in the north from leaving work to worship.

The Government requires instruction in Islam in public schools in the north. The study of Christianity is available on an elective basis in some schools. In public schools in areas in which Muslims are not a majority, students have a choice of studying Islam or Christianity; however, Christian courses are not offered in the majority of public schools, ostensibly due to a lack of teachers or Christian students, and in practice this means that many Christian students attend Islamic courses.

Children who have been abandoned or whose parentage is unknown, regardless of presumed religious origin, are considered by the State to be both citizens and Muslims and can be adopted only by Muslims. Non-Muslims may adopt only other non-Muslim children. No equivalent restriction is placed on adoption by Muslims of orphans or other children. In accordance with Islamic law, children adopted by Muslims do not take the name of their adoptive parents and are not automatic heirs to their property.

Security forces harassed and detained persons because of their religious beliefs and activities; however, such detentions on religious grounds occurred less frequently during the year than in previous years. Generally detentions based nominally on religion were of limited duration; because the practice of religion is not technically illegal, detainees could not be held formally on religious grounds indefinitely. Although in the past there were reports that the Government resorted to accusing, at times falsely, those arrested for religious reasons of other crimes, including common crimes and national security crimes, which resulted in prolonged detention, there were no reports of such occurrences during the year. Unlike in previous years, Catholic priests did not report that they routinely were stopped and harassed by police during the year.

In April Christian church authorities invited a German evangelist to address a rally in central Khartoum to celebrate Easter Mass and secured appropriate permits for the rally. On April 10, government authorities ordered church authorities to move the event to a venue that had insufficient space and was located on the outskirts of Khartoum in an area surrounded by mosques on the grounds that Islamic groups had made threats to disrupt the event. The leaders of the Episcopal Church and the Sudanese Council of Churches responded by sending a joint protest letter to the Government calling for the investigation of unfair treatment of Christians. On April 11, clashes broke out at the All Saints Cathedral between the police and demonstrators who were protesting the government order to move the event. Police forcibly dispersed the protestors, arrested approximately 100 individuals, and summarily tried them (see Sections 1.d., 1.e., and 2.b.).

The Government officially exempts the 10 southern states, in which the population is mostly non-Muslim, from parts of the law, which permit physical punishments, including lashings, amputations, and stonings, based on Shari'a. In a 1999 case involving ethnic clashes in the Darfur region in the west, an emergency court sentenced 10 persons to hanging and subsequent crucifixion. There was no further information available on the case at year's end. In 1999 and 2000 in the north, the Government reportedly carried out amputations under Islamic law for the first time; there were reports that six cross amputations (right hand and left foot) were carried out during the year. The Government reportedly carried out eight amputations as punishment for violent crimes that resulted in death. All those sentenced to amputations reportedly were Muslims. There were no reports of court-ordered Islamic law punishments, other than lashings, in government-controlled areas of the south. The act legally can be applied in the south, if the state assemblies approve it. Fear of the imposition of Islamic law is one of the factors that has fueled support for the civil war among opposition forces in the south.

As part of the civil war, the Government has engaged in a program of high altitude, indiscriminate bombing of southern areas, particularly in the states of Equatoria, Western Upper Nile, and the Nuba Mountains. The bombings hit schools, medical facilities, markets, and civilian buildings in these areas inhabited primarily by Christians and practitioners of traditional African religions. For example, in April Sudanese Air Force bombers attacked an airstrip in the Nuba Mountains and narrowly missed hitting a plane carrying Bishop Macram Max Gassis of El Obeid Diocese in the central part of the country. On May 25, government forces bombed areas populated by Catholics and Catholic churches in Tonj and Limon Hills in the Nuba Mountains. Between June 3 and 6, progovernment militia shot and killed the Episcopalian Deacon Abraham Yac Deng, destroyed the Episcopal Church in Ayien,

and repeatedly attacked the predominately Christian population in Twic County. No action was taken against members of the security forces responsible for killing or injuring persons during bombings.

In June 2000, approximately 100 Christian secondary school students who had been training at a police unit in Jebel Awlia province in Khartoum State, said that they were abused physically and insulted by the police during the exercise. It was unclear whether these students were abused because they were Christian, and the national service coordination office in Khartoum State reportedly denied that there was a problem at the training camps. The students were not allowed to continue their compulsory military education because they left their duties to attend church.

In June 2000, a group of 12 armed police entered the priests' residence of the Catholic Comboni College secondary school with a warrant to search for illegal immigrants and foreign currency. The rooms of two priests and a medicine storeroom were searched. The police did not arrest anyone, and spoke with one priest. Police took a camera, a file of newspaper cuttings, five boxes of slides, a corrector tape, three floppy disks, and a bottle of whiskey. The items were accounted for at the time and returned 2 days later. A mobile telephone and cash are believed to have disappeared, but were not listed among the items taken by police during the search. No charges were filed in the case. The Catholic Comboni College has a religiously and ethnically mixed student body and generally operates without interference or harassment.

In past years, Human Rights Watch reported that Islamic student militias operating under the protection of security forces abducted and tortured a number of student activists. During the year, Islamic students harassed, beat, and otherwise abused non-Sudanese African students; part of the motivation for such acts appeared to be religious.

In SPLA-controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worship freely, although it appears that many of the region's Muslim residents have departed voluntarily over the years. The SPLM officially favors secular government and has a significant Muslim membership; however, the SPLM is dominated by Christians, and local SPLM authorities often have a very close relationship with local Christian religious authorities. However, there are Muslims who support the SPLM and SPLA, as well as rebels in the Nuba Mountains and other regions. The northern NDA alliance members and supporters are primarily Muslim.

The Government continues to insist that Shari'a form the basis of a unified state while southerners insist on a secular state.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government severely restricted them in practice. The Government denied exit visas to some categories of persons, including political opponents, policemen, and physicians. The Government also maintains lists of political figures and other citizens who are not permitted to travel abroad.

Some former political detainees have been forbidden to travel outside Khartoum. Movement generally was unhindered for other citizens outside the war zones, but travelers who failed to produce an identity card at checkpoints risked arrest. Foreigners must register with the police on entering the country, seek permission to move from one location to another, and reregister at each new location within 3 days of arrival. Foreign NGO staffs sometimes had problems obtaining entry visas or work or travel permits once they had entered the country. Foreigners needed internal travel authorization and permits, which often were difficult to obtain and sometimes were refused, for domestic travel outside of Khartoum; however, foreign diplomats can travel to many locations under government escort.

The Government routinely restricts travel into many areas of the country, including the south. Restrictions were enforced strongly during the year.

In April the Sudan Commission for Humanitarian Affairs, a government body, accused some international NGO's and relief agencies of operating in the country illegally and engaging in "nonhumanitarian activities" (see Section 4).

The SPLA also requires that foreign NGO personnel obtain permission before traveling to areas that they control, although they generally granted such permission. NGO workers who have worked in government-held territory encountered problems receiving permission to work or travel in rebel-held territory. In March the SPLA drew up a MOU for NGO's to sign that restricted much of their work in the southern part of the country and, as a result, many NGO's left the country (see Sections 1.g. and 2.b.).

Women may not travel abroad without permission of their husbands or male guardians.

In November the Government prevented six NDA opposition members from attending a meeting in Eritrea. In December the Government denied exit visas for Khartoum-based NDA representatives to attend a meeting in Egypt.

In March 2000, more than 60 Ugandans, including 26 children, who escaped from LRA captivity in the southern part of the country were repatriated (see Sections 1.b., 5, 6.c., and 6.f.).

It is estimated that more than 4 million persons are displaced internally due to the civil war. Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continue to live in squatter slums in the Khartoum area. The Khartoum State government plans to upgrade conditions in some camps, requiring the movement of populations to other areas so that roads may be built or enlarged and services established. The state government is in contact with foreign NGO's and U.N. agencies concerning this effort, and these foreign agencies are the primary sources for food rations, medical services, water, shelter, and educational services for displaced persons.

More than 380,000 Sudanese are refugees in neighboring countries; however accurate numbers are not known, and some estimates place the number at more than 1 million. Citizens have fled to Uganda, Ethiopia, Eritrea, Kenya, the Democratic Republic of the Congo, and the Central African Republic.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations and accorded refugees generally good treatment. The UNHCR estimated that there were approximately 400,000 refugees, primarily from Eritrea, Ethiopia, Chad, Uganda, the DRC, and Somalia. Approximately 148,000 Eritrean and 8,900 Ugandan refugees are in camps, and approximately 193,000 additional refugees are scattered in urban areas throughout the country; however, accurate statistics were not available by year's end. The Government provides first asylum, although no statistics were available during the year.

In April 2000, the Government signed an agreement with the Government of Eritrea to repatriate longtime Eritrean refugees in Sudan. By year's end, 38,060 Eritrean refugees had been repatriated to Eritrea under the auspices of the UNHCR.

In August 2000, the UNHCR signed an agreement with the Government of Sudan and the Government of Ethiopia to repatriate pre-1991 Ethiopian refugees to their homeland by the end of the year; however, only some of the Ethiopian refugees were repatriated by year's end. Fewer than 2,000 Ethiopian refugees remained in the country at year's end.

There were some reports of the mistreatment of refugees, including beatings and arbitrary arrests by government officials. Refugees could not become resident aliens or citizens, regardless of their length of stay in the country. The Government allowed a large number of refugees to work.

Unlike in the previous year, there were no reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for military service in their forces.

There were no reports that the Government forcibly returned persons to a country where they feared persecution.

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

Citizens had no genuine opportunity to change their government peacefully. Presidential and parliamentary elections were held in December 2000; there were allegations of serious irregularities, including official interference, electoral fraud, inadequate opportunities for all voters to register, and inadequate election monitoring. All major opposition parties boycotted the election. Foreign observer groups chose not to act as election observers. Bashir was selected for a 5-year term, and the NC/NIF won 340 out of 360 seats in Parliament in the deeply flawed process. The new Parliament elected in December 2000 took office in February.

In December 1999, President Bashir declared a 3-month state of emergency, dismissed the speaker of the National Assembly, Dr. Turabi, and disbanded Parliament 2 days before it was to vote on a bill introduced by pro-Turabi legislators to reduce Bashir's presidential powers. Bashir suspended the Parliament on the grounds that it was necessary for the unity of the country. The State of Emergency remained in effect throughout the year, and in December it was extended until December 2002.

The Constitution, which provides in theory for a wide range of rights, was passed by referendum in June 1998, and was implemented early in 1999. There was widespread skepticism about the Government's claims that the constitutional referendum passed with 96.7 percent approval and 91.9 percent participation. Critics of the Constitution charged that it neither was drafted nor passed with truly na-

tional participation. Some critics also objected to the statement that “Islamic law” would be among “the prevalent sources of law” in regard to amending the Constitution (see Section 5). The implementation of the Constitution has resulted in few changes in practice.

In 1989 the National Salvation Revolution Command Council (RCC) abolished all political parties and detained the major party leaders for a short period. In 1990 the RCC rejected both multiparty and one party systems and, 2 years later, established an entirely government-appointed Transitional National Assembly, based on a Libyan-style political structure with ascending levels of nonpartisan assemblies. The essentially powerless appointed legislature was replaced following the 1996 elections by an elected National Assembly.

In theory the law allows the existence of political parties (see Section 2.b.). The Government continued routinely to deny permission for and disrupt gatherings that it viewed as politically oriented (see Section 2.b.). Security forces arrested, detained, and on occasion, beat political opponents during the year (see Sections 1.c. and 1.d.). During the year, authorities seized and occupied PNCP offices.

The federal system of government was instituted in 1995 and slowly is developing a structure of 26 states, with governors and senior state officials appointed by the President from Khartoum. The Government considers this strategy as a possible inducement to the rebels for accommodation through a principle of regional autonomy; however, southerners are underrepresented in the central Government, and local appointees are not viewed universally as representative of their constituencies. This underrepresentation remained a key obstacle to ending the rebellion.

The percentage of women in government or politics does not correspond to their percentage in the population, although they have the right to vote. There is one female Minister, who serves as a government advisor; one female State Minister, who serves on the Council of Ministers and is the former head of the legislative committee of Khartoum State; and there is one female Supreme Court judge.

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

The Government continues to resist the presence and activities of human rights groups in the investigation of human rights abuses. Due to government restrictions on freedom of association (see Section 2.b.), there is only one independent domestic human rights organizations—the Sudan Human Rights Organization. There is one local NGO that addresses health concerns related to the practice of female genital mutilation (FGM) and other “traditional” practices (see Section 5). During the year, the Government conducted bombing raids that targeted NGO’s and often impeded humanitarian activities in the south (see Section 1.g.).

Government-supported Islamic NGO’s pressured imprisoned non-Muslims to convert to Islam. There were reports that Christian NGO’s used their services to pressure persons to convert to Christianity during the year.

In September 1998, the U.N. named a new Special Rapporteur on Sudan, Leonardo Franco. Franco visited the country in February 2000 and filed a critical report with the UNHCR and the U.N. General Assembly. Gerhardt Baum, the U.N. Special Rapporteur on Human Rights, visited the country twice during the year and filed reports critical of human rights conditions.

The Human Rights Advisory Council, a government body whose rapporteur is the Solicitor General for Public Law, continued its role in addressing human rights problems within the Government. The Council is composed of representatives of human rights offices in 22 government ministries and agencies. While the council is charged with investigating human rights complaints, its effectiveness was hampered by lack of cooperation on the part of some of the ministry and agency offices. The government-sponsored CEAWC continued its activities on abductees during the year (see Sections 1.b. and 6.f.).

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

The Constitution prohibits discrimination based on race, sex, or religious creed; however, discrimination against women and ethnic minorities continued. Mechanisms for social redress, especially with respect to violence against women and children, are weak. The General Education Act stipulates equal opportunity in education for persons with disabilities.

Women.—Domestic violence against women continued to be a problem, although, because reliable statistics do not exist, the extent is unknown. Many women are reluctant to file formal complaints against such abuse, although it is a legal ground for divorce. The police normally do not intervene in domestic disputes.

Displaced women from the south were vulnerable to harassment, rape, and sexual abuse. The Government does not address the problem of violence against women, nor is it discussed publicly. The punishment for rape under the Criminal Act varies from 100 lashes to 10 years imprisonment to death. In most cases, convictions are not announced; however, observers believe that sentences often are less than the maximum provided for by law.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is widespread, especially in the north. An estimated 90 percent or more of girls and women in the north have undergone FGM, with consequences that have included severe urinary problems, infections, and even death. Infection, the most severe type of FGM, is the most common type. Usually it is performed on girls between the ages of 4 and 7 by traditional practitioners in improvised, unsanitary conditions, which cause severe pain, trauma, and risk of infection to the child. No form of FGM is illegal under the Criminal Code; however, the health law forbids doctors and midwives from performing infection. Women displaced from the south to the north reportedly are imposing FGM increasingly on their daughters, even if they themselves have not been subjected to it. A small but growing number of urban, educated families are abandoning the practice completely. A larger number of families, in a compromise with tradition, have adopted the least severe form of FGM, Sunna, as an alternative to infection. The Government neither arrested nor prosecuted any persons for violating the health law against infection. The Government does not support FGM, and in recent years it has introduced information about FGM in some public education curriculums. One local NGO is working to eradicate FGM.

Prostitution is illegal; however, it is a growing problem, including among university students, although there is no sex tourism industry. Slavery, forced labor, and trafficking persist, particularly affecting women and children (see Section 6.f.). There are numerous credible reports that government and government-associated forces abducted and sold women to work as domestic servants and concubines (see Sections 6.c. and 6.f.).

There are no specific laws regarding sexual harassment.

Some aspects of the law, including certain provisions of Islamic law as interpreted and applied by the Government, and many traditional practices, discriminate against women. Gender segregation is common in social settings. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference. Women are ensured inheritance from their parents; however, a daughter inherits half the share of a son, and a widow inherits a smaller percent than her children. It is much easier for men to initiate legal divorce proceedings than for women. These rules only apply to Muslims and not to those of other faiths, for whom religious or tribal laws apply. Under Islamic law, fathers are favored in child custody cases.

Although a Muslim man may marry a non-Muslim, a Muslim woman cannot marry a non-Muslim unless he converts to Islam; however, this prohibition is not observed or enforced in areas of the south not controlled by the Government, nor among Nubans. Unofficial, non-registered marriages, known as orfy or traditional weddings, are valid legally but do not guarantee the wife's legal rights. For example, in an orfy customary marriage, a woman is not entitled to alimony or pension, has no judicial protection without official recognition by her spouse, and must file a legal petition to establish her children's parentage. Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition is not enforced strictly for women affiliated with the PNCP.

A number of government directives require that women in public places and government offices and female students and teachers conform to what the Government deemed an Islamic dress code. This, at the least, entailed wearing a head covering. However, enforcement of the dress code regulations has been uneven. For example, in 2000 dress code enforcement was relaxed and, when it occurred, generally consisted of verbal admonishment by security forces. There were no reports that security forces used abuse to enforce the dress code during the year.

In May 2000, a presidential decree released 563 women who were in prison for violating the Public Order Law. Most were southerners who had been convicted of illegally making and selling alcohol in Khartoum—a traditional income-earning activity among southern women. Subsequent to the decree, police continued to arrest numerous women for the same violation, and reportedly the police demanded bribes in exchange for releasing the women.

Women generally are not discriminated against in the pursuit of employment; however, in September 2000, the Governor of Khartoum State issued a decree forbidding women from working in businesses that serve the public, including hotels, restaurants, and gas stations. The Governor defended the ban as necessary to pro-

protect the dignity of women and to adhere to Shari'a law. There was no further public discussion of the issue during the year, and the authorities did not enforce the ban; however, some employers removed women from their positions on this basis.

Women enjoy equal access to education. Approximately 50 percent of university students are women, in part because men are conscripted for war.

Children.—Education is compulsory through grade eight; however, local inability to pay teachers' salaries reportedly has resulted in declining attendance, because when teachers strike for back pay, the Government usually closes the school until a settlement is reached. There are wide disparities among states and some gender disparity, especially in the southern, eastern, and western regions. In the northern part of the country, boys and girls generally have equal access to education, although many families with restricted income choose to send sons and not daughters to school. Girls also withdraw from school early due to family obligations or early marriage. In the urban areas of the south, it is estimated that approximately 68 percent of primary school age children receive basic education. The male literacy rate is 57.7 percent, and the female literacy rate is 34.6 percent; however, this rate is for the country as a whole, and the literacy rate in the south reportedly is lower due to a lack of schools in many areas.

Although there is little data available on school-age children who are IDP's, it is believed that the majority are not enrolled in school.

The Government operated camps for vagrant children. Police typically send homeless children who have committed crimes to these camps, where they are detained for indefinite periods. Health care and schooling at the camps generally are poor, and basic living conditions often are primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there is pressure on non-Muslims to convert to Islam (see Section 2.c.). There were reports that boys in these camps and in homes for delinquent youths were forced to undergo circumcision. Male teenagers in the camps often are conscripted into the PDF, including some girls in the south (see Section 1.f.). There were reports that abducted homeless and displaced children were discouraged from speaking other languages besides Arabic or practicing religions other than Islam.

FGM is performed frequently on girls (see Section 5, Women).

A considerable number of children suffered serious abuse, including abduction, enslavement, and forced conscription in the war zones. There continued to be credible reports that government and government-associated forces abducted children for purposes of forced labor, and trafficking of children persisted (see Sections 1.f., 6.c., 6.d., and 6.f.).

The Government forcibly conscripted young men and boys into the military forces to fight in the civil war. Conscription frequently was carried out by government authorities who raided buses and other public places to seize young men. The Government officially requires that young men between the ages of 17 and 19 years enter military service to be able to receive a certificate on leaving secondary school. Such a certificate is a requirement for entry into a university, and the decree effectively broadened the conscription base. On December 24, the Government announced that evading compulsory military service would be punishable by 3 years in jail; however, there were no reports of such sentences by year's end.

There were reports that the government-controlled militia leader, Paulino Matip, forcibly conscripted boys as young as 10 years of age to serve as soldiers.

In October 2000, the SPLA pledged to demobilize child soldiers from its forces, and in 2000, 116 boys were removed from the army and placed in school. There are credible reports that child soldiers continued to serve in the SPLA. There is evidence that SPLA-allied militias sometimes used children as young as 12 years of age in combat roles. During the year, the SPLA cooperated with U.N. agencies to facilitate the demobilization of child soldiers in its ranks. According to the U.N., 3,200 child combatants were demobilized by the SPLA in February; the SPLA reported that approximately 7,000 had not been demobilized by year's end.

During the last 10 years, thousands of Ugandan children have been abducted by the government-supported LRA (see Section 6.f.). The LRA forced many of the boys to become soldiers and the girls to become sex slaves for LRA commanders and soldiers. In December 1999, the Governments of Sudan and Uganda agreed to stop supporting each other's rebel armies and to return abductees. Subsequently, the Government assisted in repatriating a small number of individuals who had escaped from the LRA. In September 2000, both Governments agreed at the Winnipeg International Conference on War Affected Children to work for the speedy release and repatriation of LRA captives; however, implementation has proved problematic due to a lack of cooperation on the part of the LRA. The Government continued to support the LRA during the year. The LRA continued to operate in the south and to hold a large number of child abductees.

Persons with Disabilities.—The Government does not discriminate against persons with disabilities but has not enacted any special legislation for them, such as mandating accessibility to public buildings and transportation. The General Education Act requires equal educational opportunities for persons with disabilities.

Religious Minorities.—Muslims predominate in the north, but are in the minority in the south, where most citizens practice traditional indigenous religions or Christianity. There are between 1 and 2 million displaced southerners in the north who largely practice traditional indigenous religions or Christianity. Approximately 500,000 Coptic Christians live in the north. Traditionally there have been amicable relations between the various religious communities, although in previous years there were a small number of clashes.

There are reliable reports that Islamic NGO's in war zones withhold food and other services from the needy unless they convert to Islam. There were reports that Christian NGO's used their services to pressure persons to convert to Christianity during the year.

Non-Muslims legally are free to adhere to and practice their faiths; however, in practice the Government's treatment of Islam as the state religion creates an atmosphere in which non-Muslims are treated as second class citizens (see Section 2.c.). In government-controlled areas of the south, there continued to be credible evidence of prejudice in favor of Muslims and an unwritten policy of Islamization of public institutions, despite an official policy of local autonomy and federalism. In the past, some non-Muslims lost their jobs in the civil service, the judiciary, and other professions. Few non-Muslim university graduates found government jobs. Some non-Muslim businessmen complained of petty harassment and discrimination in the awarding of government contracts and trade licenses. There also were reports that Muslims receive preferential treatment for the limited services provided by the Government, including access to medical care.

In December 2000, supporters of the outlawed Takfeer and Hijra Muslim groups attacked a rival group's worshippers at a Sunna mosque in Omdurman during Ramadan prayers, killing 26 persons and injuring 40 others. The Government arrested and detained 65 leading members of the Takfeer and Hijra group; most remained in detention and had not been tried as of year's end.

National/Racial/Ethnic Minorities.—The estimated population of 27 to 30 million is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, who form a majority of approximately 16 million persons, traditionally have dominated the Government. The southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) total approximately 6 million and seek independence, or some form of regional self-determination, from the north.

The Muslim majority and the NIF/NC-dominated Government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who do not speak Arabic experienced discrimination in education, employment, and other areas. The use of Arabic as the language of instruction in higher education discriminated against non-Arab speaking students. For university admission, students completing high school are required to pass examinations in four subjects: English language; mathematics; Arabic language; and religious studies. Even at the university level, examinations in all subjects except English language were in the Arabic language, placing nonnative speakers of Arabic at a disadvantage.

There were periodic reports of intertribal abductions of women and children in the south, primarily in the Eastern Upper Nile. The abductions are part of traditional warfare in which the victor takes women and children as a bounty and frequently tries to absorb them into their own tribe, and there are traditional methods of negotiating and returning the women who are taken in these raids.

There were unconfirmed reports that in July and August 2000 in the Western Upper Nile, predominantly Nuer SPLA forces and predominately Nuer SPDF forces killed at least 50 civilians and abducted more than 20 women and children in intraethnic fighting.

In March 1999, at a grassroots peace conference in Wunlit, Bahr El Ghazal, representatives of the Nuer and Dinka tribes signed a peace covenant. The Dinka and the Nuer are the two largest tribes and had been on opposite sides of the war since 1991. The Wunlit accord provided concrete mechanisms for peace, including a cease-fire, an amnesty, the exchange of abducted women and children, and monitoring mechanisms. The Wunlit accord greatly reduced conflict between the Dinka and Nuer tribes in 2000 and during the year. Thousands of Nuer IDP's have fled into Dinka lands from Upper Nile, and generally they were well received.

A similar attempt in April and May 2000 in Lilirr to broker peace on the East Bank among various ethnic groups, including Dinka, Nuer, and Murle clans was less successful, and some of the conflicts between these groups continued.

Although details generally were unavailable, there were credible reports of civilian casualties as a result of ongoing fighting between ethnic Dinkas and Didingas in the New Cush and Chukudum areas in eastern Equatoria (see Section 1.a.). Interethnic tensions continued to result in some deaths during the year. Interethnic tensions eased in May and June 2000 with the departure of some Dinka to Bor County as part of a relocation program to return them to their homes after having been displaced by the war, and reconciliation initiatives by the New Sudan Council of Churches reduced some of the incidents. There were reports of conflicts among various clans of the Nuer tribe and between the Nuer and the Dinka tribes.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association for trade unions; however, the RCC abolished the pre-1989 labor unions, closed union offices, froze union assets, forbade strikes, and prescribed severe punishments, including the death penalty, for violations of its labor decrees, and there is a continuing ban under the emergency decree on labor unions not sanctioned by the Government. The threat of worker unrest was a strong motivation for the Government's extension of the emergency decree in December. The government-controlled Sudan Workers' Trade Union Federation (SWTUF) functioned during the year; all other unions are banned. The Government dismissed many labor leaders from their jobs or detained them, although all of those arrested during the year were freed by year's end. Approximately 95,000 trade union members reportedly were dismissed from their jobs by the Government during purges of the civil service in the 1990's.

The SWTUF is the leading blue-collar labor organization with approximately 800,000 members and a leadership that is government-approved.

In April the employees of the Islamic bank in Khartoum went on strike after salary negotiations with management broke down to protest against the dismissal of various employees, some of whom were trade union members because of their union activities. The bank management declared the strike illegal and hired new employees to replace the striking workers.

There were some teacher strikes in 2000, some lasting several months, to protest the government's failure to pay salaries. During some of the strikes, police and security forces used tear gas and live ammunition to disperse demonstrators; the security forces killed several persons, and detained and beat numerous individuals (see Sections 1.c. and 2.b.). No action was taken against the responsible members of the security forces.

The Government continued to dismiss summarily military personnel as well as civilian government employees whose loyalty it considered suspect. The government committee set up in 1995 to review cases of persons summarily dismissed since the 1989 coup continued to function in theory; however, it has released no results since May 1996.

Unions remained free to form federations and affiliate with international bodies, such as the African Workers' Union and the Arab Workers' Union.

b. The Right to Organize and Bargain Collectively.—A 1989 RCC government decree temporarily suspended the right to organize and bargain collectively. Although these rights were restored to labor organizing committees in 1996, government control of the steering committees meant in practice that the Government dominates the process of setting wages and working conditions. The continued absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. There were credible reports that the Government intervenes routinely to manipulate professional and trade union elections in favor of its own supporters. The Constitution provides for the right of organization for economic or trade union purposes; however, the emergency decree continued to supercede the constitutional provisions. Although local union officials have raised some grievances with employers, few carried them to the Government.

A tripartite committee comprising representatives of the Government, the SWTUF, and business sets wages. Specialized labor courts adjudicate standard labor disputes; however, the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. A labor code was implemented in December 2000 that reinforces government control.

The law does not prohibit antiunion discrimination by employers.

In 1993 the Government created two export processing zones (EPZ's); it later established a third at Khartoum International Airport. In 2000 only the EPZ at Khartoum International Airport was open. The labor laws do not apply in the EPZ's.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, slavery persists, particularly affecting Dinka women and children from northern Bahr al Ghazal. The taking of slaves, particularly in the war zones, and their transport to parts of central and northern Sudan continued.

There have been frequent and credible reports that militia raiders, supported by government troops, took women and children as slaves during raids in Bahr El Ghazal State and the Upper Nile (see Sections 1.a. and 1.c.). The Government did not take any action to halt these practices or to punish the perpetrators and continued to support some tribal militias with horses, weapons, and ammunition. The majority of the victims were abducted in violent raids on settlements carried out by government-affiliated militias accompanying and guarding troop trains to the southern garrison town of Wau. During the raids, the militias, which frequently are not paid by the Government for their services, exact their own remuneration from the villages. Civilians often were killed, and villages were destroyed. Following the raids, there were credible reports of practices such as the sale and purchase of children, some in alleged slave markets, and the rape of women. Abductees frequently are forced to herd cattle, work in the fields, fetch water, dig wells, and do housework. Abductees are subjected to torture and rape, and at times, are killed. These practices all have a pronounced racial aspect, as the victims are exclusively black southerners and members of indigenous tribes of the Nuba Mountains.

The Government continued to deny that slavery and forced labor exist, but acknowledges that abductions occur. The Government also denies involvement or complicity in slavery, and states that hostage taking often accompanies tribal warfare, particularly in war zones not under government control. However, in 1998 the Government formed the Committee to Eliminate the Abduction of Women and Children (CEAWC) and pledged to end the practice of hostage-taking. Despite the creation of CEAWC, reports of abductions and slavery continued during the year. During the year, the Government refused to approve flight clearances for the transfers of the abductees, which has prevented additional reunifications, and the Government did not record the identity of the abductors or forced labor owners and chose not to prosecute them.

The law prohibits forced and bonded labor by children; however, the Government does not enforce it effectively. There continued to be credible reports that government or government-associated forces took children as slaves.

Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces (see Sections 1.f. and 5). There were reports that the PDF seized underage boys from the streets in Khartoum. Conscripts face significant hardship and abuse in military service, often serving on the front lines with insufficient military training. The rebel factions continued to force southern men to work as laborers or porters.

Between 3,000 and 10,000 Ugandan children have been forced to become soldiers or sex slaves for the LRA, a Ugandan armed opposition group in the south, which is supported actively by the Government (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for workers is 18 years; however, the law is not enforced in practice. Children as young as 11 or 12 years of age worked in a number of factories, particularly outside the capital, including the factories at Um Ruwaba that produce edible oils. In addition severe poverty has produced widespread child labor in the informal, unregulated economy. In rural areas, children traditionally assist their families with agricultural work from a very young age. The Constitution provides that the Government protect children from exploitation; however, it resulted in no changes in practice. The Government has not taken any action to investigate abuses or protect child workers.

The law prohibits forced and bonded labor by children; however, the Government does not enforce it effectively, and there were credible reports that children are taken as slaves (see Sections 6.c. and 6.f.).

Child labor exists in SPLM/SPLA-held areas, particularly in the agricultural sectors. Child labor in such areas is exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers.

e. Acceptable Conditions of Work.—The legislated minimum wage is enforced by the Ministry of Labor, which maintains field offices in most major cities. Employers generally respect the minimum wage. Workers who are denied the minimum wage may file a grievance with the local Ministry of Labor field office, which then is required to investigate and take appropriate action if there has been a violation of the law. In January 1999, the minimum wage theoretically was raised from approximately \$9 (24,000 Sudanese pounds) per month to approximately \$11 (3,000 Sudanese dinars or 30,000 Sudanese pounds) per month; however, most government offices continue to pay the old rate. The Sudanese Workers Trade Union Federation

requested the Minister of Finance to execute the increase retroactively, and the Minister promised to increase the minimum wage when submitting the next government budget; union officials reported that the minimum wage was increased during the year. The minimum wage is insufficient to provide a decent standard of living for an average worker and family.

During the year, there were credible reports that some workers, including teachers and municipal workers, were not paid their regular wages for months at a time.

The workweek is limited by law to six 8-hour days, with a day of rest on Friday, which usually is respected.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The law does not address the right of workers to remove themselves from dangerous work situations without loss of employment.

Legal foreign workers have the same labor rights as domestic workers. Illegal workers have no such protections and, as a result, typically work for lower wages in worse conditions than legal workers. Southern IDPs generally occupy the lowest paying occupations and are subject to economic exploitation in rural and urban industries and activities.

f. Trafficking in Persons.—Although the law does not prohibit specifically trafficking in persons, the Constitution specifically prohibits slavery and forced labor; however, slavery, forced labor, and trafficking continued to be problems, especially affecting women and children (see Sections 5 and 6.c.). The taking of slaves, particularly in war zones, and their transport to the central and northern parts of the country, continued. Credible reports persist of practices such as the sale and purchase of children, some in alleged slave markets.

Trafficking generally is initiated by government-affiliated militias accompanying troop trains to the southern garrison towns of Aweil and Wau. The militias abduct women and children as remuneration for their services. The militias keep some of the abductees for domestic servitude, forced labor, or as sex slaves; others are given to relatives or other members of their tribes for similar purposes. The majority of the abductees are taken to the government-controlled part of the country.

Libyans have been implicated in the purchase of Sudanese slaves, particularly women and children who were captured by government troops.

Unlike in the previous year, there were no reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

There are credible reports that intertribal abductions of women and children continued in the southern part of the country; abductees were absorbed into tribes or kept as domestic servants or sex slaves.

During the past 10 years, between 3,000 and 10,000 Ugandan children were kidnapped by the LRA, taken to the southern part of the country, and forced to become sex slaves or soldiers. There also were reports in previous years that the LRA had sold and traded some children, mostly girls, or provided them as gifts, to arms dealers in Sudan. In December 1999, the Government agreed to cease supporting the LRA; however, the Government continued to support the LRA during the year. In 2000 there were talks between both Governments aimed at repatriation of the abductees (see Section 5). The LRA continued to operate in the south and to hold a large number of child abductees during the year.

In 1996 the Government established the Special Commission to Investigate Slavery and Disappearance; however, the Commission had not produced a final report by year's end. In 1998 the Government formed the CEAWC, under the Ministry of Justice and comprised of government officials from different ministries and departments, which oversees traditional chiefs who attempt to identify and locate abductees (see Section 1.b.). Since its creation, approximately 300 abductees have been returned to their homes; however, 10,000 to 12,000 slaves remain in captivity at year's end, the majority of whom are Dinkas. During the year, the Government's refusal to approve flight clearances for the transfers of the abductees prevented additional reunifications. Furthermore, the Government did not record the identity of the abductors or forced labor owners, and chose not to prosecute them during the year.

Government-affiliated militias and tribesmen continued to engage in raids and abductions during the year. The Government tolerates, if not encourages, the abductions as a contribution to the war effort.

In November the Government announced the establishment of special civilian tribunals in the border regions separating the south and the north of the country to prosecute persons involved in the abduction, transport, holding, and selling or exchanging of women and children from war zones. The tribunals were not set up nor were administrative procedures promulgated by year's end. They were scheduled to begin operating in 2002 under the Ministry of Justice.

Although laws against rape, abduction, and unlawful detention exist in the penal code, the Government has not attempted to identify or prosecute traffickers or others who commit criminal acts against abductees. Abduction of minors is punishable by a maximum of 10 years imprisonment; kidnaping is punishable by up to 7 years; unlawful detention is punishable by up to 3 years; and forced labor is punishable by up to 1 year.

SWAZILAND

Swaziland is governed as a modified traditional monarchy with executive, legislative, and limited judicial powers ultimately vested in the King (Mswati III). The King rules according to unwritten law and custom, in conjunction with a partially elected parliament and an accompanying structure of published laws and implementing agencies. Although the Government continued formally to profess an intention to reform the current system, it took no action to do so. In August the Constitutional Review Commission (CRC) issued its report with recommendations for a new constitution that concluded that most citizens want a continuation and strengthening of the current system. The September municipal elections and 1998 parliamentary and municipal elections increased representative government; however, political power continues to rest largely with the King and his circle of traditional advisors, including the Queen Mother. King Sobhuza, the King's father who died in 1982, suspended the 1968 Constitution in 1973 with a decree that bans political parties, meetings, and processions; these meetings can be held only in local "Tinkhundla" administrative centers or as authorized by the police. There are public demands to lift the 1973 decree. Based upon the 1973 decree, the King has the authority to issue decrees that carry the force of law and exercised this authority most recently in June when he issued Decree No. 2. Decree No. 2 reasserted and strengthened his absolute authority, provided further restrictions on freedom of speech and the press, reinstated a nonbailable offense provision, and provided a mechanism to neutralize the powers of the judiciary and Parliament. On July 24, the King repealed the decree after the Government received strong condemnation from foreign governments and domestic and international groups; however, the King retained the nonbailable offense provision. The judiciary is generally independent; however, the King has certain judicial powers. The judiciary's independence was challenged occasionally by individuals in high positions, who have made attempts to influence or overturn some court decisions. The Chief Justice of the High Court (a South African citizen appointed by the King) has resisted pressure to yield any powers to those outside the judiciary.

Both the Umbutfo Swaziland Defense Force (USDF) and the Royal Swaziland Police (RSP) operate under civilian control and are responsible for external and internal security. Some communities, questioning the ability of National Police to operate effectively at the community level, have formed community police. Members of both the National Police and the community police committed some human rights abuses.

The country has a free market economy, with relatively little government intervention; its population is approximately 1.1 million. The majority of citizens were engaged in subsistence agriculture and the informal marketing of agriculture goods, although a relatively diversified industrial sector accounted for the largest component of the formal economy. The economy relied heavily on the export sector, especially on the wood pulp, soft drink concentrate, and sugar industries, which were composed primarily of large firms with mostly foreign ownership. The country depends heavily on South Africa, from which it receives almost all of its imports and to which it sends the majority of its exports. A quasi-parastatal organization established by royal charter, and responsible to the King, maintained large investments in major sectors of the economy, including industry, agriculture, and services. This parastatal requires partnership with foreign investors and international development agencies.

The Government's human rights record was generally poor, and there continued to be serious human rights problems. Citizens are not able to change their government peacefully. Police used excessive force on some occasions, and there were reports of deaths in custody and that police continued to torture and beat some suspects. The Government generally failed to prosecute or otherwise discipline officers who committed abuses. Prison conditions generally met international standards; however, government remand centers remained overcrowded. The Government interfered with the judiciary, which included the King's overturning of the decision of the Court of Appeals regarding the nonbailable offense provision. The Government infringed on citizen's privacy rights. The Government continued to limit free-

dom of speech and of the press, restraints continued on news coverage by government-owned broadcast houses, and all media practiced some self-censorship, although journalists spoke out on key issues. The Government restricted freedom of assembly and association and prohibited political activity, although numerous political groupings operated openly and voiced opinions critical of the Government, which received prominent press coverage. The police on occasion harassed political activists. There were some limits on freedom of movement. Legal and cultural discrimination and violence against women, as well as abuse of children, remained problems. Some societal discrimination against mixed race and white citizens persisted. The Government's record on worker rights improved during the year with the creation of the Conciliation, Mediation, and Arbitration Commission and several Industrial Court rulings favoring workers in their claims against unfair dismissal.

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 by the Government or its agents.

There were reports of deaths in police custody. For example, in February in the village of Sithobelwini, police shot and killed a 20-year-old man who they claimed was trying to escape from police custody. An official coroner's inquiry noted several discrepancies between the police's claim and the injuries sustained by the deceased. According to the coroner, the injuries that were sustained seemed to indicate that police may have deliberately killed the man. On March 20, two 20-year-olds died in police custody after they were arrested on the grounds that they were stealing and reselling merchandise. The youths died after ingesting poison but there is no conclusive evidence whether the youths committed suicide or were forced to ingest the poison by police.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not prohibit specifically such practices, although under the 1963 Prison's Act correctional facility officers may be prosecuted if they engage in such practices; however, there were reports that government officials employed them. There were credible reports by criminal defendants that the security forces used torture during interrogation and abused their authority by assaulting citizens and using excessive force in carrying out their duties. Police sometimes beat criminal suspects and occasionally used the "tube" style of interrogation, in which police suffocate suspects through the use of a rubber tube around the face and mouth. According to unofficial reports, police also still used the Kentucky method of interrogation in which the arms and legs of suspects are bent and tied together with rope or chain, then the person is beaten. The Government generally failed to prosecute or otherwise discipline police officers for such abuses. An internal complaints and discipline unit investigates reports of human rights abuses by the police, but no independent body has the authority to investigate police abuses. The Government prohibited the public release of findings from a Commissioner of Police investigation into allegations of police brutality during a November 2000 demonstration (see Section 2.b.). Courts have invalidated confessions induced through physical abuse and have ruled in favor of citizens assaulted by police.

There were reports of deaths in police custody. In February and March, three youths died while in police custody (see Section 1.a.).

On October 11, police used tear gas to disperse forcibly 150 persons that had gathered to protest the imposed chieftainship of Prince Maguga in the KaMkweli and Macetjani areas. There were allegations that police subsequently beat several persons; nine of the protestors reportedly suffered minor injuries (see Sections 1.f. and 2.b.).

On October 19, police forcibly disrupted a press conference held by the Secretary General of the Swaziland Democratic Alliance (SDA) (see Section 2.b.); police pushed and shoved members of the SDA and the press. In October 2000, police forcibly dispersed a demonstration by students protesting the evictions of two chiefs and their supporters from their residences; 18 students reportedly were injured (see Sections 1.f., 2.a., 2.b., and 3).

Unlike in the previous year, there were no reports that police used force to disperse worshippers at community prayer services.

Prison conditions generally met international standards; however, government remand centers remained overcrowded, and prison conditions were generally poor. Such conditions improved following the 2000 opening of new institutions including a modern correctional facility for women. The use of nonbailable provisions resulted in the continued overcrowding and other unfavorable conditions in government re-

mand centers where suspects were held during pretrial detention and often were released for time served after being sentenced (see Sections 1.d. and 1.e.).

Women and juveniles are held in separate prison facilities.

The Government routinely permitted prison visits by diplomats, journalists, human rights monitors, and representatives of international organizations. During the year, a foreign diplomat and the Assistant Secretary General for the U.N. International War Crimes Tribunal for Rwanda conducted visits to prison facilities (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. The law requires warrants for arrests, except when police observe a crime being committed or have reason to believe that a suspect may flee. Detainees may consult with a lawyer of their choice and must be charged with the violation of a statute within a reasonable time, usually 48 hours, or, in remote areas, as soon as the judicial officer appears.

In January police arrested 15 labor union and political group members for organizing protest actions and for political association. On September 24, the Magistrate court acquitted six of these union members, but the cases of the remaining nine union representatives were pending at year's end (see Sections 2.b., 2.d., and 6.a.).

In November 2000, Mario Masuku, the president of the banned political party People's United Democratic Movement (PUDEMO), was arrested on charges of sedition; he was released on bail after 5 days in detention. Bail conditions included reporting to police headquarters on a weekly basis, asking permission from the High Court for international travel, and being unable to address political rallies. On October 1, Masuku disobeyed his bail conditions and subsequently was arrested by police on October 4. His trial date, which originally was set for October 29, did not occur, and his trial was postponed indefinitely.

At year's end, the Industrial Court was adjudicating the 1999 case of an editor of an independent newspaper who was arrested for criminal defamation (see Section 2.a.).

The Government continued to limit the provisions for bail for crimes appearing in the Non-Bailable Offenses Order, which became effective in 1993 and was strengthened by Parliament in 1994. The Order currently lists 11 offenses. The mere charge of the underlying offense, without any evidentiary showing that the suspect is involved, is sufficient to employ the nonbailable provision. The Minister of Justice may amend the list by his own executive act. In May the Court of Appeals ruled that the nonbailable order was unconstitutional; however, on June 22, the King issued Decree No. 2, which overruled the Court's decision. The King's Decree No. 3, issued on July 24, reinforced Decree No. 2's ruling on the provision. The nonbailable offense provision exacerbates ongoing judicial problems such as lengthy pretrial detention, the backlog of pending cases, and prison overcrowding.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the King has certain judicial powers. In addition individuals in high positions, including the King, the Minister of Justice and Constitutional Affairs, and the traditional governor of the royal family occasionally challenged the judiciary's independence by attempting to influence or overturn some court decisions (see Section 1.d.). The Chief Justice of the High Court (a South African citizen appointed by the King) has resisted pressure to yield any powers to those outside the judiciary. However, the Government ignored a September 2000 ruling by the Chief Justice that prohibited the eviction of two Swazi chiefs (see Sections 1.c., 1.f., 2.a., 2.b., and 3). In October 2000, the Chief Justice rescinded the injunction against the eviction after the Attorney General gave him an affidavit stating that the King had decreed the evictions and that the High Court had no jurisdiction over the case (see Section 3). The case was appealed to the Court of Appeals, which ruled in December 2000 that the Chief Justice's original ruling was correct. Although the Government initially indicated that it might not renew the Chief Justice's contract and force him to retire, he reportedly will remain until the new constitution, which is expected to delineate the terms and conditions for his office, is drafted and adopted. During the year, the King succeeded in overruling a subsequent decision made by the Court of Appeals ordering the Government to compensate citizens who also were expelled forcibly from their homes when the chiefs were evicted in October 2000 (see Section 1.f.).

Judicial powers are vested in a dual system, one independent and based on Western law, the other based on a system of national courts that follows unwritten traditional law and custom. In treason and sedition cases, the King can circumvent the regular judiciary by appointing a special tribunal, which may adopt rules and proce-

dures different from those applied in the High Court; however, this power has not been used since 1987.

The Western judiciary consists of the Court of Appeals (composed entirely of expatriate, usually South African, judges), the High Court, and magistrate courts, all of which are independent of executive and military control and free from intimidation from outside forces. The expatriate judges, frequently distinguished members of their respective bars, serve on the basis of 2-year renewable contracts. Local judges serve indefinitely with good behavior. In magistrate courts, defendants are entitled to counsel at their own expense. Court-appointed counsel is provided in capital cases or when difficult points of law are at issue. There are well-defined appeal procedures up to the Court of Appeals, the highest judicial body. A lack of an independent court budget, lack of trained manpower, inadequate levels of salary remuneration, and managing casework remain problems for the judiciary.

Most citizens who encounter the legal system do so through the traditional courts. The authorities may bring ethnic Swazis to these courts for minor offenses and violations of traditional law and custom. In traditional courts, defendants are not permitted formal legal counsel but may speak on their own behalf and are assisted by informal advisers. Sentences are subject to review by traditional authorities and can be appealed to the High Court and the Court of Appeals. The public prosecutor legally has the authority to determine which court should hear a case, but in practice the police usually make the determination. Accused persons have the right to transfer their cases from the traditional courts. Delays in trials are common.

In 1998 the King issued an administrative order that strengthened the judicial powers of traditional chiefs appointed by the King. The order provides for chiefs' courts with limited civil and criminal jurisdiction and authorizes the imposition of fines up to approximately \$30 (300 emalangeni), and prison sentences of up to 3 months. Accused persons are required to appear in person without representation by a legal practitioner or advocate. However, chiefs' courts only are empowered to administer customary law "insofar as it is not repugnant to natural justice or morality," or inconsistent with the provisions of any law in force. The order provides that defendants may appeal decisions of the chief's court to regional appeal courts and to the higher courts of appeal. Appeals in criminal matters can be taken to the Judicial Commissioner as a last resort, and the High Court is the court of last resort for civil matters. Human rights organizations and the press expressed serious concern over issuance of the 1998 Administrative Order.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires a warrant from a magistrate before police may search homes or other premises, and police generally respect this requirement in practice; however, police officers with the rank of subinspector or higher have the right to conduct a search without a warrant if they believe that evidence might be lost through the delay in obtaining a warrant. Searches without warrants occur occasionally.

There were occurrences of physical surveillance by the police on members of labor unions and banned political groups. Police also used video cameras to record meetings of union members (see Section 2.b.).

On February 16, 15 armed police officers raided the home of a Swazi man and his foreign wife. Police reportedly were abusive and used a video camera as they searched the premises for 3 hours. The police had a search warrant; however, the warrant did not include specific reasons for the search.

In October 2000, the Operation Support Service Unit (OSSU) of the RSP and the USDF evicted and relocated from their residences two Swazi chiefs representing the areas of KaMkhweli and Maceetjini, members of their families, and others who opposed the appointment of Prince Maguga Dlamini to replace the chiefs (see Sections 1.c., 2.a., 2.b., and 3). Several journalists were harassed and detained while covering the evictions (see Sections 1.c., 2.a., 2.b., and 3). Reportedly 200 villagers who were supporters of the chiefs were scattered throughout the country; some were moved to an open field where they sought temporary shelter unsuccessfully. Some families were allowed to return to their residences after apologizing to the Prince and recognizing him as their chief. In late October 2000, students from two colleges and members of two unions marched to protest the evictions; several students were injured when police dispersed their march (see Sections 1.c. and 2.b.). In September 2000, the Chief Justice rescinded a ruling against the eviction order after the Attorney General presented an affidavit stating that the King had decreed the evictions. The case was appealed to the Court of Appeals, which ruled in December 2000 that the Chief Justice's original ruling was correct. On June 13, the Court of Appeals ordered the Government to assist and compensate the evicted residents, to allow them to return to their homes, and allow them to remain in their homes until final judgment was decided by the High Court; however, on June 22, King's Decree No. 2

overtaken the Court of Appeals' ruling. On July 2, police again evicted the chiefs and approximately 23 persons who had returned to their residences.

In September authorities initially refused to bury the deceased relative of one of the deposed chiefs; however, the body was buried 3 weeks later on his ancestral grounds. In November and December, authorities again refused the burial of another relative. The High Court issued a ruling that ordered the body to be buried without interference, and on December 5, police allowed the burial.

Unlike in the previous year, there were no reports that police entered the private homes of prodemocracy activists or banned political party members.

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 limits these rights through a continuing formal ban on political parties and occasional harassment of journalists. The Government also discouraged critical news coverage of the royal family, and journalists practice self-censorship in regard to the immediate royal family and national security policy. The Government prohibited media coverage of the CRC (see Section 3).

During the year, the Government did not make any progress in drafting a media policy to replace the proposed media council bill.

There is one daily independent newspaper, and a daily government-financed newspaper. In general both the government-owned and independent newspapers covered a wide variety of sensitive topics and criticized government corruption, inefficiency, and waste, frequently using harsh invective. However, the Government uses the same media to rebut such allegations. With some exceptions, the Government continued to withhold its advertising from the independently owned daily newspaper. The Prime Minister's office distributes a free weekly circular reporting on government policy and activities.

On January 29, the government-owned newspaper, Swazi Observer, reopened; in February 2000, the authorities had closed the newspaper, probably in response to the newspaper's refusal to reveal the sources of several stories.

On May 4, the Government issued a legal notice proscribing a monthly magazine and a weekly newspaper on the basis of the Proscribed Publications Act of 1968. On May 22, the High Court declared the legal notice invalid because it did not specifically justify its issuance. Later that day, the Government again proscribed the two publications on the grounds that they were detrimental to the public order and that they did not comply with registration requirements that were amended on May 3. The proscription of the monthly publication was lifted in an out-of-court settlement in August. On August 31, the High Court ruled against the Government's proscription of the weekly newspaper; the Government appeal of the ruling was pending at year's end.

On June 22, the Government implemented Decree No. 2, which contained a provision allowing the Minister for Information and Public Service to proscribe any magazine, book, newspaper, or excerpt without furnishing any reasons or jurisdictional facts. It also ordered that no legal proceedings may be instituted against such a proscription. On July 24, the Government issued Decree No. 3, which repealed these provisions.

During the October 2000 eviction of two Swazi chiefs from their residences, some journalists were harassed (see Sections 1.f. and 3). The police also arrested and detained for 4 hours a Swazi television journalist, confiscated his tape recording, and accused him of operating as an informant for a foreign government.

In 1999 an editor of an independent newspaper was arrested for criminal defamation after reporting that the King's latest fiancée, now one of his wives, was a high school dropout. After being released on bail, the editor was fired from his job. The editor's case was being adjudicated at year's end (see Section 1.d.). In response to the scandal, the Ministry of Public Service drafted antidefamation statutes in 1999, which were never approved by the Attorney General and Parliament, and they are unlikely to be implemented.

The Government has a monopoly over television and radio programming. There are two government-owned radio stations. There is one independent radio station, which only broadcasts religious programs. The government-owned television and radio stations—the most influential media in reaching the public—generally followed official policy positions. Government broadcast facilities retransmit Voice of America (VOA) and British Broadcasting Corporation (BBC) news programs in their entirety.

Private companies and church groups own several newsletters, magazines, and one radio station that broadcasts throughout the region, but these generally avoid political controversy. The Christian Broadcasting Company radio station is allowed

to operate despite the fact that it is government policy not to permit private broadcasters to operate.

The practice of self-censorship and the prohibition of political gatherings limit academic freedom. There are concerns expressed by diplomatic, media, and human rights sources about one recommendation in the CRC report, which calls for stiffer penalties for those who speak against the state (see Section 3).

The Government does not restrict use of the Internet.

b. Freedom of Peaceful Assembly and Association.—The law does not provide for freedom of assembly, and the Government restricts this right in practice. King Sobhuza's 1973 decree prohibits meetings of a political nature, processions, or demonstrations in any public place without the consent of the Commissioner of Police. The authorities routinely withheld permission to hold such meetings.

Police continued to harass, arrest, and disrupt the meetings of prodemocracy activists and members of banned political parties. For example, members of the banned political group Ngwane National Liberatory Congress (NNLC) submitted a formal application to hold a meeting at a Tinkhundla center on August 4 reportedly to discuss membership renewal and possible action plans to educate youth about HIV/AIDS. Police turned down the application, and the meeting was not held.

On the morning of October 11, special police forces used tear gas to disperse more than 150 persons who gathered in protest over the issue of the imposed chief in Macetjeni and KaMkhweli (see Sections 1.c. and 1.f.).

On October 19, police forcibly disrupted a press conference held by the Secretary General of the SDA in the town of Manzini (see Section 1.c.).

Police also banned and dispersed meetings held by workers' unions (see Section 6.a.). Police generally take such actions when they believe that political discussions are occurring, or are likely to occur, at these meetings. On January 27, 70 police officers broke up a Swaziland National Association of Teachers (SNAT) union meeting. Police used video cameras to record proceedings (see Section 1.f.). On August 10, police banned an impromptu meeting called by the Swaziland Agricultural Plantation and Allied Workers Union (SAPAW) on the grounds that it coincided with the King's request to citizens that they attend a meeting where the CRC's findings for a new constitution would be presented. The Commissioner of Police specifically cited the Police and Public Order Act, which states that a meeting cannot be held if it would likely cause a breach of the peace.

In January nine other persons were charged with misconduct for compromising their political impartiality and for violating a government order that prohibited them from attending a November 2000 political meeting in South Africa. The meeting to discuss political issues was attended by approximately 800 Swazis. Participants included members of the SDA and various labor groups (see Sections 1.d., 2.d., and 6.a.).

Several traditional forums exist for the expression of opinion, including community meetings, national councils, and direct dialog with area chiefs. However, these local channels are not meant as a vehicle for political change; they often depend on the whims of leaders and are not consistently effective channels for expressing political dissent. In addition in 2000 there was a report that a chief threatened to evict families from ancestral land if they included members of a banned political party; however, no action was taken.

In October 2000, members of the Swaziland Federation of Trade Unions (SFTU) and SNAT marched to the Prime Minister's office to present a petition denouncing the eviction of two chiefs from their residences (see Section 1.f.). Also in October 2000, students from the University of Swaziland and William Pitcher Teachers' College, in addition to opposition leaders, marched to present a petition to the Government regarding the evictions but were denied entry by police in riot gear. After several hours, the protesters dispersed after the police threatened to remove them forcibly. At least 18 students reportedly were injured (see Sections 1.c. and 1.f.).

The law does not provide for freedom of association, and the Government restricts this right in practice. King Sobhuza's 1973 decree prohibits political parties. In January police arrested 15 labor union and political group members for organizing protest actions and for political association. On September 24, the Magistrate court acquitted six of these union members, but the cases of the remaining nine union representatives were pending at year's end (see Sections 1.d., 2.d., and 6.a.).

c. Freedom of Religion.—There is no formal legal provision for freedom of religion; however, the Government generally respects freedom of religion in practice, although there are a few restrictions. Followers of all religious faiths are generally free to worship without government interference or restriction. Unlike in 2000 when police cancelled two prayer meetings on the grounds that they had political overtones, there were no reports of cancelled or dispersed prayer meetings during the year.

An April 13 order by the High Court reinstated six students, who were expelled for not obeying school rules and regulations because of their beliefs as Jehovah's Witnesses. The students initially were prohibited from attending school despite the court ruling; however, the students were allowed to return to school in May, and parents and school authorities were addressing the issue at year's end.

New religious groups or churches are expected to register with the Government upon organizing in the country. In order to be considered organized, a religious group or church must demonstrate either possession of substantial cash reserves or financial support from outside religious groups with established ties to western or eastern religions. For indigenous religious groups or churches, authorities consider demonstration of a proper building, a pastor or religious leader, and a congregation as sufficient to grant organized status. However, there is no law describing the organizational requirements of a religious group or church. While organized churches are exempt from paying taxes, they are not considered tax-deductible charities. All religions are recognized unofficially.

Government permission is required for the construction of new religious buildings. Non-Christian groups sometimes experience minor delays in obtaining permits from the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for these rights, and the Government placed some limits on them in practice. Citizens may travel and work freely within the country; however, under traditional law, a married woman requires her husband's permission to apply for a passport, and an unmarried woman requires the permission of a close male relative. Citizenship law nominally enables nonethnic Swazis to obtain passports and citizenship documents; however, individuals seeking these documents sometimes experienced lengthy processing delays, in part due to occasional prejudice that mixed-race and white Swazis are not real Swazis (see Section 5). Political dissenters often have their citizenship questioned and can experience difficulty in obtaining travel documents. The CRC made a recommendation that effectively could render a child stateless should it be born to a Swazi mother and a foreign father (see Section 3).

In January police arrested 15 labor and political group members; six of the detainees were asked to surrender passports or travel documents and were forbidden to apply for travel documents until their cases have been resolved (see Sections 1.d., 2.b., and 6.a.). Six of the labor union members were acquitted, and the cases of the other nine members were pending at year's end (see Sections 1.d., 2.b., and 6.a.).

The Government treats several thousand ethnic Swazis living across the border in South Africa as virtually indistinguishable from local Swazis and routinely grants them travel and citizenship documents.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates fully with the office of the U.N. High Commissioner for Refugees (UNHCR), as well as the various nongovernmental organizations (NGO's) involved in the care of refugees. According to the UNHCR, there are an estimated 1,000 refugees in the country, the majority coming from the Great Lakes region of Africa and Angola. The issue of provision of first asylum did not arise during the year.

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

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

Citizens are not able to change their government peacefully. The King retains ultimate executive and legislative authority, and political parties are prohibited. Passage of legislation by Parliament requires the King's assent to become law, which he is not obliged to give. When Parliament is not in session, the King may legislate by decree under his residual emergency powers. The King chooses the Prime Minister and, in consultation with the Prime Minister, also chooses the Cabinet, many senior civil servants, and the heads of government offices.

Citizens elect most members of the lower house of Parliament. According to law, 55 seats in the 65-seat House of Assembly are popularly contested. Parliamentary elections were held by secret ballot in October 1998 for 53 of the 55 elected seats (the King appoints the remaining 10 members), and a by-election was held in December 1998 for 1 of the 2 remaining constituencies. The final remaining constituency held its by-election in 1999.

The continuing ban on political parties and restrictions on political activity prompted some political groupings and trade unions to call for a boycott of the 1998 elections by their members. Members of the SFTU who participated in the electoral

process were threatened with disciplinary measures by the labor federation. Election officials reported that approximately 200,000 of the 400,000 eligible citizens registered for the parliamentary elections, and that approximately 120,000 citizens voted, although critics questioned that figure.

There was no formal international observer presence during the 1998 elections, but there was intensive coverage by local and foreign media, and resident diplomats were granted accreditation to observe the proceedings freely. Candidates or their representatives also were allowed to monitor the elections. Election procedures generally were carried out in an orderly fashion. However, the decision to open polling stations for further voting a week after the election because of torrential rains led to irregularities, including persons being found with multiple copies of registration certificates. Alleged irregularities led to legal challenges in four constituencies, and the High Court overturned the result in one constituency as a result. Opposition political groupings remained highly critical of the entire electoral process, due to the continuing formal ban on organized political party activity.

As provided under law, the House of Assembly nominated 10 members from the public at large to serve in the upper house or Senate. The King appointed the additional 20 Senate members. The Cabinet of Ministers, sworn in on November 20, 1998, included only three elected Members of Parliament, with the balance drawn from appointed members of the House and Senate.

On September 22, elections were held by secret ballot without major difficulties to select new municipal councils in 11 cities and towns across the country. Voter turnout was low, with percentages ranging from 12 percent to 40 percent across all cities and towns. There were no reports of intimidation or violence.

Pressure has been building for several years to modernize the political system, and both the King and the Government recognize that there is a need for political reform, including the drafting of a new constitution and, specifically, a bill of rights. In 1996 the King appointed a 30-member commission with the stated purpose of examining the suspended 1968 Constitution, carrying out civic education, determining citizens' wishes regarding a future system of government, making appropriate recommendations on a new constitution, and drafting a new constitution. The CRC compiled a constitutional framework, including portions of the 1968 Constitution still in force, the 1973 decree as currently amended, and the 1992 Establishment of Parliament Order. The CRC distributed this framework nationwide as a starting point for discussion. On August 10, after 5 years of deliberation, the CRC publicly released its findings. In general the report concluded that most Swazis want a continuation of the status quo, a strengthening of the King's powers, a continued ban against political parties, greater emphasis on traditional law and custom, and stiffer penalties for those who speak against the state. In August the CRC was disbanded after submitting its report.

Domestic and international groups have criticized the CRC report as flawed. These groups specifically cited the commission's composition that consisted predominantly of traditionalists, the internal disputes that led to the resignation of four members, and the commission's controversial terms of reference. These controversial terms of reference included prohibition of media coverage, prohibition of group submissions, and possible fines and imprisonment of those persons interfering in the commission's activities. During the constitutional review process, human rights organizations, church groups, labor unions, and other NGO's conducted their own active programs of constitutional and human rights civic education. For example, in May 2000, the National Democratic Institute, in conjunction with the country's Council of Churches, organized a 3-day constitutional conference that was well supported and well received by these groups as well as the Government.

Chiefs are custodians of Swazi law and custom and are responsible for the day-to-day running of their chiefdom. Although law and customs are not codified, chiefs essentially are responsible for maintaining law and order in their respective chiefdoms. For example, chiefs have their own community police who may arrest a suspect and bring the suspect before an inner council within the chiefdom for a trial. Besides the Swazi Administration Act of 1998, chiefs traditionally are empowered by virtue of unwritten customary laws to impose fines and some form of punishment to their subjects. Chiefs are an integral part of society and act as overseers or guardians of families within the communities and traditionally report directly to the king. Local custom mandates that chieftaincy is hereditary.

In October 2000, police evicted and relocated from their residences two chiefs representing the areas of KaMkwheli and Macetjeni, their family members, and others who opposed the imposed appointment of Prince Maguga in these areas (see Sections 1.c., 1.f., 2.a., and 2.b.).

The percentage of women in government or politics does not correspond to their percentage of the population; however, women generally have full legal rights to

participate in the political process. There are 4 women in the 65-member House of Assembly, 4 women in the 30-seat Senate, and 2 women among the 16 ministers in the Cabinet. A woman serves as Secretary to the Cabinet and the head of the civil service. Three women serve as principal secretaries, the most senior civil service rank in the ministries. Three women served on the 30-person CRC (see Section 3). However, in accordance with societal practice, widows in mourning (for periods that can vary from 6 months to 3 years) are prevented from appearing in certain public places and from being near the King and, as a result, can be excluded from voting or running for office.

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

A number of domestic human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. Human rights groups have spoken out on a number of occasions, criticizing the lack of accountability and transparency in government circles. In May Amnesty International visited the country to conduct investigative work on the state of human rights in the country. In the past, foreign diplomats and local representatives of international agencies were invited to tour correctional facilities; several visits occurred during the year (see Section 1.c.).

In previous years, the Government solicited and obtained expert assistance from the International Labor Organization (ILO) on national industrial relations legislation and international labor standards (see Section 6.a.).

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

The law forbids employers to discriminate on the basis of race, religion, sex, or political affiliation. Under the law, employees may bring suit against employers for discrimination, and there also are provisions for criminal prosecutions. The law reportedly has been used on occasion to bring moral suasion to bear against employers. Legal and cultural discrimination against women remains a problem. Mixed race citizens sometimes experience governmental and societal discrimination.

Women.—Domestic violence against women, particularly wife beating, is common, despite traditional strictures against this practice. Women have the right to charge their husbands with assault under both the Western and the traditional legal systems, and urban women frequently do so, usually in extreme cases when intervention by extended family members fails to end such violence. Rural women often have no relief if family intervention does not succeed, because the traditional courts can be unsympathetic to “unruly” or “disobedient” women and are less likely than the modern courts to convict men for wife beating. Rape also is common and regarded by many men as a minor offense, while women are inhibited from reporting such crimes by a sense of shame and helplessness, especially when incest is involved. Even in the modern courts, sentences frequently result in several months in jail, a fine, or both. The law provides some protection from sexual harassment, but its provisions are vague and largely ineffective. Several NGO’s provide support for victims of abuse or discrimination.

Women occupy a subordinate role in society. In both civil and traditional marriages, wives are treated as minors legally, although those who marry under civil law may be accorded the legal status of adults, if stipulated in a signed prenuptial agreement. A woman generally requires her husband’s permission to borrow money, open a bank account, obtain a passport, leave the country, gain access to land, and, in some cases, take a job. An unmarried woman requires a close male relative’s permission to obtain a passport (see Section 2.d.). Despite the law’s requirement for equal pay for equal work, men’s average wage rates by skill category usually exceed those of women.

The dualistic nature of the legal system complicates the issue of women’s rights. Since uncodified law and custom govern traditional marriage, women’s rights often are unclear and change according to where and by whom they are interpreted. Couples often marry in both civil and traditional ceremonies, creating problems in determining which set of rules applies to the marriage and to subsequent questions of child custody and inheritance in the event of divorce or death. In traditional marriages, a man may take more than one wife. A man who marries a woman under civil law legally may not have more than one wife, although in practice this restriction sometimes is ignored. Traditional marriages consider children to belong to the father and to his family if the couple divorces. Children born out of wedlock are viewed as belonging to the mother. Under the law, a woman does not pass citizen-

ship automatically to her children. Inheritances are passed through male children only.

Changing socioeconomic conditions, urbanization, and the increasing prominence of female leaders in government and civic organizations are breaking down barriers to equality. Women routinely execute contracts and enter into a variety of transactions in their own names. The Government has committed itself to various women's initiatives, and the Ministry of Home Affairs coordinates women's issues. In previous years, the Ministry organized seminars and workshops to address gender issues around the country. Although gender sensitization is not part of the formal school curriculum, some schools have organized debates and other mechanisms to address gender issues. The University Senate also has a subcommittee that encourages students and faculty to hold seminars and workshops on gender issues.

Children.—The Government is concerned with the rights and welfare of children, and a number of laws directly address children's issues. The Government does not provide free, compulsory education for children. The Government pays teachers' salaries while student fees pay for books and the buildings' fund. Supplemental money sometimes must be raised for building upkeep, including teachers' housing. However, the country has a 99 percent primary school enrollment rate. A government task force educates the public on children's issues. The public school system ends at grade 12. Children are required to start attending school at the age of 6 years. Most students reach grade 7, which is the last year in primary school. A large percentage of students finish grade 10.

In general medical care for children is inadequate. Queues are long, nursing care in public hospitals is poor, and hospitals are overcrowded and understaffed. Most prescription drugs are available in urban facilities, but rural clinics have inadequate supplies of certain drugs.

Child abuse is a problem, and the Government has not made specific efforts to end such abuse. Children convicted of crimes sometimes are caned as punishment. There are a growing number of street children in Mbabane and Manzini. The law prohibits prostitution and child pornography and provides protection to children under 16 years of age from sexual exploitation and sets the age of sexual consent at 16 years of age (see Section 6.d.); however, female children sometimes suffer sexual abuse, including by family members. There were reports that Mozambican girls worked as prostitutes in the country.

Child labor occurs (see Section 6.d.).

Persons with Disabilities.—The Ministry of Home Affairs has called for equal treatment of persons with disabilities; however, there are no laws that protect the rights of those with disabilities or that mandate accessibility for persons with disabilities to buildings, transportation, or government services. There has been no progress on legislation that would give preferential treatment to persons with disabilities for building access and other needs; however, all new government buildings under construction include improvements for those with disabilities, including accessibility ramps.

National/Racial/Ethnic Minorities.—Governmental and societal discrimination is practiced widely against nonethnic Swazis, namely white persons and persons of mixed race. Although there are no official statistics, an estimated 2 percent of the population is nonethnic Swazis. Nonethnic Swazis have experienced difficulty in obtaining official documents, including passports (see Section 2.d.). Nonethnic Swazis also suffer from smaller forms of governmental and societal discrimination such as needing special permits or stamps to buy a car or house, delays in receiving building permits for houses, and difficulties in applying for a bank loan.

Section 6. Worker Rights

a. The Right of Association.—The 2000 Industrial Relations Act (IRA) provides that employees who are not engaged in essential services have the right to participate in peaceful protest action to promote their socioeconomic interests. The 2000 IRA, with November amendments, is a comprehensive law providing for the collective negotiation of the terms and conditions for employment and dispute resolution mechanisms. In addition to these provisions, the law provides for the administration of a court devoted to the adjudication of labor related issues and establishes a tripartite labor advisory board.

In June 2000, the Government amended the 1998 IRA by modifying sections 40 and 52, which governed procedures for protest actions and outlined responsibilities of work councils. A subsequent review by the ILO's Committee of Experts (COE) criticized the amendments. Specifically, the ILO stated that the June amendments created burdensome and lengthy procedures for protest actions, restricted workers' rights to strike by making them liable for any civil damages that may not have been caused as a result of a strike, imposed restrictions on the independence of work

councils, and did not provide adequate protection against worker dismissals for strikes. In November 2000, many of the controversial June amendments were modified; these November 2000 amendments subsequently received approval from the ILO's COE.

The main trade union federation is the Swaziland Federation of Trade Unions (SFTU). A second trade union federation is the Swaziland Federation of Labor (SFL), which broke away from the SFTU in 1993 and gained formal recognition from the Government in 1994.

Unions are free to draw up their own constitutions within the framework of the IRA. The IRA specifies a number of provisions that must be addressed in a constitution, including the election of officers by secret ballot. There is no collusion between the Government and business in relation to worker rights. The Labor Commissioner may reinstate unions quickly, once they have met all the legal requirements of the IRA.

The IRA details the steps to be followed when disputes arise, including the definition of a legal or illegal strike. The IRA shortened the notice that an organization or federation is required to give before it commences a protest action. This period of time was reduced from 3 weeks to 2 weeks. The IRA empowers the Government to mediate employment disputes and grievances through the Labor Advisory Board. When disputes arise, the Government often intervenes to try to reduce the chances of a strike, which may not be called legally until all avenues of negotiation have been exhausted, and a secret ballot of union members has been conducted. The IRA prohibits strikes in "essential" services, which include police and security forces, correctional services, fire fighting, health, and many civil service positions.

In recent years, there have been a number of strikes, usually over wages and benefits, or the dismissal of fellow workers. On May 20, the Industrial Court of Appeals ruled in favor of 32 state television employees who were dismissed in 1999 after striking for higher wages and better working conditions. In September 2000, the Minister of Public Service and Information had ordered the reinstatement of the employees; however, 6 days later, he withdrew the order, citing lack of jurisdiction over the matter.

During the year, the Government maintained that all outstanding labor issues already had been addressed. However, the SFTU continued to press for action on the 27 demands it presented in 1994, including calls for fundamental political change. These demands address a wide range of issues, including recognition of affirmative action, a national uniform minimum wage, an end to discrimination against women, the provision of better housing for workers, inclusion of worker representatives in constitutional discussions, and the lifting of the 1973 Decree that suspended the Constitution and outlawed political parties.

During a review of the 2000 IRA at its meeting in late 2000, prior to the November amendments, the COE noted that the new IRA satisfactorily addressed a number of issues, but stated that while the act constituted a "considerable improvement over previous legislation," discrepancies remained between the 2000 IRA and ILO conventions, particularly with respect to peaceful protest by unions and the right to strike. At the June meeting of the ILO Conference Committee on the Application of Conventions and Recommendations (CACR), delegates proposed that a high-level ILO mission be sent to the country to meet with union leaders, employers, and government officials to examine whether workers are prevented from exercising their rights and civil liberties because of an alleged conflict between the provisions of the IRA and the 1973 Decree. No such mission occurred by year's end.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively and outlaws antiunion discrimination. Collective bargaining is widespread; approximately 80 percent of the formal private sector are unionized. The law obliges employers to recognize a union when it achieves more than 50 percent membership among employees. Employers must allow representatives of legally recognized unions to conduct union activities on company time. The Industrial Court may refuse to register collective bargaining agreements in the event of nonobservance of any requirement of the IRA. The IRA permits workers councils, which are to be established in factories with 25 or more employees in the absence of a trade union, to negotiate terms and conditions of work, wages, and welfare.

Disputes are referred to the Labor Commissioner and the Industrial Court, if necessary. Although many employers resist union recognition and force the issue to the Industrial Court, the Court generally rules in favor of the unions in these cases. In the case of unfair dismissal, the court can order reinstatement and compensation for the employee, as well as fine the employer. Union leaders have made credible charges that management in various industries dismisses workers for union activity. The Government sometimes instigates such dismissals. The IRA provides for dis-

putes to be referred to the Conciliation, Mediation, and Arbitration Committee (CMAC). The Deputy Labor Commissioner chairs the CMAC. By year's end, the CMAC had adjudicated approximately 740 cases.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and the Government generally enforces this prohibition effectively; however, the SFTU cited the 1998 Administrative Order as a form of forced labor, because it reinforces the tradition of residents doing traditional tasks for chiefs and allows the chiefs to fine their subjects for failing to carry out the manual labor.

The law prohibits forced and bonded labor by children, and there were no reports that such practices occurred; however, there were reports that underage Mozambican girls worked as prostitutes in the country (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members are employed in the firm, or in technical schools where children are working under the supervision of a teacher or other authorized person. Legislation limits the number of night hours that can be worked on schooldays, and limits children's work-hours overall to 6 per day and 33 per week. Employment of children in the formal sector is not customary; however, children below the minimum age frequently are employed in the agricultural sector, particularly in the eastern cotton-growing region. Children also are employed as domestic workers, and as herd boys in rural areas. The Ministry of Labor is responsible for enforcement, but its effectiveness is limited by personnel shortages. The law prohibits prostitution and child pornography. The age of protection against sexual exploitation and the age of sexual consent are 16 years; however, there were reports that underage Mozambican girls worked as prostitutes in the country.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—There is a legally mandated sliding scale of minimum wages depending on the type of work performed. These minimum wages generally provide a worker and family with a decent standard of living. The minimum monthly wage for a domestic worker is approximately \$21 (180 emalangeni), for an unskilled worker \$33 (280 emalangeni), and for a skilled worker \$52 (450 emalangeni).

Labor, management, and government representatives have negotiated a maximum 48-hour workweek in the industrial sector except for security guards, who work up to six 12-hour shifts per week. The law permits all workers 1 day of rest per week. Most workers receive a minimum of 12 days annual leave. The Labor Commissioner enforces standards in the formal sector. There are extensive provisions allowing workers to seek redress for alleged wrongful dismissal; these provisions frequently are brought into play. There also are penalties for employers who conduct unauthorized lockouts.

The law protects worker health and safety. The Government sets safety standards for industrial operations, and it encourages private companies to develop accident prevention programs. Recent growth in industrial production has necessitated more government action on safety issues. However, the Labor Commissioner's office has conducted few safety inspections in recent years because of staffing deficiencies. Workers have no formal statutory rights to remove themselves from dangerous work places without jeopardizing their continued employment; nor do any collective bargaining agreements address the matter.

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.

TANZANIA

The United Republic of Tanzania is a multiparty state led by the President of the mainland, Benjamin Mkapa, who was reelected in the country's second multiparty national elections for president and parliament in 2000. The ruling Chama Cha Mapinduzi (CCM) party made significant gains in its majority in Parliament. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully. The islands of Zanzibar are integrated into the United Republic's governmental and party structure; however, the Zanzibar Government, which has its own president and parliament, exercises considerable autonomy. In October 2000, presidential and parliamentary elections took place in Zanzibar; however, the vote was marred by irregularities, voter intimidation, and politically moti-

vated violence. Votes were cancelled in 16 constituencies, and new votes were held in November 2000. The opposition Civic United Front (CUF) boycotted the revotes in protest. The ruling CCM and the CUF parties engaged in a dialog throughout the year in an attempt to resolve outstanding issues concerning the 2000 elections and the subsequent violence. In October the parties reached an agreement, which is designed to lay the foundation for a multiparty democracy in Zanzibar. The national judiciary is formally independent but is corrupt, inefficient, and subject to executive interference.

The police force has primary responsibility for maintaining law and order. It formerly was supported by citizens' anticrime groups and patrols known as "Sungusungu." The Sungusungu remain active in rural areas, but virtually have disappeared from urban areas. There also are Sungusungu groups composed of refugees in most refugee camps that act as quasi-official security forces. The military is composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) is a division of, and directly controlled by, the national police force. The security forces are under the full control of, and responsive to, the Government. The security forces regularly committed human rights abuses.

Agriculture provides 82 percent of employment for the population of approximately 35 million. Cotton, coffee, cashews, sisal, tea, and gemstones account for most export earnings. The industrial sector is small. Economic reforms undertaken since 1986, including liberalization of agricultural policy, the privatization of state-owned enterprises, the rescheduling of foreign debt payments, and the freeing of the currency exchange rate, helped to stimulate economic growth, as has the decline in the rate of inflation. In 2000 the gross domestic product (GDP) was \$7.45 billion and per capita GDP equaled \$234. The GDP growth rate was 4.9 percent. While the Government has attempted to improve its fiscal management, pervasive corruption constrains economic progress.

The Government's human rights record was poor; while there were improvements in a few areas, there continued to be serious problems, particularly in Zanzibar. Citizens' right to change their government in Zanzibar was circumscribed severely by abuses of and limitations on civil liberties in 2000; however, the Government engaged in a dialog with the opposition in order to ensure a more open and transparent process for the next elections. On October 10, the Government and the CUF agreed to establish a joint commission to investigate reported abuses committed in January in Zanzibar. Police killed several persons, and members of the police regularly threatened, mistreated, or occasionally beat suspected criminals during and after their apprehension and interrogation. There were reports that police used torture in Zanzibar. Prison conditions throughout the country remained harsh and life threatening. Arbitrary arrest and detention and prolonged detention remained problems. Police harassment of members and supporters of the political opposition declined significantly following the October reconciliation agreement between the Government and the opposition. The inefficient and corrupt judicial system often did not provide expeditious and fair trials. Pervasive corruption continued to have a broad impact on human rights. The Government infringed on citizens' privacy rights and limited freedom of speech and of the press, and freedom of assembly and association. The Government declared that four government and party officials were non-citizens and therefore no longer could retain their positions. Police used excessive force to disperse demonstrations in Zanzibar and Dar es Salaam in January, which resulted in numerous deaths and injuries; more than 2,000 persons were displaced. In the western part of the country, there remained significant resentment and hostility directed against the refugee population; however, there was some improvement in relations due to government and donor outreach efforts with the local population. In previous years, the Government obstructed the formation of domestic human rights groups; however, there were no reports that this occurred during the year. The Government approved a bill to establish a Human Rights Commission; however, the Commission was not established until late in the year, and it did not hear any cases by year's end. The Government created the Tanzania Parliamentarians AIDS Coalition (TAPAC) during the year to address discrimination against persons infected with HIV/AIDS in the country. Violence and discrimination against women and female genital mutilation (FGM) remained serious problems. Women and girls in refugee camps suffered a high level of rape and abuse. Abuse of children and child prostitution were problems. The Government continued to infringe on workers' rights, and child labor persisted. The Government ratified International Labour Organization (ILO) Convention 182 on the worst forms of child labor during the year. Mob justice remained severe and widespread.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Members of the police killed several persons during the year and used excessive force to disperse demonstrations, which resulted in the deaths of numerous demonstrators and bystanders (see Section 2.b.).

On January 26, the day before planned demonstrations were to occur, the police confirmed that its forces in Zanzibar shot and killed one CUF member and injured another during an altercation outside of a mosque. It was not known whether any action was taken against the police. On January 27, police forcibly dispersed demonstrations in Zanzibar and Dar es Salaam; between 24 and 70 persons were killed and a number were detained (see Sections 1.c., 1.d., 1.f., and 2.b.).

Unlike in the previous year, there were no reported deaths due to violence in custody or prison. No investigation or action was taken in the case of a prisoner who died in Moshi Prison in 2000. Although the police denied responsibility, the autopsy showed the victim was beaten badly and possibly strangled. There were no reported deaths in custody during the year.

There were no reports of any investigation or action taken in the May 2000 case in which FFU officers in Iringa were accused of beating a man to death for not paying a “development levy” or the July 2000 case in which police killed a prisoner while he was in remand.

The 1999 case in which members of the Sungusungu killed five persons accused of murdering witches in Shinyanga still was under investigation by local authorities, and no further action was taken by year’s end.

No action reportedly was taken against the members of the security forces responsible for the following killings in 1999: The October killing of one civilian in retaliation for a theft; and the February beating to death of a prisoner in detention.

On July 27, 10 persons were killed after violent clashes broke out in Tarime District (in the northwestern part of the country) between members of the Walyanchoka and Waanchari clans (see Section 5).

Instances of mob justice against suspected criminals continued to claim dozens of lives. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves, who were stoned, lynched, beaten to death, or doused with gasoline and set on fire. In previous years, such events were so common that they often were grouped together in newspapers with reporting on car accidents and other mishaps.

The widespread belief in witchcraft led, in some instances, to the killing of alleged witches by their “victims,” aggrieved relatives, or mobs; however, the number of such reports decreased during the year. Government officials criticized these practices, and some arrests were made; however, most perpetrators of witch killing or mob justice eluded arrest, and the Government did not take preventive measures during the year.

There was continuing concern over violence allegedly perpetrated by some Burundian and Rwandan refugees, although such violence has diminished since 1999 (see Section 2.d.). In previous years, local officials complained that refugees committed killings and robberies, although there were no such reports during the year. In a well-publicized case, Burundian refugees were accused of killing a local schoolteacher in 1999 and in a reprisal attack, a group of men raped approximately 50 refugee women.

During the year, a Tanzanian citizen who was accused of bombing the U.S. Embassy in Dar es Salaam on August 7, 1998, was extradited from South Africa to the U.S. for trial, where he was convicted.

During the year, police arrested Augustine Mrema, the Chairman of the Tanzania Labor Party (TLP), and Nshala Rugemeleza, the president of the Lawyers’ Environment Action Team (LEAT), in connection with the 1996 case in which as many as 30 local miners may have been buried alive when their mine shafts were filled in after the miners were evicted from the site by Kahama Mining Corporation (see Section 1.d.). The case gained increasing notoriety during the year, and LEAT continued to press the Government for an independent inquiry into the reported killings.

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

In November Burundian rebels abducted 107 children from refugee camps in the country. However, some reports indicated that the children’s parents may have allowed the children to be taken with the belief that they would work on plantations (see Section 2.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that police officers in Zanzibar tortured, and members of the police regularly threatened, mistreated, or occasionally beat suspected criminals during and after their apprehen-

sion and interrogation. Police also used the same means to obtain information about suspects from family members not in custody (see Section 1.f.). Police and security forces used beatings, tear gas, and other forms of physical abuse regularly to disperse large gatherings and as a form of public punishment (see Section 2.b.). Although government officials usually criticize these practices, the Government seldom prosecutes police for these abuses.

Incidents of police brutality continued to occur during the year. Repeated reports indicate that the police used torture, including beatings and floggings, in Zanzibar, notably on the island of Pemba. In January and February in Pemba, credible reports indicated that police brutality, including beatings and rape, was widespread when the police used force to disperse political demonstrators (see Section 2.b.). In 2000 there were numerous reports that police randomly beat pedestrians, bicyclists, and automobile drivers whom they had stopped at intersections; however, there were no such reports during the year.

On August 1, the Inspector General of Police announced the dismissal of five police officers in Pemba, reportedly for "a gross lack of discipline."

On August 24, 27 persons were injured after a demonstration by Muslim protesters turned violent, and police used tear gas to disperse the protesters (see Sections 2.b. and 2.c.).

No investigation was made nor action taken against the members of the security forces responsible for torturing, beating, or otherwise abusing persons in the following cases from 2000: The November beating and reported torture of opposition officials in Zanzibar; the November case in which police reportedly broke the jaw of a detainee; the November beating of several CUF officials in Stone Town in Zanzibar; the October injuring of several arrested persons in Pemba; the October beatings and use of tear gas, rubber bullets, and live ammunition against CUF opposition activists in Zanzibar; the October beatings and use of excessive force against both demonstrators and bystanders during rallies and demonstrations in the Darajani district of Stone Town in Zanzibar; the October beating of Fortunatus Masha, an opposition candidate who was vice-chairman of his party, during an altercation at a ballot counting center over possible ballot rigging in favor of the CCM party; the October beating of a man during a CUF meeting; the October shooting of six CUF supporters; the October beating of a man in custody; the April beatings and police brutality in Stone Town in Zanzibar; the January use of tear gas to disperse riots that began when hundreds of CUF supporters were not allowed to observe the trial of 18 CUF supporters accused of treason (see Section 1.d.); and the beating of persons who violated the 7 p.m. curfew imposed in Wete, Pemba (see Section 2.d.).

Pervasive corruption is a serious problem in the police force (see Section 1.d.). The Government took some steps during the year to discourage and punish such abuses. In June the Inspector General of Police conducted a major reorganization of the police force, which included transfers of police officials throughout the country, including some for suspected misconduct, in order to enable better police performance and fight corruption in the police force. In November and December, the Inspector General continued to reorganize police commanders at the regional levels. Despite these actions, as well as the activities of the Prevention of Corruption Bureau (a separate and ineffectual arm of the police force tasked with combating police corruption), there were numerous complaints from civil society groups about police corruption during the year. A general lack of trust in the police force and in the court system resulted in a high incidence of mob justice throughout the reporting period. In July in Dar es Salaam, the police force began an internal investigation of a police officer accused of harassing and attempting to bribe a local businessman. The spokesperson for the police force stated that if the officer was found guilty, the police force would take "exemplary" measures; however, no action was taken by year's end.

The People's Militia Laws bestow quasi-legal status on the traditional Sungusungu neighborhood and village anticrime groups. The Sungusungu still exist, particularly in rural areas such as the Tabora, Shinyanga, and Mwanza regions, and in refugee camps. Members of Sungusungu have additional benefits on par with those given to police officials, including the right to arrest persons. In return members of Sungusungu are expected to be held accountable for any abuses.

As a result of increased criminal activity allegedly perpetrated by some Burundian refugees, there is significant hostility and resentment against Burundian refugees. In 1999 in Kasulu, approximately 50 Burundian refugee women collecting firewood allegedly were attacked and raped by villagers in reprisal for the killing of a local teacher (see Section 2.d.); 11 men were arrested for the rape in 1999. In December 2000, the case was dismissed on a technicality. The police appealed the magistrate's decision to the High Court in Tabora, which overturned the dismissal and

remanded the case to the lower court for retrial. The retrial still was pending in Kigoma at year's end.

There was continuing concern over violence allegedly perpetrated by some armed Burundian and Rwandan refugees, although such violence has diminished since 1999. Local officials reported incidents of banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps (see Section 5). Women and girls in refugee camps suffered a high level of rape and abuse (see Sections 2.b. and 5). There were also credible reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees (see Section 2.d.).

In August there were clashes between farmers and Maasai pastoralists in Mangae, Morogoro Region, in which six farmers were injured seriously (see Section 5).

At the end of December, an explosive device detonated in the rest room of a popular bar in Zanzibar Town, which resulted in injuries to four persons; two of the persons were injured seriously. A separate unexploded device was found in the room of an attached guesthouse. Local residents believed that the bar and guesthouse were targeted because they served alcohol and provided prostitutes. No further information was available on the case at year's end.

By year's end, no group had claimed responsibility for the 2000 bomb explosion at a school in Stone Town in Zanzibar that was being used as a polling office for the November 2000 re-run elections (see Section 3).

Prison conditions remained harsh and life threatening. Government officials acknowledged that prisons are overcrowded, and living conditions are poor. The prisons were designed to hold 21,000 persons, but the actual prison population is estimated at 43,000 persons; an estimated 40 percent of this number are remandees. The Government is expanding prisons, but its efforts have not kept pace with the growing number of prisoners. The Government did not release statistics on the prison expansion program or on the exact extent of overcrowding during the year. Some prisoners are paroled or receive suspended sentences as a means of relieving overcrowding. In December President Mkapa granted amnesty to more than 4,000 prisoners as part of the traditional celebration of the anniversary of the country's independence, which also helped to relieve prison overcrowding. The daily amount of food allotted to prisoners is insufficient to meet their nutritional needs, and even this amount is not provided regularly. Convicted prisoners are not allowed to receive food from outside sources and often are moved to different prisons without notification to their families.

Prison dispensaries offer only limited treatment, and friends and family members of prisoners generally must provide medication or the funds with which to purchase it. Serious diseases, such as dysentery, malaria, and cholera, are common and result in numerous deaths. During the year, there were fewer reports that guards beat and abused prisoners. Unlike in the previous year, there were no reports that prisoners were strip-searched in front of other prisoners. Pretrial detainees are held with convicted prisoners but are allowed to receive food from the outside.

In 2000 Amnesty International visited the prison and reported that 18 CUF prisoners who were in prison on treason charges were denied adequate medical treatment while in the Zanzibar Central Prison (see Section 1.d.). However, the International Committee of the Red Cross (ICRC) visited the 18 CUF prisoners and reported that they consistently were given better food, medical treatment, and allocated more space, than other prisoners held in the same location. A prisoner in Moshi Prison died in 2000. Prison officials claimed the death was a result of tuberculosis and AIDS, but the autopsy showed the victim was beaten badly.

The Prisons Act requires prisoners to be separated based on age and gender, and female prisoners are held separately from male prisoners in practice. Women sent to remand prison report that they are forced to sleep naked and subjected to sexual abuse by wardens. Juveniles are protected under both the Prisons Act and the Young Persons Ordinance Act, which also requires separation according to age. However, there are limited resources to provide for juveniles and only two juvenile detention facilities in the country, and as a result juveniles are not always separated from adults in practice.

Local nongovernmental organizations (NGO's) are permitted to monitor prison conditions; however, the Government has not granted permission to international NGO's to monitor prison conditions. The ICRC was permitted to visit 2 prisons in Zanzibar and Pemba during the year, and ICRC officials met with 52 individuals who had been detained in connection with the January violence (see Sections 1.a. and 2.b.). The ICRC also visited combatants imprisoned in the western part of the country; in addition the ICRC provided surgical supplies, financial support, and training to the medical facilities of the region, which receive war-wounded from Bu-

rundi and the Democratic Republic of the Congo. The U.N. High Commissioner for Refugees (UNHCR) monitored conditions in the small prison that holds special categories of refugees. Unlike in the previous year, the Government permitted UNHCR visits to prisons holding refugees in Dar es Salaam.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The law requires that a person arrested for a crime, other than a national security detainee under the Preventive Detention Act, be charged before a magistrate within 24 hours; however, in practice the police often fail to comply. Unlike in the previous year, the authorities on the mainland and in Zanzibar did not arrest opponents of the Government for acts that the authorities regarded as seditious.

There were reports that police at times arrest innocent persons, accuse them of fictitious crimes, and withdraw or reduce the charges upon payment of bribes. The Government continued to punish police for abuse of their positions during the year.

The law restricts the right to bail and imposes strict conditions on freedom of movement and association when bail is granted. Because of backlogs, an average case takes 2 to 3 years or longer to come to trial (see Section 1.e.). Observers estimate that only approximately 5 percent of persons held in remand ultimately are convicted, and in many cases, those convicted already have served their full sentences before their trials are held.

In some cases, accused persons are denied the right to contact a lawyer or talk with family members. Bribes often determine whether bail is granted or even whether a case is judged as a civil or criminal matter. There are reports of prisoners waiting several years for trial because they could not bribe police and court officials. The authorities acknowledge that some cases have been pending for several years.

In May a group of 12 inmates at Keko went on a hunger strike and wrote letters to President Mkapa to demand the hearing of their cases. The detainees, who were charged with murder, claimed that they had been imprisoned without trial for 10 years. Inmates at Keko remand prison also had gone on a hunger strike in 2000 to press for prompt hearings of their cases.

In August the Kisutu Resident Magistrate's Court released Leo Lekamwa, former Chairman of the Tanzania Labor Party, after the prosecution failed to produce witnesses for 4 years. Lekamwa was charged with a criminal offense of trampling on a copy of the Constitution with seditious intent in 1997.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act requires that the Government release detainees within 15 days of detention or inform them of the reason for their detention. A detainee also is allowed to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act has not been used for many years nor was it used during the year. The Court of Appeals has ruled that the act cannot be used to deny bail to persons not considered dangerous to society; however, the Government still has not introduced corrective legislation. The Government has additional broad detention powers under the law, which permit regional and district commissioners to arrest and detain for 48 hours persons who may "disturb public tranquility."

Police continued to make arbitrary arrests, often as a means of extorting money; however, it was believed that these incidents decreased significantly during the year.

On January 25, police beat, arrested, and detained CUF Chairman Ibrahim Lipumba after he addressed a group of supporters in Dar es Salaam. Witnesses reported that Lipumba suffered arm and head injuries during a fight with FFU members who accused him of creating a disturbance. Lipumba and 14 others were arraigned on January 26. Lipumba was denied bail until after the planned January 27 demonstrations and was released on bail on January 30 (see Sections 1.a. and 2.b.).

On January 25, there were reports that as many as 50 other CUF members, including Kigamboni Member of Parliament (M.P.) Frank Magoba, were arrested in Dar es Salaam as part of a government effort to prevent the planned January 27 demonstrations (see Section 2.b.).

On January 26, in Zanzibar, police shot and killed two persons outside of the Mwembe Tanga mosque and then arrested 27 persons outside of the mosque and in a CUF office in the area (see Section 1.a.).

On January 27, police reportedly arrested 99 persons in Dar es Salaam and 82 others in Zanzibar and Pemba in connection with the demonstrations (see Section 2.b.). It was reported that those persons who received medical treatment for their injuries immediately were detained by police after being discharged from the hospital. Detention conditions for detainees who were arrested in connection with the January demonstrations reportedly were harsh, with as many as 40 persons in cells designed to hold 5 persons.

In early February, CUF leaders Mussa Haji Kombo and Khatib Hassan reportedly were arrested for organizing the January demonstrations (see Section 2.b.). On February 20, three CUF leaders, including CUF Deputy Secretary General Juma Duni Haji, also were arrested on charges of organizing the January 27 demonstrations (see Section 2.b.). The charges later were amended to include the killing of a police officer in Pemba, although they were not reportedly on the island at the time. The three were arrested as they accompanied CUF Secretary General Seif Shariff Hamad to court, where Hamad was appearing on charges following an altercation with police in 2000.

On October 15, all charges against persons arrested in connection with the January demonstrations were dropped and all detainees were released as part of the October 10 reconciliation agreement between the CCM and the CUF, which called for the release of all persons in custody who were associated with the January 27 events.

On November 24, police officers arrested and charged with seditious intent TLP Chairman Augustine Mrerna and LEAT President Nshala Rugemeleza for their role in investigating claims that miners were killed at Bulyanhulu in 1996 (see Section 1.a.). Mrerna and Rugemeleza were released within 24 hours. On December 11, police arrested 31 TLP supporters, including party leaders, for holding an unauthorized demonstration related to the incident at Bulyanhulu (see Section 2.b.). The TLP supporters were released by year's end.

In December police in Zanzibar arrested more than 20 leaders of the Answar Sunna "sect" for conducting Eid el Fitr prayers on a day other than the one designated by the Government of Zanzibar. They were detained and then released.

Despite orders from the Union Government's Inspector General of Police, police in Zanzibar, particularly in Pemba, continued to regularly detain, arrest, or harass CUF members and suspected supporters. However, such abuses decreased considerably after international criticism over the violent January 26-27 clashes between police officers and CUF supporters (see Section 2.b.), and after the CCM entered into a dialog with the CUF. The dialog resulted in an agreement by CCM and CUF to provide police officers with human rights and civil rights training; the training was scheduled to begin in 2002.

Unlike in the previous year, police on the mainland did not arrest Pembans without charge and forcibly return them to Pemba under police custody.

Unlike in the previous year, police did not arrest or detain any journalists.

On February 20, CUF leader Seif Shariff Hamad appeared in court for his April 2000 arrest at an indoor CUF meeting in Zanzibar; the charges against Hamad were dropped by year's end. In 2000 police began a campaign to apprehend persons who had attacked police officers attempting to break up the meeting and arrested numerous persons on the streets. Police also broke into homes and businesses, beat persons inside, arrested and detained them, and charged them with loitering and breach of the peace.

On October 31, 18 CUF defendants accused of treason, who were released in November 2000 after spending 2½ years in prison on charges of treason without being convicted, introduced a civil suit against the Government seeking compensation for time in prison. The case remained pending at year's end.

In December 2000, four persons reportedly were arrested for a gasoline bombing of a primary school that housed a polling station. The four were released, and charges were dropped as a result of the October reconciliation agreement.

There were numerous arrests in Pemba after the October 2000 elections. In October 2000, the authorities reportedly arrested 12 persons in a CUF office in Wete, Pemba, and injured several of them during the arrest. An appeal was filed in November 2000. In November 2000, 10 persons reportedly were arrested on charges of setting off gasoline explosives at a hotel in Wete, Pemba. In November 2000, six persons reportedly were arrested on charges of attempted manslaughter of a Zanzibar Electoral commission officer in Wete, Pemba. Their bail reportedly was set at \$875 (700,000 shillings), which the detainees' defense counsel argued was so high that it amounted to "technically denying bail" to the accused. In November 2000, four persons reportedly were arrested for allegedly setting off a bomb in Wete, Pemba. All charges were dropped and detainees released by year's end as a result of the October reconciliation agreement.

Several journalists were arrested and detained by police following the October 2000 elections. They were released and charges were dropped as a result of the October reconciliation agreement (see Section 3).

In 1999 the authorities arrested and detained opposition leader Augustine Mrerna for making derogatory statements about President Mkapa's wife and the NGO that she operates. Mrerna also was charged with sedition for statements he made about former President Julius Nyerere. Mrerna was scheduled to be tried in February for

three charges of sedition, based on the claim that he presented fraudulent documents to Parliament. The remaining charges were dropped by year's end due to insufficient evidence.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary is corrupt, inefficient, and subject to executive influence.

Nevertheless, the higher courts increasingly have demonstrated independence from the Government. Senior police or government officials no longer pressure or reassign judges who make unpopular rulings. However, independent observers continued to criticize the judiciary, especially at the lower levels, as corrupt and inefficient and questioned the system's ability to provide a defendant with an expeditious and fair trial. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates occasionally accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, or decide appeals. In 2000 the Minister of Justice acknowledged in public statements that problems within the judiciary include unwarranted delays in the hearing of cases, falsified recording of evidence in court records, bribery, improper use or failure to use bail, and unethical behavior on the part of magistrates. The Court of Appeals delayed hearing any cases from 1999 until the backlog of cases from 1997 and 1998 have been heard. Judicial ethics committees were tasked with drafting recommendations to improve the credibility and conduct of the judiciary; however, they had not yet drafted a report by year's end. The committees have no mechanism to redress grievances or enforce decisions and are weak and ineffective. The Government made some progress in addressing judicial corruption. During 2000 several magistrates were arrested after the Chief Justice was presented with credible evidence of their corruption. In June the authorities arrested a magistrate and court clerk in Mtwara for corruption. There was no further information available on the cases by year's end.

The legal system is based on the British model, with modifications to accommodate customary and Islamic law in civil cases. Christians are governed by customary or statutory law in both civil and criminal matters. Muslims may apply either customary law or Islamic law in civil matters. The court system consists of primary courts, district courts, the High Court, and the Court of Appeals. Advocates defend clients in all courts, except in primary courts. There is no trial by jury. In addition to judges, there are district (or resident) magistrates. The law also provides for commercial courts, land tribunals, housing tribunals, and military tribunals. However, military tribunals have not been used in the country since its independence. Military courts do not try civilians, and there are no security courts. Defendants in civil and military courts may appeal decisions to the High Court and Court of Appeal. In refugee camps, Burundian mediation councils called *abashingatahe*, comprised of male refugee elders, often handle domestic abuse cases of Burundian refugees even though the law does not allow these councils to hear criminal matters (see Sections 2.d. and 5).

Zanzibar's court system generally parallels that of the mainland but retains Islamic courts to adjudicate Muslim family cases such as divorce, child custody, and inheritance. Islamic courts only adjudicate cases involving Muslims. Cases concerning Zanzibar constitutional issues are heard only in Zanzibar's courts. All other cases may be appealed to the national Court of Appeal.

Criminal trials are open to the public and to the press; courts must give reasons on record for holding secret proceedings. Criminal defendants have the right of appeal.

Bail is set on a discretionary basis by judges based on the merits of each case (see Section 1.d.); however, there is no bail in murder or armed robbery cases.

The law provides for a right to defense counsel. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There are only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes do not have legal counsel.

There is a separate facility for young offenders; however, the court is underutilized and many juvenile offenders still are tried in adult courts. Some cases continue to be sent through the traditional court system where they are processed faster because of a less significant backlog than in the regular civil court system.

There were no reports of political prisoners on the mainland. As a result of the October reconciliation agreement, all prisoners associated with the January demonstrations were granted amnesty and released (see Sections 1.d., 2.b., and 3).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution generally prohibits such actions without a search warrant; however, the Government does not respect consistently the prohibitions in practice.

The law authorizes police officials, including the civilian anticrime groups, to issue search warrants; however, the act also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. In practice police and members of other security services rarely requested warrants and often searched private homes and business establishments at will. The security services reportedly monitor telephones and correspondence of some citizens and foreign residents.

In January and February, police officers broke into homes and businesses in Zanzibar, beating those inside and destroying property following opposition demonstrations on January 27 (see Section 2.b.). There were credible reports that police officers in Pemba conducted house-to-house searches for opposition supporters. There also were reports of some rapes and indiscriminate shootings during the searches (see Section 2.b.). On February 15, more than 2 weeks after the demonstrations, there were reports that police officers in Pemba continued to conduct night searches, entering houses, beating and raping women, destroying and looting property, and forcing persons to flee (see Section 2.d.). There also were reports that telephone communications from Pemba were monitored and connections often cut off during telephone calls after the January demonstrations.

In 2000 police and army units reportedly also made nightly rounds in Pemba following the 2000 elections, conducting house-to-house searches.

During the years in which the country was a 1-party state, the CCM penetrated all levels of society through local cells, varying in size from single family homes to large apartment buildings and containing from 10 to 200 persons. Unpaid party officials served as 10-cell leaders with authority to resolve problems at the grassroots level and to report to authorities any suspicious behavior, event, or noncompliance with compulsory night patrol service in the neighborhood. The role of the cells has diminished considerably, particularly in areas where opposition parties are strong; however, the CCM remained influential. While in the past CCM membership was necessary for advancement in political and other areas, CCM membership is voluntary. However, in past years, some government employees, particularly in Zanzibar, who supported opposition candidates lost their jobs, and some students were expelled from school because of their families' political affiliation.

Police continued to threaten, mistreat, occasionally beat, and arrest relatives of criminal suspects and detained them without charge in an effort to force suspects to surrender.

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 these rights in practice. The law limits the media's ability to function effectively. Government ministers and the Registrar of Newspapers pressure journalists to practice self-censorship. Unlike in the previous year, the Government allowed political opponents unrestricted access to the media.

Citizens on both the mainland and in Zanzibar generally enjoyed the right to discuss political alternatives freely, although there were instances in which the freedom of speech was restricted severely. Political parties are required by law to support the continuation of the Union. Opposition political party members and others openly criticize the Government and ruling party in public forums; however, persons using "abusive language" against the country's leadership may be subject to arrest, and the Government used this provision to detain some opposition figures (see Section 1.d.).

The press on the mainland is, on the whole, lively and outspoken. Even the government-owned newspaper regularly reports events that portray the Government in an unflattering light. There are 10 daily newspapers and 22 other newspapers in English and Kiswahili, along with another dozen periodicals, some of which are owned or influenced by political parties, both the CCM and the opposition. There is no official censorship, but throughout the year the Government continued to pressure newspapers to suppress or change articles unfavorable to it. During the year, two newspapers were forced to close reportedly because of lewd content.

In Zanzibar the Government implements a restrictive policy with regard to print media. The Zanzibar News Act circumscribes journalists' freedom of action by giving the authorities greater protection to harass, detain, and interrogate journalists. Private mainland newspapers are available widely in Zanzibar, and many residents can receive mainland television.

Unlike in the previous year, police did not arrest, detain, or harass journalists. Several journalists were arrested and detained by police following the October 2000 elections in Zanzibar.

Private radio and television stations broadcast in Dar es Salaam and in a few other urban areas, although their activities may be circumscribed. The Government reportedly does not censor news reports, but attempts to influence their content. In Zanzibar the Government controls radio and television. Some journalists, such as those in Zanzibar, exercise self-censorship on sensitive problems. Journalists who report arrests can be charged with obstructing police activity under the Police Act. The law authorizes the Government to prevent television cameramen from filming the swearing-in of an opposition M.P.

The Media Council operated with limited effectiveness during the year. The Council serves as an adjudicating body when journalists infringe upon the voluntary code of ethics and has the power to impose fines. The Council consists of university professors, media lawyers, and Judge Joseph Sinde Warioba. The president of the Council, Professor Geoffrey Mmari, has complained publicly that the laws governing the media are outdated. The Council received approximately 20 cases for adjudication during the year, but 16 still were pending at year's end; only 1 case was resolved during the year.

In 2000 the Government banned the book, "The Mwembechai Killings and the Political Future of Tanzania" for being "incendiary."

The Government generally respected academic freedom. Academics, increasingly outspoken in their criticism of the Government, continued their calls for reform during the year and prior to the October reconciliation agreement, were particularly critical of the union Government's actions in response to the political situation in Zanzibar.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limits this right in practice. Political parties that seek to hold rallies must give the police 48 hours' advance notice. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. The authorities arrested citizens for assembling without the appropriate permit.

Unlike in the previous year, the Government did not arrest opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious.

The Government declared "illegal" rallies scheduled by CUF for January 27 to protest the October 2000 election. CUF proceeded with the planned demonstrations in Zanzibar and Dar es Salaam. Security forces responded by forcibly dispersing any large gatherings. In Dar es Salaam, police officers used tear gas to disperse groups of three or more persons in the streets (see Section 1.c.). Although police officials claimed that police officers fired into the air or at the feet of demonstrators, credible evidence indicated that police officers were not restrained and fired on both demonstrators and bystanders whether they were carrying stones or machetes or were unarmed; between 24 and 70 persons were killed (see Section 1.a.). International human rights organizations were unable to confirm either the government figure of 24 deaths or the opposition claim of more than 70 deaths, and the exact number of deaths remained unknown at year's end. Most of the killings occurred on the island of Pemba in the areas of Wete, Micheweni, Chake Chake, and Mkoani. Police officers reportedly shot residents on the streets and in their homes. Residents who were not demonstrating also were shot outside their homes. In one location, CUF youth members responded to the shootings by attacking police with machetes or stones, killing one police officer. There were credible reports that in some cases security forces did not allow relatives to bury their dead, and in many cases, demonstrators later died of their injuries because security forces denied them access to medical care. There were reports that some persons who were arrested during the demonstrations were tortured by police. There also were reports of some instances of rape and looting by police. There were reports that a police helicopter circled around Zanzibar; there were unconfirmed reports that police shot at persons from the helicopter. There were credible reports that demonstrators in Unguja were beaten and physically abused by riot police. It was reported that those persons who received medical treatment for their injuries were immediately detained by police after being discharged from the hospital. Some of the detainees were reportedly held incommunicado and charged with unlawful assembly (see Section 1.d.). As a result of the October reconciliation agreement, all of the detainees associated with the January demonstrations were released, and all charges against them were dropped (see Section 3).

Representatives from Human Rights Watch and Amnesty International visited during the year to conduct follow-up investigations into the January violence (see Section 4).

The October 10 reconciliation agreement between the CUF and the CCM includes a provision for the establishment of an independent commission to investigate the

January 26 and 27 violence and requires that all police charges against the demonstrators be dropped, and that humanitarian assistance be provided to the families of victims (see Section 3).

With the exception of the January 27 demonstrations, opposition parties generally were able to hold rallies. CUF meetings have been banned periodically; however, no such bans were reported during the year. The CUF organized several peaceful rallies in February and two major opposition demonstrations in April, which the authorities allowed. In Zanzibar CUF rallies were more restricted than those of other political parties. CUF rallies were banned at least once in Dar es Salaam and several times in Zanzibar before the 2000 elections. Several rallies were prevented through such indirect means as cutting off electricity for loudspeakers, citing ad hoc limits, and scheduling the same rally times for more than one group. Security officials interfered with citizens' rights to assemble peacefully on numerous occasions.

Unlike in the previous year, police did not break up meetings attended by persons thought to be opposed to the Zanzibar Government.

In August police banned Muslim protests scheduled for August 23 in Dar es Salaam on public safety grounds. Despite the Inspector General's refusal to grant a permit for the rally, on August 24, several hundred demonstrators marched to protest the sentencing of a Muslim man to an 18-month jail term for blasphemy against Christianity (see Section 2.c.). More than 170 Muslims were arrested, and cases remained pending against 41 persons by year's end.

On December 11, police arrested 31 TLP supporters, including party leaders, for holding an unauthorized demonstration. The TLP had planned to hold a procession followed by a public gathering to show a videotape of the alleged killings of miners at Bulyanhulu in 1996 (see Sections 1.a. and 1.d.).

No action was taken against the police who used excessive force to disperse the following rallies and demonstrations in Zanzibar in 2000: The October 30 rallies and demonstrations in the Darajani district of Stone Town; the October 28 CUF meeting; the October 11 CUF-sponsored election rally; the April 1 CUF meeting; and the January 19 crowd at a courthouse.

The Constitution provides for freedom of association; however, the Government limits this right in practice. The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered or provisionally registered parties. The Constitution and other laws stipulate that citizens cannot establish new political parties; candidates must be members of 1 of the 15 registered political parties. The Electoral Law prohibits independent candidates; requires all standing M.P.'s to resign if they join another party; requires all political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation. Parties granted provisional registration may hold public meetings and recruit members. They have 6 months to submit lists of at least 200 members in 10 of the country's 25 regions, including 2 regions in Zanzibar, in order to secure full registration and to be eligible to field candidates for election. Unregistered parties are prohibited from holding meetings, recruiting members, or fielding candidates. In October 1999, the Registrar of Political Parties stated that the registration provisions were too restrictive; however, no action was taken during the year to reform the provisions. On November 15, two political parties, Chama Cha Demokrasia Makini and CHAUSTA, obtained registration; these were the first new parties registered since 1994.

Unlike in the previous year, the Reverend Christopher Mtikila's Democratic Party did not function during the year.

Under the Societies Ordinance, the Ministry of Home Affairs must approve any new association. There were 2,700 registered NGO's as of October; the number decreased from the previous year due to the Government's establishment of an NGO unit in the Vice President's office to oversee registration and coordination. During the year, the Government continued a general suspension of registration of religious NGO's on the grounds that many were being formed for the purpose of evading taxes (see Section 2.c.). In 2000 the Government denied registration to eight NGO's for abusing their exemptions by selling for profit goods that they had brought into the country duty-free. The Government also struck the National Women's Council from the Register in 1997 for allegedly engaging in political activity contrary to its charter, but the High Court overturned this action in 1999. The Government appealed the case to the Court of Appeal, but the Court has delayed hearing any cases from 1999 until the backlog of cases from 1997 and 1998 have been heard (see Section 1.e.). The National Women's Council continued to operate without government interference at year's end, pending a final decision by the court.

A number of professional, business, legal, and medical associations only have begun to address political topics.

Zanzibar has the same NGO registration policy as the mainland, and NGO's conducted activities in Zanzibar during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice, subject to measures that it claims are necessary to ensure public order and safety; however, there were a few limits on freedom of religion. Government policy forbids discrimination against any individual on the basis of religious beliefs or practices; however, individual government officials are alleged to favor persons who share the same religion in the conduct of business.

The Government requires that religious organizations register with the Registrar of Societies at the Home Affairs Ministry. In order to register, religious organizations must have at least 10 followers and must provide a constitution, the resumes of their leaders, and a letter of recommendation from their district commissioner. Groups no longer are required to provide three letters of recommendation from the leaders of registered Christian churches or from registered mosques; however, some Muslim groups claim that they still are required to submit a letter of recommendation from BAKWATA, the National Muslim Council of Tanzania. There were no reports during the year that the Government refused the registration of any group.

Christians are governed by customary or statutory law in both civil and criminal matters. Muslims may apply either customary law or Islamic law in civil matters; Islamic law is applicable only in Zanzibar. Zanzibar's court system generally parallels the mainland's legal system but retains Islamic courts to adjudicate cases of Muslim family law, such as divorce, child custody, and inheritance (see Section 1.e.).

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order. In 2000 the Government banned the publication and distribution of a book by a Muslim academic on the grounds that it was inflammatory. During the year, urban Muslims distributed videotapes of the Mwembechai riots to document perceived human rights abuses; these videotapes were outlawed by the Government for being incendiary.

The Government has banned religious organizations from involvement in politics, and politicians are banned from using language designed to incite one religious group against another or to encourage religious groups to vote for certain political parties. In 2000 Parliament passed a law that imposes fines and jail time on political parties that campaign in houses of worship or educational facilities.

In 1999 police used tear gas and clubs to disperse a peaceful demonstration by Muslims protesting a ban on Muslim school uniforms by certain public schools. Muslim groups report that subsequently they were allowed to challenge and overturn the bans through use of the judicial system, which ruled that certain traditional religious attire (such as hijab headdress) was permitted by law in all public schools.

The Muslim community claims to be disadvantaged in terms of its representation in the civil service, government, and parastatal institutions, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there is broad Muslim resentment of certain advantages that Christians are perceived to enjoy in employment and educational opportunities. Muslim leaders have complained that the number of Muslim students invited to enroll in government-run schools still was not equal to the number of Christians. In turn Christians criticize what they perceive as lingering effects of undue favoritism accorded to Muslims in appointments, jobs, and scholarships by former President Ali Hassan Mwinyi, a Muslim. Christian leaders agree that the Muslim student population in institutions of higher learning is disproportionately low; however, they blame this condition on historical circumstances rather than discrimination.

In October the Zanzibar Government passed a bill to establish a Islamic leader (mufti) office on the island. Government officials claimed that a mufti office was needed to coordinate Islamic activities and improve religious understanding; however, several Muslim organizations criticized the proposal as an effort by the union Government to institutionalize government oversight of Islamic organizations.

The Government failed to respond to growing tensions between the Muslim and Christian communities (see Section 5). The Government recognized that a problem exists, but it chose not to take action. The Government cancelled several meetings with Muslim and Christian leaders aimed at improving relations between the two communities. Even senior Muslim officials in the Government appear unwilling to address the problem, apart from general criticism of those who would foment religious conflict. In 1999 President Mkapa met with leaders of the Muslim community at a Dar es Salaam mosque to listen to their grievances and propose solutions; however, urban Muslim leaders claim that no action has been taken to address their concerns.

On January 27, a demonstration on Pemba, which is 98 percent Muslim, turned violent and led to the deaths of at least 23 protesters, and also sparked an outburst of religious enmity (see Section 2.b.). Police killed two persons, including one imam. There were reports that police officers and soldiers made anti-Muslim slurs against persons during house-to-house searches (see Section 2.b.). On January 27, in Wete, police turned away persons who were going to mosques to pray; police reportedly beat those who resisted the order. Following the January demonstrations, there were reports of isolated cases of harassment of individuals who were perceived as supporters of radical Islam, including the alleged forcible shaving of beards of certain Muslims who had been detained.

On July 31, a local magistrate in Morogoro sentenced 28-year old Kahmis Rajab Dibagula to an 18-month jail term for blasphemy against Christianity for publicly stating "Yesu si Mungu" (Jesus is not God). On August 24, Muslim youths marched on the Attorney General's office while the Dibagula case was being heard by Justice Chipeta at the High Court. While Chipeta agreed to overturn the sentence and ordered the release of Dibagula, the High Court widely was criticized in the Muslim community for only overturning the conviction rather than stating that the blasphemy charge was unconstitutional and discriminatory towards Muslims.

In December police on Zanzibar arrested more than 20 leaders of the Answar Sunna sect for conducting Eid el Fitr prayers on a day other than the one designated by the Government of Zanzibar.

Prior to the October 2000 elections, government officials called on political candidates to avoid using religion as a campaign issue and urged the public to reject religiously oriented campaigns. The CUF party, perceived by many voters as being the "party of Muslims," apparently lost ground on the mainland due to the heavy emphasis that its candidates placed on religious issues.

In 1999 police arrested a popular Muslim leader for inciting his followers against other religions. A week later, the police canceled a planned Muslim demonstration to protest his arrest. The Muslim leader was charged with seditious intent and denied bail. There was no further information about this case at year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them; however, bureaucratic inefficiency and corruption delayed implementation in practice. Passports for foreign travel at times are difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes. Citizens can return to the country without difficulty.

In February the Government declared that four government and party officials were noncitizens and therefore no longer could retain their positions. Those persons designated by the Government as noncitizens included a well-known journalist; the High Commissioner to Nigeria; a regional CCM chairman, and the Zanzibar CCM publicity secretary. The four were instructed to apply for resident permits. No further information was available on the cases at year's end.

After the 2000 elections, and again after the January 27 demonstrations, a curfew was imposed on Wete of Pemba. Any persons observed by the police on the streets after 7 p.m. were ordered to return home. In January in Wete, the authorities warned residents to stay in their homes and established roadblocks to intercept demonstrators and residents. The curfew and roadblocks did not continue after January. There also were reports of beatings by the police (see Section 1.c.).

Police set up six roadblocks in Pemba after the 2000 elections; there were reports that police beat and assaulted persons in the area (see Section 1.c.).

Unlike in the previous year, there were no reports of citizens of Pemban origin being harassed on the mainland or returned to Pemba.

Mainlanders are required to show identification to travel to Zanzibar, although the requirement is ignored largely in practice; however, Zanzibaris need no special identification to travel to the mainland. Mainlanders are not allowed to own land in the islands, except in partnership with foreign investors. There is no prohibition against mainlanders working in the islands; however, in practice few mainlanders are hired.

Following the outbreak of violence in Pemba in January (see Section 2.b.), there were reports that persons hid in the brush or forested areas for days or weeks before escaping by boat to Kenya. The refugees reportedly included a number of M.P.'s. In May refugees began to return to Pemba; the first boatloads of 600 refugees returned on May 17 and 18. The UNHCR maintained a continuous presence in Pemba from May 13 until September 30. There were no known reports that returnees were harassed, arrested, imprisoned, or otherwise abused in connection with the January demonstrations (see Section 2.b.). By mid-October UNHCR had assisted in the repatriation of 818 refugees, but many more returned without UNHCR assistance. At year's end, 350 UNHCR-assisted refugees remained in Kenya; however, in

early October, there were reports that approximately 100 had departed Kenya voluntarily for Somalia. Approximately 500 Zanzibari refugees in Kenya were transferred to the Dadaab refugee camp in northeast Kenya during the year.

On August 4, armed bandits reportedly attacked Tanzanian refugees at a transit center in Kenya; the bandits injured some refugees and stole food rations.

On July 27, following violent clashes that broke out in Tarime District (in the northwestern part of the country) between members of the Walyanchoka and Waanchari clans, numerous persons fled across the border into Kenya (see Section 5).

The law includes provisions for the granting of refugee and asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and these provisions were respected in practice with a few exceptions. The Government cooperates with the UNHCR. The Government traditionally has maintained a generous open border policy both with regard to neighboring countries' refugees and to persons seeking political asylum. The UNHCR estimated that there were approximately 951,000 refugees in the country during the year. The country continued to provide first asylum to refugees, particularly those fleeing conflict in the region. In 1999 the Government agreed to accept asylum applications from Rwandans who had been barred from seeking asylum in 1997 and 1998. In 2000 a relatively small number of Rwandans who feared for their safety were granted asylum by the Government and appeals by others who petitioned for asylum were pending at the end of 2000. The Government continues to offer first asylum to nearly 951,000 refugees, including 815,000 Burundians, 25,000 Rwandans, 3,000 Somalis, and 107,000 Congolese from the Democratic Republic of the Congo (DRC). Refugees continued to arrive in the country during the year, most of them fleeing instability and conflict in Burundi and the DRC. A smaller number returned to their homes, mostly in Rwanda and some parts of Burundi.

In June President Mkapa told a visiting delegation from the U.N. Security Council that the Burundian refugees should return to Burundi under the protection of the U.N. Some observers believe that Mkapa's remarks contributed indirectly to the voluntary return to Burundi of an unconfirmed number (estimated at more than 100) of the refugees. Mkapa subsequently wrote a letter to the UNHCR pledging that there would be no forced repatriation.

In November Burundian rebels abducted 107 children from refugee camps in the country. However, some reports indicated that the children's parents allowed the children to be taken, believing that the children would be working on plantations.

On May 8, the Government, the UNHCR, and the Government of Burundi signed a tripartite agreement that provides for the voluntary repatriation of Burundi refugees. The UNHCR created plans for the repatriation and reintegration of the refugees; however, the plans were not implemented by year's end due to continued insecurity in Burundi.

The Government arrested, detained, and forcibly expelled 80 Rwandan and 580 Burundians in 2000. Many of these refugees reportedly were denied the opportunity to collect their belongings or contact their families prior to being expelled. The refugees who were returned forcibly were living outside UNHCR camps and included Rwandans living in the country since the 1960's. The returns were ordered by the regional commissioner, reportedly without the involvement of higher government officials; however, the Ministry of Home Affairs took no action to reprimand the regional commissioner for the expulsions. The regional commissioner gave the refugees the choice of returning to their countries of origin or moving into UNHCR camps. The regional commissioner reportedly also gave the refugees the option of paying the required fees to become residents in the country, which were too expensive for the refugees to pay. In December 2000, a group of 1,500 of the refugees left the country for Rwanda. In 2000 the Government forcibly returned two Rwandans and three Burundians to Rwanda. The number of Burundian refugees who were returned forcibly reportedly decreased after the Government began to send refugees outside of refugee camps to the UNHCR rather than forcibly returning them to their countries of origin.

There is some resentment and hostility against refugees because of the provision of goods and services for refugees that are not available to the local population; however, during recent years, the UNHCR, NGO's, and international organizations have made many of these services available to the local population, thereby alleviating some tension (see Section 1.c.).

There are 12 refugee camps in the country. It is illegal for refugees to live outside of the camps or settlements or to travel outside a 2.5 mile radius of their respective camps without permission. Refugee camps in the west were plagued by food shortages and outbreaks of disease during the year. Refugee camps were large, and the authorities restricted employment opportunities outside the camps. There were re-

ports that some refugees engage in vigilante justice within camps, occasionally beating other refugees.

Sexual and gender-based violence continued to be a problem in the refugee camps. The Government does not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There is no mechanism within refugee camps to punish abusers, and most cases are not referred to local authorities. Police officials lack special training in the area of domestic abuse, and local and traditional courts, of which both handle domestic violence cases, lack necessary resources (see Section 5). Among Burundian refugees, mediation councils called *abashingatahe*, comprised of male refugee elders, often handle domestic abuse cases (see Section 1.e.).

There was continuing concern over violence allegedly perpetrated by some armed refugees, although such violence has diminished since 1999. Local officials reported incidents of killings, banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps (see Section 1.c.). There were several reports that Burundi rebels conducted training and recruitment in the camps. In 2000 there were unconfirmed reports that the Burundian Government hired mercenaries to invade refugee camps, although the Burundian Government strongly denies these reports, and there were no incidents reported during the year.

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

The Constitution provides citizens with the right to change their government peacefully; however, this right was circumscribed severely in 2000. However, the Government engaged in a dialog with the opposition in order to ensure a more open and transparent process for the next elections. A multiparty political system was introduced officially in 1992, and in 1995 for the first time in more than 30 years, citizens exercised their right to change their government through national elections for president and parliament. In 2000 President Mkapa was reelected in the country's second multiparty national elections.

In October 2000, the national elections were held on the mainland and Zanzibar. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully; however, in Zanzibar four separate international observer teams concluded that the vote was marred by irregularities, voter intimidation, and politically motivated violence. The incumbent President of the mainland, Benjamin Mkapa, was reelected with 71 percent of the vote. The ruling CCM party made significant gains in its majority in Parliament, winning 167 out of 181 seats. Opposition candidates gained 11 seats in 6 of the 19 mainland regions giving them a total of 14 seats on the mainland, and the CUF won 16 seats in Zanzibar. The CUF refused to recognize the election results in Zanzibar, demanded new elections, and boycotted the union and Zanzibar elections. In April the National Assembly passed a law that allows by-elections to fill seats that remain vacant for 2 years, and the Speaker announced that the 15 boycotted CUF seats from Pemba were vacant.

Unlike in the previous year, there were no reports that the Government harassed its opponents or arrested opposition politicians for holding meetings, distributing information, and other acts that it regarded as seditious. The authorities forcibly dispersed a number of political rallies during the period prior to and after the 2000 elections.

In 2000 local authorities forced persons attempting to register to vote in Mwanza to provide documentary proof that they had paid local government taxes before they allowed them to register, even though there is no legal requirement for voters to prove payment of taxes to register.

In 1999 a Commonwealth-brokered agreement on electoral reform was signed, but its provisions were not implemented. The Zanzibar Government refused to reform its electoral commission, a provision that was central to the agreement, and the Commonwealth Agreement remained a point of contention during the CCM–CUF dialog during the year. In Zanzibar there were credible reports of irregularities during the voter registration process conducted in preparation for the 2000 elections. The ruling CCM party was accused by several opposition parties of illegally registering mainland citizens as voters in Zanzibar. Some transportation operators were asked by union officials to transport citizens from the mainland to Zanzibar without charge. One operator reported that his family received threatening telephone calls at home for refusing to comply with the request. Shehas (village headmen) were responsible for validating residency requirements for voting in the elections. The majority of shehas were CCM members, and international monitors reported that in some cases they abused their discretion during the registration process. There also were credible reports that CUF supporters attempted to intimidate legally registered voters believed to be CCM supporters in Zanzibar. The homes of several

long-term residents of mainland origin reportedly were stoned, and three residences were burned down, although no one claimed responsibility for these actions. Subsequently some occupants decided to leave Zanzibar or to send family members to the mainland until after the election.

Voting irregularities during the 2000 elections included the late arrival and absence of ballots, and the late opening of polling stations. The Zanzibar Electoral Commission (ZEC) stopped balloting and counting throughout Zanzibar at 5:30 in the evening, even in locations that did not have ballot shortages. Police and some officials from the ZEC were implicated in the voting irregularities. Police officers, accompanied by ZEC officials, seized ballot boxes in many constituencies, including the entire island of Pemba, and most of the ballot boxes were not under independent or opposition supervision after they were seized. Four groups of international election observers criticized the Zanzibar vote and called for a re-run election in all of the Zanzibar constituencies; however, the Government only announced new elections in 16 of the 50 constituencies to be held in November 2000.

Voter turnout for the November 2000 elections was low. The opposition boycotted the re-run election, claiming that the elections already had been compromised. After the re-run, the ruling party announced that it had won all of the constituencies in Zanzibar and four constituencies in Pemba (where they previously did not hold any seats). The final results of the re-run election gave the ruling CCM party 34 seats in the 50-seat House of Representatives and 35 seats in the 50-seat National Assembly. CCM candidate Amani Karume was declared the new Zanzibari President.

Government security forces and CCM gangs increased harassment and intimidation of CUF members on the Zanzibar islands of Pemba and Ugunja in the 3 months before the 2000 elections. Security forces forcibly dispersed gatherings and intimidated, harassed, arrested, and beat persons (see Sections 1.c. and 1.d.). During the re-run elections, police beat and reportedly tortured opposition officials. Unlike in the previous year, international donors did not suspend direct assistance to Zanzibar in response to the authorities' human rights abuses.

Following the January 27 demonstrations in Zanzibar and the ensuing violence (see Sections 1.a., 1.d., 1.f., 2.c., and 2.b.), domestic political pressure and international donor pressure encouraged the CCM and CUF to engage in a dialog on the future of electoral politics in Zanzibar. The dialog began in May and concluded with a reconciliation agreement signed on October 10. The CCM and CUF agreed to: implement fully the 1999 Commonwealth-brokered accord, including its provisions to appoint an independent and impartial ZEC and judiciary; create a Joint Presidential Supervisory Commission, comprised of 5 members from each party, to implement the accord, eliminate discrimination in government hiring, and eventually organize by-elections for 16 parliamentary seats vacated after the boycott and subsequent expulsion of CUF representatives in March; appoint an independent commission to investigate the extent and cause of the January 26 and 27 violence, with all pending police charges against demonstrators dropped and humanitarian assistance provided to families of the victims (see Section 2.b.); and allow for the safe return of all remaining Pemban refugees in Kenya, with immunity from prosecution for any crimes that may have been committed during the January violence (see Section 2.d.).

The percentage of women in government or politics does not correspond to their percentage of the population; however, there are no legal restrictions on the participation of women in politics and government. Women occupy 60 seats in Parliament: 12 female M.P.'s are elected members of the CCM; 47 female M.P.'s occupy "Special Women" seats, which are appointed by political parties based on the elected percentages of the constituent seats; and 1 M.P. was nominated by President Mkapa. Women occupy seven seats in the Zanzibar House of Representatives. In 2000 Parliament passed the 13th Amendment to the union Constitution, which requires that 20 percent of seats in Parliament be occupied by women. President Mkapa ratified the amendment in February. Four of the Cabinet's 27 ministers are women.

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

Several domestic human rights groups generally operate without government interference, investigating and publishing their findings on human rights cases. The Government generally was responsive to their views. In July the Legal and Human Rights Center, a local NGO, held its first-ever Annual General Meeting, which was attended by a number of prominent domestic human rights activists as well as representatives of grassroots organizations. However, the Government has obstructed the formation of local human rights groups. Persons seeking to register human rights NGO's, such as the Tanzania Human Rights Education Society, complained that the Ministry of Home Affairs continued to delay action on their applications (see Section 2.b.). This hampered their access and efforts to monitor violations of

human rights. The Government continued to refuse registration of the African Human Rights and Justice Protection Network on the grounds that it was politically oriented. During the year, the Government appealed a High Court decision ordering the reinstatement of the National Women's Council, an NGO that the Government had deregistered in 1997, but the Court had not heard the case by year's end. The National Women's Council continued to operate at year's end (see Section 2.b.).

Representatives from Human Rights Watch and Amnesty International visited during the year to conduct follow-up investigations on the January violence (see Section 2.b.). However, on February 7, the Government publicly criticized a group of western diplomats for going "outside diplomatic channels" to visit Pemba and investigate reports of abuses there. The ICRC was accredited as a legal entity on December 31. However, the relationship between the ICRC and the Government during negotiations over accreditation improved, and unlike in previous years, discussions focused on technical points rather than political issues.

After more than 2 years of debate and intense pressure from Amnesty International and other NGO's during the year, the Government approved a bill to establish a Human Rights Commission. Following President Mkapa's announcement in 2000 that the Government would inaugurate a Human Rights and Good Governance Committee, in April Parliament passed a bill that gave the Human Rights Commission the power to investigate human rights abuses on its own initiative upon receipt of a complaint or allegation. The Commission was not given jurisdiction over any matter that is pending before a court or other tribunal or any dispute that involves relations between the Government and a foreign state or international organization. Critics of the Commission's mandate and structure criticized the organization's lack of independence from the Government, arguing that it would render the entity ineffective. Critics specifically pointed to the selection process to choose commissioners, in which five commissioners are appointed by the President based on the recommendation of a government selection committee. The Commission did not begin functioning until late in the year, and it did not hear any cases by year's end.

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

The Constitution prohibits discrimination based on nationality, tribe, origin, political affiliation, color, or religion. Discrimination based on sex, age, or disability is not prohibited specifically by law but is discouraged publicly in official statements. Discrimination against women and religious and ethnic minorities persisted. Religious and ethnic tensions in society continue to exist; however, the Government issued several statements in 2000 encouraging religious and ethnic tolerance during the election campaign. The Government created the TAPAC during the year to address discrimination against persons infected with HIV/AIDS in the country.

Women.—Domestic violence against women remained widespread. Legal remedies exist in the form of assault provisions under the Criminal Code; however, in practice these provisions are difficult to enforce. The Marriage Act includes a declaration against spousal battery, but does not prohibit it nor provide for any punishment. Traditional customs that subordinate women remain strong in both urban and rural area, and local magistrates often upheld such practices. Women may be punished by their husbands for not bearing children. It is accepted for a husband to treat his wife as he wishes, and wife beating occurs at all levels of society. Cultural, family, and social pressures prevent many women from reporting abuses to the authorities. No updated statistics were available at year's end. The Tanzania Media Women's Association (TAMWA), a local NGO, reports that as many as 6 out of 10 women are beaten by their husbands. According to TAMWA, between October 2000 and September, there were a total of 346 cases of domestic violence reported at the TAMWA crisis center. Government officials frequently make public statements criticizing such abuses, but action rarely is taken against perpetrators. Police often have biases against pursuing domestic abuse cases and have demanded bribes to investigate allegations.

The law provides for life imprisonment for persons convicted of rape and child molestation. Several persons were prosecuted and convicted for rape and battery under this law during the year. There were reports that members of the police raped women in Zanzibar and Pemba in the period following the 2000 elections and following the January demonstrations (see Section 2.b.). Sexual and gender-based violence continued to be a problem in the refugee camps (see Section 2.d.).

Although the Government officially discourages female genital mutilation, which is condemned widely by international health experts as damaging to both physical and psychological health, it still is performed at an early age by approximately 20 of the country's 130 main ethnic groups. There were reports in 2000 of deaths resulting from FGM, including a 14-year-old girl in Dodoma. According to a 1996

health survey conducted by the Bureau of Statistics (the most recent study), FGM affects 18 percent of the female population. There were no updated statistics available by year's end. In some ethnic groups, FGM is compulsory, and in others, a woman who has not undergone the ritual may not be able to marry. Government data show this to be a problem that varies by region, with the most affected regions being Arusha (81 percent of women), Dodoma (68 percent), Mara (44 percent), Kilimanjaro (37 percent), Iringa (27 percent), Tanga/Singida (25 percent), and Morogoro (20 percent). FGM is almost nonexistent in the rest of the country. There is no law that specifically prohibits FGM. The country's educational curriculum does not include instruction on FGM, but the problem is covered occasionally in secondary schools. Government officials have called for changes in practices that adversely affect women, and the Sexual Offenses Special Provisions Act, which prohibits cruelty against children, has been used as the basis for campaigns against FGM performed on girls; however, there is no legal protection for adult women who undergo FGM. In addition police do not have adequate resources to protect victims. Some local government officials have begun to combat the practice and have convicted and imprisoned some persons who performed FGM on young girls, and there were prosecutions during the year. Seminars sponsored by various governmental organizations and NGO's are held regularly in an attempt to educate the public on the dangers of FGM and other traditional practices. These practices include the tradition of inherited wives, which critics contend contributes to the spread of HIV/AIDS, and child marriages, which are sanctioned with parental consent under the law for girls 12 years of age or older. While some authorities believe that FGM is declining, a 1996 government report suggested that it is increasing, especially in the central region. In 1998 the Dodoma Traditional Practices and Beliefs Committee, supported by a World Health Organization (WHO) grant, continued a program to eliminate FGM in the Dodoma region. The Ministry of Health continued an educational campaign on FGM as part of its Safe Motherhood Initiative. The enforcement of policies to stop FGM remains difficult because some regional government officials are in favor of the practice or fear speaking out against it because of the power of traditional leaders.

In 2000 Parliament amended the Constitution to prohibit sexual harassment against women in the workplace by a person in authority. In 2000 several persons were arrested under the new law. Male colleagues sometimes harass women seeking higher education, and the authorities largely have ignored the practice.

Although the Government advocates equal rights for women in the workplace, it does not ensure these rights in practice. In the public sector, which employs 80 percent of the salaried labor force, certain statutes restrict women's access to some jobs or hours of employment. For example, in general, women may not be employed between 10 p.m. and 6 a.m., although this restriction usually is ignored in practice (see Section 6.e.). While progress on women's rights has been more noticeable in urban areas, strong traditional norms still divide labor along gender lines and place women in a subordinate position. Discrimination against women is most acute in rural areas, where women are relegated to farming and raising children, and have almost no opportunity for wage employment. Custom and tradition often hinder women from owning property such as land, and may override laws that provide for equal treatment.

The overall situation for women is less favorable in Zanzibar. Although women generally are not discouraged from seeking employment outside the home, women there, and on many parts of the mainland, face discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the law provide for certain inheritance and property rights for women, the application of customary, Islamic, or statutory law depends on the lifestyle and stated intentions of the male head of household. Thus far, the courts have upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibari law, unmarried women under the age of 21 who become pregnant are subject to 2 years' imprisonment.

Several NGO's provide counseling and education programs on women's rights problems, particularly sexual harassment, sexual and gender-based violence, and molestation.

Children.—Government funding of programs for children's welfare remained miniscule. The Government has made some constructive efforts to address children's welfare, including working closely with UNICEF and other international and local organizations to improve the well being of orphans and neglected children. A WHO program for children under 1 year of age has reportedly decreased the number of severe cases of malaria in the country, and the Government cooperated with the WHO in administering this program.

The law provides for 7 years of compulsory education through the age of 15; however, education is not free on both the mainland and in Zanzibar. Fees are charged for books, enrollment, and uniforms, with the result that some children have been denied an education. During the year, Parliament voted to provide free primary school education. The legislation was scheduled to go into effect in January 2002. However, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand. In some cases, children were unable to attend school because poorly paid teachers demanded money to enroll them. The primary school dropout rate is between 30 and 40 percent. The literacy rate is approximately 70 percent; however, for girls it is only 57 percent compared with 80 percent for boys. There have been overall increases in the rate of girls' participation in school since 1990; however, the rate of girls' enrollment in school is lower than that of boys, and generally declines with each additional year of schooling. In some districts, the attendance of girls continued to decline as the result of the need to care for younger siblings, household work, and early marriage, often at the behest of parents. Despite a law to permit pregnant girls to continue their education following maternity absences, the practice of forcing pregnant girls out of school remains in effect.

FGM is performed on girls, primarily in the central region (see Section 5, Women).

A 1998 study funded by the ILO reported a growth in child prostitution (see Section 6.c.). The law criminalizes child prostitution and child pornography. The minimum age for protection from sexual exploitation is 18 years. Under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law is not effective in practice because it is customary for girls as young as 14 years of age to be considered adults for the purposes of sexual intercourse and marriage.

Child labor is a problem, and there were reports that forced labor of children occurred (see Sections 6.c. and 6.d.).

There continued to be reports that children were trafficked away from their families to work in mines, commercial agriculture, as domestic laborers, and in other business entities. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. Unlike in the previous year, there were no reports of children forced into prostitution by parents or guardians in need of extra income (see Section 6.f.).

In November Burundian rebels abducted 107 children from refugee camps in the country. However, some reports indicated that the children's parents may have allowed the children to be taken with the belief that they would work on plantations.

Persons with Disabilities.—The Government does not mandate access to public buildings, transportation, or government services for persons with disabilities. Although there is no official discrimination against persons with disabilities, in practice persons with physical disabilities effectively are restricted in their access to education, employment, and provision of other state services due to physical barriers. The Government provides only limited funding for special facilities and programs.

Religious Minorities.—Generally there are stable relations between the various religious communities; however, there is some tension between Muslims and Christians, and some tension between moderate and fundamentalist Muslims. The mainland is 60 percent Christian and 40 percent Muslim, whereas Zanzibar is 97 percent Muslim. Some urban Muslim groups are sensitive to perceived discrimination in government hiring and law enforcement practices. Rural Muslim groups do not appear to share urban Muslims' concerns to the same extent.

Unlike in the previous year, there were no reports that leaders in the Christian and Muslim communities appeared to be fomenting religious tension between their groups.

There were signs of increasing tension between secular and fundamentalist Muslims, as the latter feel that the former have joined with the Government for monetary and other benefits. The fundamentalist Muslims accuse the Government of being a Christian institution, and Muslims in power as being only interested in safeguarding their positions. Fundamentalist Muslims severely criticized secular Muslims who drink alcohol or marry Christian women. Muslim fundamentalists attempted, unsuccessfully, to introduce Muslim traditional dress into the national school system (see Section 2.c.). Fundamentalist groups also have exhorted their followers to vote only for Muslim candidates.

An interdenominational religious council periodically meets to discuss issues of mutual concern, such as the recent violence in Zanzibar. The council is comprised of Catholic, Protestant, and Muslim representatives. The Muslim representative be-

longs to the BAKWATA; several urban Muslim leaders and a majority of urban Muslims believe that the BAKWATA is a government-imposed watchdog organization.

National/Racial/Ethnic Minorities.—In the past, the Government discriminated against the Barabaig and other nomadic persons in the north. These ethnic groups continued to seek compensation for past government discrimination seeking to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms. In 1994 6 Barabaig plaintiffs filed a class action suit, which included 750 members of the Barabaig tribe, challenging their eviction by the National Food Corporation, a parastatal organization. In 1994 the High Court ruled that three of the plaintiffs had the right to return to their land and awarded them damages of \$25 (20,000 shillings), \$75 (60,000 shillings), and \$250 (200,000 shillings) respectively. However, the court found that the 3 other plaintiffs did not prove their cases and refused to award them compensation; the court also denied the cases of the 750 members of the tribe for not following correct procedures in filing their claim. The three plaintiffs who received compensation appealed the case, arguing that the compensation was not adequate. The other three plaintiffs and the 750 tribe members also appealed the denial of their case. The appeals trial, originally scheduled for February, started on May 8; on June 1, the High Court of Arusha dismissed the case. The plaintiffs indicated that they would file another appeal, but had not done so by year's end.

The Asian community, which is viewed unfavorably by many African citizens, has declined by 50 percent in the past decade to approximately 50,000 persons. There are no laws or official policies that discriminate against Asians; however, as the Government places great emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role has increased. This has led to demands by small, populist opposition parties for policies of "indigenization" to ensure that privatization does not increase the Asian community's economic predominance at the expense of the country's African population.

In August there were clashes between farmers and Maasai pastoralists in Mangae, Morogoro Region, in which six farmers were injured seriously. The farmers were attacked by Maasai herdsmen with clubs after the farmers attacked cattle to stop the animals from eating planted sorghum. Fighting between these groups also reportedly had broken out earlier in the year in nearby Kilosa. On July 27, violent clashes broke out in Tarime District (in the northwestern part of the country) between members of the Walyanchoka and Waanchari clans. By August 22, 10 persons reportedly had been killed and 4,000 had fled across the border to Kenya.

In 2000 21 persons were beaten to death and 50 were injured during a clash between a group of ethnic Sonje and Maasai in the Mererani region. All of the incidents appeared to be economically motivated.

Section 6. Worker Rights

a. The Right of Association.—Both the Constitution and the Trade Union Ordinance provide for freedom of association for workers, and the Government respected this right in practice. Worker rights are handled separately by the Union and Zanzibar Governments. The Union Government enforces labor laws for the mainland and the Zanzibar Government enforces legislation specific to Zanzibar and Pemba islands. The labor law that applies to the mainland applies to both public and private sector workers, but restricts the right of association for those workers broadly defined as "essential." The labor law in Zanzibar applies only to private sector workers.

Overall, only approximately 5 to 7 percent of the country's 2 million wage earners are organized. Registered trade unions nominally represent 50 percent of workers in industry and government. According to the ILO, the number of workers who are unionized declined because workers no longer believed that unions could be agents for change. Union membership declined during the year primarily due to the growth in the informal sector and the general feeling that unions remain ineffective. Seeking to bolster unions' effectiveness, the Trade Union Congress of Tanzania was established in 2000. All workers, including those classified broadly as essential service workers, are permitted to join unions, but essential workers are not permitted to strike.

In 2000 the Trade Union Act abolished the umbrella organization, the Tanzania Federation of Trade Unions (TFTU), and required its 11 independent unions to register separately with the Registrar of Trade Unions. The act permitted workers to form unions voluntarily without requiring membership in an umbrella organization. All of the 11 unions had registered by the end of 2000. There were a total of 14 unions operating in the country by year's end, including the teacher's union, which

was the largest and most active union, as well as health workers' unions, and other job-specific groups.

The Registrar of Trade Unions has the power to restrict freedom of association by allowing the Registrar to interfere with union activities. The law permits the imposition of large fines, imprisonment, or both for failing to register a trade union. The Registrar also is permitted to deregister the smaller of two trade unions when more than one exists in an industry and to order the smaller union to remove members. The Registrar can suspend a trade union for contravening the law or the union's own rules, suspend a union for 6 months on grounds of public order or security, and invalidate the union's international trade union affiliation if certain internal union procedures are not followed. The Registrar did not use these powers during the year.

There are no laws prohibiting retribution against legal strikers; however, workers have the legal right to strike only after complicated and protracted mediation and conciliation procedures leading ultimately to the Industrial Court, which receives direction from the Ministry of Labor and Youth Development. If a union is not satisfied with the decision of the Industrial Court, it then may conduct a legal strike. The mediation and conciliation procedures can prolong a dispute by months without resolving it. In 2000 the ILO submitted to the Union Government a list of recommended changes to the law to bring into conformity with ILO standards, but the Government had not taken action by year's end. Frustrated workers have staged impromptu, illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court. The last major strike took place in 1998. The regional ILO office continued to call upon the Government to ratify the other core conventions. In 2000 the Government launched a Task Force on Labor Policy and Labor Law Reform, which is scheduled to complete its research in early 2002 and present its findings to Parliament.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law but does not apply to the public sector. The Government sets wages for employees of the Government and state-owned organizations administratively, although privatization and reductions in public sector employment have reduced such employees to approximately 5 percent of the work force.

With the abolition of the TFTU (see Section 6.a.), unions directly negotiate with the Association of Tanzanian Employers on behalf of private sector members. Collective agreements must be submitted to the Industrial Court for approval and may be refused registration if they do not conform with the Government's economic policy. The ILO has observed that these provisions are not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. None of the newly registered unions concluded new collective bargaining agreements by the end of the year.

The Security of Employment Act prohibits discriminatory activities by an employer against union members. Employers found guilty of antiunion activities are required under the law to reinstate workers. The Warioba Commission, in its White Paper Report, found that bribes often determine whether a worker dismissed from his job actually is reinstated. The labor law in Zanzibar does not protect trade union members from antiunion discrimination.

There are no export processing zones (EPZ's) on the mainland, but there are three in Zanzibar. Working conditions are comparable to those in other areas. Labor law protections apply to EPZ workers.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, there were reports that it occurred, particularly by children. In some rural areas, villagers still are obligated to work in the village community gardens or on small construction projects such as repairing roads.

The Constitution does not prohibit specifically forced or bonded child labor, and there continued to be reports that it occurred. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. There also were reports that children were trafficked to work in mines, commercial agriculture, as domestic laborers, and in other businesses. Unlike in the previous year, there were no reports of children forced into prostitution by parents or guardians in need of extra income (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government prohibits children under the age of 14 from working in the formal wage sector in both urban and rural areas, and the Government enforces this prohibition; however, the provision does not apply to children working on family farms or herding domestic livestock. Child labor continued to be a problem. The ILO estimated that 3.4 million out of 12.1 million children in the country who are under the age of 18 work on a regular basis, and that 1 out of every 3 children in rural

areas is economically active as compared with 1 in 10 in urban areas. The minimum age for work of a contractual nature in approved occupations is set at 15 years. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, but they must have parental permission and return to the residence of their guardian at night.

The law prohibits young persons from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. Young persons between the ages of 12 and 15 may be employed in industrial work but only between the hours of 6 a.m. and 6 p.m., with some exceptions. The Ministry of Labor and Social Welfare and Youth Development is responsible for enforcement; however, the number of inspectors is inadequate to monitor conditions. The effectiveness of government enforcement reportedly has declined further with increased privatization.

Approximately 3,000 to 5,000 children engage in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally receive lower wages than their adult counterparts, although they may be in comparable jobs. Work on sisal and tobacco plantations is particularly hazardous and detrimental to children. Between 1,500 and 3,000 children work in unregulated gemstone mines. Girls often are employed as domestic servants, mostly in urban households and sometimes under abusive and exploitative conditions. In the informal sector, children assist their parents in unregulated piecework manufacturing. Children are engaged in labor in the areas of mining, domestic service, fishing, commercial agriculture, and prostitution (see Section 5).

Several government ministries, including the Ministry of Labor and Youth Development, the Bureau of Statistics, and the Department of Information Services, have special child labor units. The Government is working with NGO's to establish a specific prohibition against child labor. In 1999 the Government drafted a National Child Labor Elimination policy designed to bring national law into compliance with international conventions, and in December 1999, the Government invited labor organizations and NGO's to comment on the draft law. The Government has worked with the ILO's International Program on the Elimination of Child Labor to develop a national plan of action to address the issue, and in 2000 implemented a program for the elimination of child labor.

The Government ratified ILO Convention 182 on the worst forms of child labor during the year.

The Constitution does not specifically prohibit forced or bonded child labor, and there continued to be reports that it occurred. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. There also were reports that children were trafficked to work in mines, commercial agriculture, as domestic laborers, and in other businesses. Unlike in the previous year, there were no reports of children forced into prostitution by parents or guardians in need of extra income (see Sections 5 and 6.f.).

e. Acceptable Conditions of Work.—There is a legal minimum wage for employment in the formal sector. The legal minimum wage is approximately \$38 (30,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate is not always sufficient to provide a decent standard of living for a worker and family, and workers must depend on their extended family or on a second or third job. Despite the minimum wage, many workers, especially in the small but growing informal sector, are paid less.

There is no standard legal work week; however, a 5-day, 40-hour work week is in effect for government workers. Most private employers retain a 6-day, 44- to 48-hour work week. In general women may not be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace. An Occupational Health and Safety Factory Inspection System, set up with the assistance of the ILO, is managed by the Ministry of Labor and Social Welfare and Youth Development; however, its effectiveness is limited. Labor standards are not enforced in the informal sector.

The Employment Services Promotion Act provides for the creation of a facility to promote employment by creating self-employment opportunities, allows the Government to collect reliable data and information on vacancies for the unemployed, and facilitates employment with other agencies and private sector. The facility, the Labor Exchange Center, opened in August to match the skills, experience, education, and other qualifications of job seekers in Dar es Salaam with job qualification requirements of employers.

Union officials have claimed that enforcement of labor standards is effective in the formal sector, but no verification studies have been performed. Workers may sue an employer through their union if their working conditions do not comply with the Ministry of Labor's health and environmental standards. Workers who have lodged

and won such complaints have not faced retribution; however, workers do not have the right to remove themselves from dangerous situations without jeopardizing their employment.

f. Trafficking in Persons.—The law does not prohibit trafficking, and there continued to be reports that children were trafficked away from their families to work in mines, commercial agriculture, as domestic laborers, and in other business entities. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. Unlike in the previous year, there were no reports of children forced into prostitution by parents or guardians in need of extra income.

In November Burundian rebels abducted 107 children from refugee camps in the country. However, some reports indicated that the children's parents may have allowed the children to be taken with the belief that they would work on plantations (see Section 2.d.).

TOGO

Togo is a republic dominated by President Gnassingbe Eyadema, who has ruled since 1967, when he came to power following a military coup. Although opposition political parties were legalized following widespread protests in 1991, Eyadema and his Rally of the Togolese People (RPT), strongly backed by the armed forces, have continued to dominate political power. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions established ostensibly to accomplish this transition did not do so in practice. The 1998 presidential and 1999 legislative elections were marred by procedural problems and significant fraud, particularly the misrepresentation of voter turnout. The RPT holds 79 of the 81 seats in the National Assembly. Legislative elections, originally scheduled for March 2000, were rescheduled until October for "technical reasons," but again were delayed until 2002. Eyadema and his supporters maintain firm control over all facets and levels of the country's highly centralized Government. The executive branch continues to influence the judiciary.

The security forces consist of the army (including the elite Presidential guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. Approximately 90 percent of the army's officers and 70 percent of its soldiers are from the Kabye ethnic minority. Although the Minister of the Interior is nominally in charge of the national police and the Defense Minister has nominal authority over most other security forces, all security forces effectively are controlled by President Eyadema. Members of the security forces effectively curtailed civil liberties of regime opponents, especially in the northern part of the country. Members of the security forces continued to commit serious human rights abuses.

Approximately 80 percent of the country's estimated population of 4.6 million is engaged in subsistence agriculture, but there also is an active commercial sector. The main exports are phosphates, cotton, and cocoa, which are the leading sources of foreign exchange. Per capita gross domestic product remains less than \$400 (292,800 CFA francs) a year. Economic growth continued to lag behind population growth. The Government privatized several companies during the year, began anticorruption efforts, and took steps to increase its budgetary and fiscal discipline. In 2000 the national electric company was privatized, and the Government opened the national phosphate parastatal to private capital. According to the International Monetary Fund, the Government enacted expenditure controls, helping it meet budgetary targets and show good fiscal discipline. In January the Government created the National Anti-Corruption Commission (ACC), which arrested numerous public and private officials, and recovered more than \$1 million (750 million CFA francs) in diverted public funds during the year. However, international and bilateral donors continued their suspension of foreign aid because of the Government's weak democratization efforts and poor human rights record.

The Government's poor human rights record worsened during the year, and the Government committed numerous abuses. Citizens' right to change their government is restricted. As in the past, human rights abuses increased as the country neared elections. The Government forcibly dispersed political rallies and protests, seized independent newspapers, and jailed political opponents and critics of the Government, especially in the north of the country. There were no confirmed reports of extrajudicial killings; however, several extrajudicial killings that were committed in previous years but unreported, were discovered during the year. Security forces beat civilians. The Government did not, in general, investigate or punish effectively those who committed abuses, nor did it prosecute those persons responsible for

extrajudicial killings and disappearances in previous years. Prison conditions remained very harsh. Arbitrary arrest and detention was a problem, and prolonged pretrial detention was common, with prisoners often detained 6 to 7 months without being charged. The Government continued to influence the understaffed and overburdened judiciary and did not ensure defendants' rights to fair and expeditious trials. There are several political prisoners. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press, often using investigative detention and criminal libel prosecutions to harass journalists and political opponents. The Government restricted academic freedom and freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and societal discrimination against women remained a problem. Female genital mutilation (FGM) persisted among some ethnic groups; although there is a 1998 law that prohibits FGM, the Government rarely enforced it. Discrimination against ethnic minorities remained a problem. The Government limited workers' rights to collective bargaining. Child labor was a problem. Trafficking in women for the purpose of prostitution and trafficking in children for forced labor remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year; however, several extrajudicial killings that were committed in previous years but unreported were discovered during the year.

There were no developments in the investigation of the March 2000 killing of an alleged government-paid agitator on the University of Benin campus in Lome.

There were no developments in the 1999 killing of a missionary in Lome or the 1999 case in which gendarmes raided the Akodessewa-Kpota shantytown neighborhood in Lome and set fires that reportedly killed two children.

In 2000 the Government agreed to a joint U.N. and Organization of African Unity (OAU) Commission of Inquiry to investigate a 1999 Amnesty International report that accused the Government of throwing hundreds of bodies—presumably members of the opposition—into the sea during the 1998 presidential elections (see Sections 1.b. and 4). The Commission visited the country in 2000 and in February the Commission released the results of its investigation (see Section 4). The Commission said there was credible evidence of some extrajudicial killings that merited further investigation; however, no further investigation occurred during the year. The report also identified extrajudicial killings and disappearances committed during the 1998 elections that had not been reported. The Commission's report alleged that security forces or militias linked to government authorities killed the following persons: Kodjo Ahadji in December 1998 from torture and ill-treatment in the Civil Prison of Lome; Anani Teko Allyn in November 1998; Koffi Amouzou in June 1998; Koffi Roger Ahiakpo in June 1998; Kossi Kossi in June 1998; Koffie Tenou in June 1998 from torture and ill-treatment in the Civil Prison of Lome; Germain Palanga N'Gamnouwe in April 1998 after being tortured at the Kara National Gendarmerie Station; Pele Keleou in April 1998 after being tortured at the Kara Gendarmerie Station; and Hoffia Messan Pomeavor in March 1998.

In March the Government established a national Commission of Inquiry to investigate the Commission's allegations, which concluded that these allegations were unfounded (see Section 4). The Government's Commission found that Pomeavor, Amouzou, Ahiakpo and Kossi were unknown to the security forces, and one person was stabbed to death in an armed robbery. It said that Anani Teko Allyn was killed accidentally by a warning shot fired by a Kossi Hor, a gendarme, in an attempt to disperse a violent demonstration. The Government claimed that Hor was disciplined for this incident. The Commission also found that Ahadji and Tenou died of natural causes, and neither of their autopsies found signs of violence.

In its June report, the Government's Commission of Inquiry stated that Togolese Human Rights League (LTDH) founding member Dr. Tona Pierre Adigo committed suicide in his car in 1998 and that businessman Malou Borozu was killed during a carjacking in 1998. The Commission also reported that a soldier, Tchingli N'doa, accidentally killed Ayele Akakpo in 1998. In October 1998, the case was forwarded to National Prosecutor's Office; however, no further action reportedly was taken by year's end. In August the Government arrested a suspect in the September 1998 killing of Koffi Mathieu Kegbe, a local activist in the opposition Action for Renewal

Committee (CAR) party in Yoto Prefecture; no further action was taken by year's end.

On April 7 in Akodessewa, a mob lynched Anani Adable and Apelete Koffi Klutse, two alleged thieves; there was no suspicion of government involvement, and there was no investigation into their deaths by year's end.

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

A 1999 Amnesty International report stated that hundreds of bodies—presumably those of opposition members—were thrown into the sea around the time of the 1998 presidential elections (see Sections 1.a. and 4). According to Amnesty International, the corpses were found and buried by Beninese fishermen. The Government strongly denied the accusations and initiated legal proceedings against Amnesty International in 1999; however, it later dropped the suit prior to the arrival of the U.N./OAU Commission of Inquiry. The independent Benin Human Rights League reported that bodies were dropped along the coastal waters by military aircraft, although other official sources in Benin denied that this event happened. In 2000 a U.N./OAU commission arrived to investigate those charges and other alleged disappearances. In its final report released in February, the U.N./OAU Commission of Inquiry reported the disappearance of the following six persons, previously unreported, each of whom was last seen under arrest by security forces in 1998: Koffi "Hitler" Akakpessa, last seen on December 22; Nicolas Assiongbon, last seen in October; Adrisse "Ringo" Djiewone, last seen on August 10; Yao Homawoo, last seen February 8; Kokou Akakpo, last seen February 7; Eugene Senyo, last seen February 7.

There were no developments in the 1994 disappearance of David Bruce, a high-level Foreign Ministry employee sympathetic to the opposition, which remained under investigation by the Government.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and physical abuse of prisoners and detainees; however, security forces often beat detainees after arresting them. Some suspects have claimed credibly to have been beaten, burned, or denied access to food and medical attention. Impunity remains a problem, and the Government did not prosecute publicly any officials for these abuses.

On April 17, security forces arrested former Army Chief of Staff LTC Bitenewo who claimed he was beaten while in incommunicado detention at the barracks of the Para-Commando Regiment in Kara (see Section 1.d.).

On May 29, Thomas Gnandi and Kodjo Gbodzisi, the President and Vice President of the Student Council at the University of Lome (CEUL) alleged that police in Lome arrested and tortured them (see Sections 1.d. and 2.a.).

Security forces harassed, intimidated, and beat journalists (see Section 2.a.).

Security forces used tear gas, truncheons, and batons to disperse forcibly numerous demonstrators (see Sections 1.d., 2.a., and 2.b.). For example, on February 24, police used tear gas and truncheons to disperse forcibly opposition party demonstrators; 10 demonstrators were injured (see Section 2.b.).

On August 11 and August 18, security forces forcibly dispersed opposition party demonstrators, who were protesting against the August 3 imprisonment of opposition CAR party President Yawovi Agboyibo. The security forces dispersed the demonstrators with tear gas and truncheons; some demonstrators suffered cuts and bruises. Several demonstrators were arrested and later released without being charged (see Section 2.b.).

No known action was taken during the year against security forces who used excessive force when forcibly dispersing demonstrations on the following dates in 2000: July 6; February 17; and January 12.

An Angolan diplomat accredited to Benin and Togo was arrested and allegedly tortured in 1999 for allegedly attempting to kidnap one of Jonas Savimbi's children. The diplomat was released quickly and deported immediately; the Government took no action on the allegations of torture.

There was neither investigation into nor action taken in the following cases from 1999: The case in which security forces reportedly tortured a human rights monitor; the August case in which police, gendarmes, and military personnel reportedly detained and beat five young men; the May case in which security forces allegedly beat and tortured Ameen Ayodele; and the March case in which security forces in Lome beat university student Gerard Amedjro and a female friend.

On April 5, the Union of Forces for Change (UFC) claimed that RPT militants outside of Tchamba doused UFC Secretary General Jean-Pierre Fabre with gasoline and threatened to set him on fire. Security forces finally intervened. There was no investigation into the incident.

Prison conditions reportedly remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. Lome's central prison, built for 350 prisoners, re-

portedly housed 1,500 inmates or more during the year. Medical facilities are inadequate, and disease and drug abuse are widespread. Prison guards in the overcrowded civil prison of Lome charge prisoners a small fee to shower, use the toilet, or have a place to sleep. Sick prisoners reportedly have to pay \$2 (1,500 CFA francs) to guards before being allowed to visit the infirmary. The children of convicted adults often are incarcerated with the female inmates, who are housed separately from the male prisoners. Juvenile prisoners are held separately from adults. Political prisoners and pretrial detainees are not held separately from convicted prisoners.

In 2000 a local NGO, the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), began to conduct a census of civilian prisons funded by a foreign government; however, the project was discontinued during the year due to management problems.

Although some international and local private organizations have access to prisons for monitoring purposes, the International Committee of the Red Cross did not request a visit during the year. In 2000 the LTDH sponsored a seminar on torture, which was attended by gendarmes, prison guards, and magistrates; however, there was no change in the treatment of prisoners following the seminar.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remained problems. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. In practice detainees can be, and often are, held without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially have access to a detainee after an initial 48- or 96-hour detention period; however, authorities often delay, and sometimes deny, access.

Judges or senior police officials issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignore this right. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail. However, a shortage of judges and other qualified personnel, plus official inaction, have resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have had to serve if they had been tried and convicted. For example, Kokou Alowou and Dela Atidepe were arrested in 1993, charged with armed robbery and manslaughter, and still were awaiting trial at year's end. In 2000 an estimated 50 percent of the prison population was pretrial detainees; there were no available statistics for the pretrial detainee population at year's end.

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists (see Section 2.a.). For example, on May 29, Thomas Gnandi and Kodjo Gbodzisi, the President and Vice President of CEUL, were arrested and detained overnight following a call for student protests (see Sections 1.c. and 2.a.). They were not charged. The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents.

On April 17, security forces arrested and imprisoned former Army Chief of Staff LTC Kouma Bitenewe at the Para-Commando Camp in Kara, allegedly for dereliction of duty. He reportedly was held incommunicado and beaten. He was neither charged nor tried for his supposed offense. He was released from detention and was under house arrest at year's end.

On June 6, former Human Rights Minister and Rally for the Support of Democracy and Development (RSDD) president Harry Olympio was arrested for the production and possession of explosives. Minister of Interior General Sizing Walla accused Olympio of plotting a coup. After a seriously flawed trial, Olympio was convicted and sentenced to 18 months in prison and fined.

On September 27, gendarmes arrested opposition UFC Party leader Mark Palanga in his Kozah offices. Palanga was tried, convicted, and sentenced to 6 months in prison for defamation of northern military zone commander Lieutenant Colonel Ernest Gnassingbe, the President's son.

In November security forces detained student union leader Hounjo Mawudzuro and charged him with defamation after he accused the paramilitary police of torture. On November 28, he was released and the charges were dropped.

Five persons were arrested, detained, and ultimately convicted of crimes for political reasons during the year (see Section 1.e.).

Members of the security forces arrested and detained journalists, sometimes without charging them with any offense (see Section 2.a.). On October 13, the Gendarmerie arrested journalist Komi Nemvame Klu for publishing "false information" about public figures (see Section 2.a.). On October 30, he was released without charge.

After forcibly dispersing several demonstrations during the year, members of the security forces arrested and detained numerous persons, sometimes without charging them with any offense (see Sections 1.c., 2.a., and 2.b.).

On June 2, security forces forcibly dispersed a student demonstration; seven students were arrested and later released without being charged (see Sections 2.a. and 2.b.). On August 11 and 18, security forces used tear gas and truncheons to forcibly disperse opposition party demonstrators protesting the August 3 imprisonment of opposition CAR President Yawovi Agboyibo (see Section 1.e.); several demonstrators were arrested and later released without being charged (see Section 1.c.).

Members of the security forces detained human rights monitors and activists (see Section 4).

The status of UFC activist Abevi Abbey, detained by security forces in 1999 for distributing leaflets that urged the public to participate in UFC-sponsored Independence Day demonstrations, remains unknown. A domestic NGO believed that he had been released.

The Constitution prohibits exile, and the Government respected this prohibition; however, several opposition and human rights workers remained in self-imposed exile because they feared arrest. For example, in March 2000, several student opposition leaders were sentenced to 18-month jail terms for allegedly inciting riots while they were on the campus of the University of Benin. Some students fled into self-imposed exile in Ghana before they could be arrested; at year's end, some students remained in Ghana out of fear of arrest if they returned to the country.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary. A majority of the members of the Supreme Council for the Magistrature are supporters of President Eyadema. Judges who belong to the pro-Eyadema Professional Association of Togo Magistrates (APMT) reportedly receive the most prestigious assignments, while judges who advocated an independent judiciary and belong to the National Association of Magistrates (ANM) were marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Sessions (Court of Assizes), and Appeals Courts. A military tribunal exists for crimes committed by security forces, but its proceedings are closed. Former Interior Minister General Seyi Memene serves as Justice Minister.

The court system remained overburdened and understaffed (see Section 1.d.). Magistrates, like most government employees, are not always paid on time. The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials are open to the public, and judicial procedures generally are respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses, present evidence, and enjoy a presumption of innocence. In rural areas, the village chief or council of elders may try minor criminal and civil cases. Those who reject the traditional ruling may take their cases to the regular court system, which is the starting point for cases in urban areas.

Opposition figures were imprisoned for the expression of political opinions, and frequently denied a fair trial. On April 21 in Kara, Yawovi Jules Kpizia, a representative of the opposition CAR political party, was arrested for defamation of the President's son Lieutenant Colonel Ernest Gnassingbe. Kpizia reportedly complained publicly of Gnassingbe's intervention in a civil dispute. He was convicted and sentenced to 3 months in prison.

On May 23, Lucien Messan, editor of *Combat du Peuple*, an opposition weekly, was arrested for fraud. The Government accused Messan of misrepresenting himself as the director of his newspaper when he signed an opposition declaration in April. In fact Messan's son is the director and Messan is the editor. After a short trial, Messan was convicted and sentenced to 1 year in prison and 6 months probation (see Section 2.a.). The Paris-based Reporters Without Borders group described the jailing of Messan as politically motivated and called for his immediate release; in November Messan was pardoned by the President and released from prison.

On June 6, Harry Olympio, former Human Rights Minister and opposition RSDD president, was arrested for the production and possession of explosives. Minister of Interior General Sizing Walla accused Olympio of plotting a coup. After a seriously flawed trial, Olympio was convicted and sentenced to 18 months in prison and fined \$500 (360,000 CFA francs) (see Sections 1.d. and 4). The sole prosecution witness, allegedly hired by Olympio to produce explosives, claimed to have been paid by Olympio in Lome on a date when Olympio, in fact, was in Cote d'Ivoire. His passport was presented as evidence of this discrepancy, but was never taken into account by the judge. There were additional conflicting points in the witness' state-

ments. This witness also was tried for his role in the supposed coup plotting and was sentenced to 1-year probation.

On August 3, Yawovi Agboyibo, president of the opposition CAR political party, was convicted of defaming Prime Minister Agbeyome Kodjo. Agboyibo accused Kodjo, then director of the Lome Port, of organizing armed gangs in Yoto Prefecture during the 1998 presidential elections who killed Kofi Mathieu Kegbe, a CAR party official. The U.N./OAU Commission of Inquiry that visited the country in November 2000 echoed these accusations. After a brief trial, the magistrate—a high-ranking member of the ruling RPT Party—sentenced Agboyibo to 6 months in prison and fined him \$135 (100,000 CFA francs). The International Federation on Human Rights (FIDH) called the ruling arbitrary. The trial was flawed. There were serious irregularities including a disregard for proper judicial procedure. Agboyibo's lawyers had requested that the judge recuse himself or be replaced due to the possibility of political bias. The judge refused to recuse himself, and the Court of Appeals declined to replace him (see Section 3). Agboyibo filed an appeal, which was pending at year's end. However, in September a government prosecutor accused Agboyibo of complicity in Kegbe's death, which Agboyibo had accused Kodjo of instigating. At year's end, Agboyibo remained in prison, and the case still was under investigation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the sanctity of residences, the confidentiality of correspondence and telecommunications, and prohibits searches and seizures not prescribed by law; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences. In political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, searching for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints exist throughout the country, and security forces regularly search vehicles, baggage, and individuals in the name of security (see Section 2.d.).

Security forces entered private residences, particularly in the north, for the purpose of disrupting meetings among opposition political figures (see Section 2.b.). On April 2, six gendarmes entered the home of an opposition UFC representative in Kara, broke up a meeting being held there, and seized a videotape recording of the session. On August 3, the prefect of Agou, accompanied by security forces, interrupted a meeting in the residence of a UFC activist and ordered those attending to disperse.

Citizens believe that the Government monitors telephones and correspondence, although this surveillance has not been confirmed. The police and National Gendarmerie performed domestic intelligence functions. The Government maintained a system of informers on the university campus (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 restricts these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Police and gendarmes occasionally harassed newspaper vendors and confiscated issues of some opposition newspapers. Advertisers reportedly often were intimidated as well. Few opposition newspapers were distributed outside the Lome area, particularly in areas not known to be ruling party strongholds.

Several persons were arrested, detained, and ultimately convicted of defamation during the year (see Sections 1.d. and 1.e.).

In 2000 the National Assembly adopted an amendment to the 1998 Press and Communication Code. Article 1 of the 1998 code declares that the media are free; most of the remaining 108 articles restrict media freedom. Article 62 makes the intentional publication of false information a criminal offense, punishable by fines of \$900 to \$1,800 (500,000 to 1 million CFA francs). Articles 90 to 98 make defamation of state institutions or any member of certain classes of persons, including government officials, a crime punishable by imprisonment for up to 3 months and fines of up to \$4,000 (2 million CFA francs). Article 89 makes it a crime, punishable by up to 3 months in prison for a second offense, to "offend the honor, dignity or esteem" of the President and other government leaders. The law also provides that editors and publishers, including legislators with parliamentary immunity, are liable for crimes committed through the press. The amendment revised Article 89 to provide for 3- to 6-month jail terms for first offenders, which previously were subject only to 3-month suspended sentences. In practice first-time offenders were imprisoned in spite of the former article, which was changed to conform to practice.

Also in 2000, the National Assembly passed a law further regulating journalism, which included a provision requiring that all journalists must have a journalism de-

gree; however, there are no journalism programs offered in the country. Although a grandfather clause applies to those already active in journalism, observers believe that this law could be used to prevent persons seen as unsympathetic to the Government from becoming journalists. Although it is not necessary to be an accredited journalist to publish an editorial or opinion article, the Government may take reprisals if offended by published material, such as arresting or detaining the writer, or firing a civil servant.

Despite Government interference, there is a lively press, most of which is heavily politicized, and some of which is highly critical of President Eyadema. More than 15 privately owned newspapers publish with some regularity. The only daily newspaper, Togo-Presse, is government-owned and controlled. There are several independent newspapers that publish on weekly and biweekly schedules.

There is no prepublication censorship of print media in law or practice; however, journalists practiced varying degrees of self-censorship, and security forces frequently threatened or detained print media journalists and interfered with the distribution of newspapers.

On March 17, security forces seized copies of the independent newspaper Akekle without explanation. On March 27, security forces also seized copies of newspaper *Le Regard* without explanation. On June 5, security forces and 30 gendarmes raided the offices of *Combat du Peuple*, an opposition newspaper; they seized copies of the newspaper and damaged the printing press (see Section 1.f.). Authorities expressed concern that the paper was going to publish an article detrimental to public security.

Members of the security forces arrested and detained journalists, sometimes without charging them with any offense. On May 23, Lucien Messan, *Combat du Peuple* editor, was arrested and convicted of fraud for misrepresenting himself as director of the publication, and was sentenced to 1 year in prison and 6-months probation (see Section 1.e.). In November Messan was pardoned by the president and released from prison. On October 13, the Gendarmerie arrested journalist Komi Nemvame Klu for publishing "false information" about a public figure.

On July 19, the Director General of Police questioned Francis-Pedro Amuzun, director of *Crocodile*; Amuzun was threatened with arrest for an article published in *Crocodile* that was critical of the police.

In September Agence France Presse (AFP) closed its local office for approximately 1 week due to threats from the Prime Minister, who demanded the removal of the Lome based correspondent after the correspondent reported that the President intended to leave office in 2003.

At year's end, no further action had been taken in the case of Ame Kpeto, an army warrant officer who made critical statements about government officials at a military assembly in 1998. In 1999 Kpeto was charged with slandering the honor of the army and transferred to the civil prison of Lome to await a civil trial; he still was waiting to be tried at year's end.

Radio remains the most important medium of mass communication. In addition to 2 Government-owned stations including Radio Lome, there are more than 30 private radio stations in the country, many of which were licensed officially in January. Two of these, Radio Avenir and Galaxy FM, are associated with the ruling RPT Party.

Some private radio stations broadcast domestic news; however, they offer little of the political commentary and criticism of the Government that is widespread in the print media. Radio France International is heard 24 hours a day through an FM repeater and Africa Numero-1 also has an FM repeater in Lome. A private station, Kanal FM, is a foreign affiliate and carries several hours of news, music, and commentary daily.

On January 13, the Government shut down Radio Jeunesse Espoir, a small radio station operating in Tagligbo, after it announced a January 13 mass commemorating the death of Sylvanus Olympio, the country's first President. The authorities briefly detained the employees of the radio station. In April the radio station was permitted to resume operations, but under a new name and with a new frequency.

In November the High Authority for Audio-Visual and Communications (HAAC) ordered Radio Victoire to stop airing two call-in programs in which listeners voiced their opinions on news and current events; Reports Without Borders protested the action. Despite the warning, Radio Victoire continued to broadcast call-in programs, and the Government took no further action by year's end.

The government-owned and controlled Television Togo and TV-2 are the only major television stations in Lome and in most of the country. TV-2 is privately owned and through an arrangement with a French television station carries France-based TV5's international news programming. Three smaller television stations

began operations during the year, but their broadcasts are limited to certain localities, and their content primarily is of a religious or entertainment nature.

The Constitution mandates equal access to state media; however, the official media heavily slanted their content in favor of the President and the Government. The HAAC is charged with providing equal access to state media as mandated by the Constitution. Although it is nominally independent, in practice it operated as an arm of the Government. It is dominated by Eyadema supporters and has not increased opposition access to the Government-controlled media. Two opposition representatives were appointed in August to improve the HAAC's balance. The Togolese Media Observatory (OTM), an NGO, was established in November 1999 to protect press freedom and to improve the professionalism of journalists. OTM's board and membership include both government and private journalists. During the year, it met regularly to discuss journalistic ethics and professional standards.

There were no reports that the Government restricted access to the Internet. There are approximately 15 Internet service providers in the country. Most Internet users are businesses rather than households. Access to the Internet and fax machines also is possible through many small stores and cafes in Lome and other cities.

At the country's sole university, the University of Lome, previously known as the University of Benin, academic freedom is constrained by potential harassment by the Government and anti-opposition militants, or both, and the lack of a faculty-elected Rector. Teachers' salaries and students' stipends rarely are paid on time. In May students began boycotting classes to protest 16 months of scholarship arrears, forcing the university to close early for the summer, and nearly causing the cancellation of the school year (see Sections 1.c., 1.d., and 2.b.). A government informer system reportedly continued to intimidate students. The only officially tolerated student groups, the High Council of the Student's Movement (Haut Conseil des Mouvements Etudiants) and the General Union of Students and Interns of Togo (Union General des Etudiants et Stagiaires du Togo), are pro-Eyadema. The independent student organization CEUL has had longstanding unofficial recognition, and its elected representatives have participated on university committees. However, in May Thomas Gnandi and Kodjo Gbodzisi, the President and Vice President of the CEUL, were expelled from the University for creating unrest in the student body. On May 29, Gnandi and Gbodzisi were arrested and allegedly tortured following protests by students and professors over their expulsion (see Sections 1.c. and 1.d.).

There were several incidents during the year in which security forces forcibly dispersed student protests (see Sections 1.c. and 2.b.).

Former CEUL leader Lorempo Lamboni, who went into hiding in 2000 after being charged by the Government with responsibility for the events that led to the death of one student during violent clashes with security forces on the university campus, obtained refugee status in Benin but reportedly returned to the country during the year. At year's end, there was no new information available regarding Lamboni.

b. Freedom of Peaceful Assembly and Association.—The Constitution says citizens are free to assemble; however, the Government restricts this right in practice. Opposition political parties rarely were allowed to hold public meetings in Lome, and authorities systematically interfered with the freedom of political opponents attempting to assemble in the central and northern regions.

Government officials prohibited, and security forces forcibly dispersed, some public demonstrations critical of the Government. During the year, opposition groups accused Northern Military Zone Commander Lieutenant Colonel Ernest Gnassingbe, the President's son, of blocking or breaking up public and private political demonstrations and meetings (see Section 1.f.). On April 2, Gnassingbe harassed representatives of the opposition UFC political party, including Secretary-General Fabre, and disrupted the political meetings.

On February 24, police used tear gas and truncheons to disperse forcibly opposition party demonstrators who were demonstrating in support for the findings of the U.N./OAU (see Section 1.a.); 10 demonstrators were injured.

On August 11 and 18, security forces used tear gas and truncheons to disperse forcibly opposition party demonstrators, who were protesting the August 3 imprisonment of Yawovi Agboyibo; some demonstrators suffered cuts and bruises (see Sections 1.d. and 1.e.).

The Government banned several opposition gatherings during the year. The Minister of the Interior General Sizing Walla ruled illegal an opposition march scheduled for June 16; no reason was given for the ruling. On August 26, the Minister ruled illegal a planned opposition UFC meeting. UFC activists who had distributed leaflets advertising the event were arrested and detained for 1 day by gendarmes.

On October 3, the Government banned opposition marches planned to commemorate riots that took place on October 5, 1990.

Security forces also forcibly dispersed several student demonstrations during the year (see Sections 1.c., 1.d., and 2.a.). On March 28, government security forces used tear gas and truncheons to disperse forcibly a student demonstration in protest of a 16-month backlog in payment of scholarships; some students suffered cuts and bruises.

Security forces also prevented opposition party members from traveling or entering certain towns (see Section 2.d.). On July 22, the opposition UFC Party accused gendarmes of blocking party leaders from traveling to a political rally north of Moretan on the road to Elavagnon.

On June 2, security forces used truncheons and tear gas to disperse students protesting scholarship arrears, the constant police presence on the university campus, and the expulsion and arrest of the two student leaders; approximately 12 students suffered cuts and bruises (see Sections 1.d. and 2.a.).

Following a 1999 riot allegedly caused when security forces dispersed a student gathering at a Lome high school, officials told the arrested students that they would be held responsible and rearrested for any demonstrations that occurred subsequently in Lome; however, no subsequent action occurred by year's end.

On July 14, RPT activists disrupted opposition UFC meetings in Kamina and Nyamassila; gendarmes watched but did not intervene.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties are able to elect officers and register, few opposition party offices and no pro-opposition newspapers operate in most towns in the central and northern regions.

There are many nongovernmental organizations (NGO's); they are required to register with the Government. Associations and religious organizations must register with the Ministry of the Interior. Development NGO's must register with the Ministry of Planning. NGO's involved with finance, such as credit unions and cooperatives, must register with the Ministry of Finance and Economy.

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

The Government establishes requirements for recognition of religious organizations outside the three main faiths—Roman Catholicism, Protestantism, and Islam, which are recognized officially. Applications for recognition must be submitted to the Interior Ministry's Division of Civil Security. A religious organization must submit its statutes, a statement of doctrine, bylaws, names and addresses of executive board members, the pastor's diploma, a contract, a site map, and a description of its financial situation. The Interior Ministry issues official recognition. The Civil Security Division also has enforcement responsibilities when there are problems or complaints associated with a religious organization.

The Government recognizes 97 religious groups, of which most are smaller Protestant groups and some new Muslim groups. Members of those religions not officially recognized are permitted to practice their religion, but have no legal standing. In 2000 38 religious groups submitted applications to the government requesting official recognition. Since 1991 317 groups have applied for recognition. There was no information available regarding the criteria for recognition, the number of rejections, or details about the groups that had been rejected. If an application provided insufficient information for recognition to be granted, the application often remained open indefinitely.

The Constitution prohibits the establishment of political parties based on religion and states explicitly that "no political party should identify itself with a region, an ethnic group, or a religion."

Catholics, Protestants, and Muslims occupy positions of authority in local and the central government.

According to an international NGO, the authorities established an interministerial commission in early 2000 to investigate the activities of all religious groups in the country whose mode of worship allegedly harms the welfare of society. The Prime Minister expressed concern about the methods of worship by religious groups that beat cymbals and drums at night; however, the Government took no measures to restrict these groups during the year.

The 17-member National Human Rights Commission (CNDH), elected by the National Assembly, includes Catholic, Muslim, and Protestant representatives. The CNDH hears appeals by religious organizations that the Government has disallowed. For example, in past years, Jehovah's Witnesses were not allowed to practice because they would not take an oath to the national flag; however, this restriction was eased in 1998.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government restricts them in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals are common, and government security forces searched cars throughout the country. Undisciplined acts of some soldiers manning roadblocks, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. The Government prevented opposition political parties from traveling and campaigning in the north of the country (see Section 2.b.). Security forces also prevented opposition party members from traveling or entering certain towns (see Section 2.d.). On July 22, the opposition UFC Party accused gendarmes of blocking party leaders from traveling to a political rally north of Moretan on the road to Elavagnon. On August 25, UFC members traveling to Badou were stopped by security forces and not allowed to enter the town. On the same day, gendarmes allegedly acting on the prefect's orders prevented opposition activists from entering Kougnohou.

In 2000 the Government eased its strict documentation requirements for citizens who apply for a new passport or a passport renewal. In previous years, applicants were asked to provide an airline ticket, business documents, an invitation letter, a parental authorization letter (even for adults), proof of study grant for students, and a husband's permission for a married woman in addition to normal identity papers (see Section 5). The Passport Office is the responsibility of the Gendarmerie, which falls under the Defense Ministry. Although the Government eased some documentation requirements for persons applying for passports, application requirements and a shortage of blank passports prevented or significantly hindered some citizens' travel. However, in 2000 a new machine-readable passport was introduced; delays for passports are a result of 2 years' deferred demand and the centralization of the passport-issuing authority. Instead of a passport, a national identity card also can be used for travel to other member countries of the Economic Community of West African States.

There is no law that provides for the granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government provides first asylum. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees; however, in December the UNHCR office in Lome closed. At the end of 2000, UNHCR estimated that country hosted 11,208 refugees from Ghana; another 11,000 Ghanaian refugees lived in villages in the northern part of the country, unassisted by UNHCR. The UNHCR also estimated that 1,058 Togolese refugees remained outside the country.

In June the Government refused entry to the MV Alnar, a ship carrying Liberian migrants; however, the Navy helped the ship repair its propeller and provided food and water for the passengers and crew. The ship eventually docked in Nigeria, where the passengers were granted refugee status.

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

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

The Constitution provides for the right of citizens to change their Government peacefully; however, the Government restricts this right in practice. In the 1998 presidential election, the Government prevented citizens from exercising this right effectively. The Interior Ministry declared Eyadema the winner with 52 percent of the vote; however, serious irregularities in the Government's conduct of the election strongly favored Eyadema and appear to have affected the outcome materially.

Although the Government generally did not obstruct the actions of political opponents openly, the President used the strength of the military and his government allies to intimidate and harass citizens and opposition groups (see Sections 1.d., 1.e., and 2.b.). The Government and the State remained highly centralized. President Eyadema's national Government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs.

The second multiparty legislative elections of Eyadema's 33-year rule were held in 1999. However, the opposition boycotted the election, in which the ruling party won 79 of the 81 seats in the National Assembly. The two remaining seats went to candidates from little-known independent parties. The legislative elections were marred by procedural problems and significant fraud, particularly misrepresentation of voter turnout.

The opposition set several conditions before it would take part in the 1999 legislative elections. Chief among them was a settlement of the dispute over the seriously

flawed June 1998 presidential election in which the vote count was stopped and President Eyadema declared the winner by the Interior Minister. Under international pressure, the Government began preliminary discussions with the opposition which, according to an agreement reached in December 1998, were to be followed by formal negotiations, in the presence of international facilitators. When the parties disagreed over UFC insistence that formal negotiations occur outside of the country, the Government scheduled a first round of legislative elections on March 7, 1999, and a runoff on March 21, 1999. The Government argued that the mandate of the outgoing legislature expired in March 1999 and that elections had to be held to avoid a constitutional vacuum. When the opposition did not register candidates, the Government proposed a 2-week postponement; however, the opposition parties maintained their position in favor of a boycott. The elections proceeded and virtually the only candidates to run were those from the RPT.

In February 1999, the Council of Ministers passed a decree requiring security forces to vote 3 days before the general population, and some 15,000 military, gendarmes, police, customs officials, and firemen voted on March 18, 1999. Opposition party members of the National Electoral Commission stated that the special voting procedures for security forces violated the Electoral Code because they occurred before the end of campaigning, and that the vote count occurred 72 hours after the vote instead of immediately afterwards. According to the Government, approximately 65 percent of the population participated in the legislative elections while the opposition stated that the figure could not be more than 10 percent. The progovernment National Electoral Commission, absent the commission's opposition party members (who also boycotted the process), reported that turnout reached approximately 37 percent in the opposition stronghold of Ave and as much as 95 percent in Kozah prefecture in the north, where the ruling party has greater support. The opposition took no part in the revision of voter rolls, the distribution of voter cards, the monitoring of the vote, and the counting of the ballots. National election observer organizations did not participate, and international observation was sporadic.

The Government invited a few international observers to comment on the organization and management of the election; however, there were no independent observers present when the military voted on March 18, 1999. Although RPT candidates ran unopposed in most districts, there were reports of intimidation and evidence of fraud to boost statistics on voter participation in what were essentially one-party elections. For example, in Tchaoudjo, where voting started at 6 a.m., polling place officials did not allow delegates of an independent party to participate in the supervision work until 9 a.m.; these delegates watched ballot boxes being stuffed. In Agou independent party delegates claimed that they saw individuals voting more than 10 times. Foreign diplomats observed voting at close to 200 polling stations, mainly in and around Lome, but also in Yoto prefecture. Turnout was below the levels reflected in official results for most of these locations.

On April 9, 1999, the Constitutional Court confirmed that of the 2,412,027 registered voters, 1,592,661 voted, for a turnout of 66 percent. The court rejected a dozen complaints and annulled the results in two districts; however, new elections were never held in these districts, and the districts remained unrepresented at year's end.

The National Assembly has little authority or influence on President Eyadema and has limited influence on the Government. Aside from controlling its own programs and activities and writing amendments to the Constitution, the National Assembly largely approves the proposals of the President and the Government.

After the 1999 legislative elections, the Government announced that it would continue to pursue dialog with the opposition. In August 2000, the President appointed the former president of the National Assembly, Agbeyome Kodjo, a former Interior Minister and RPT supporter, as the new Prime Minister. He replaced Eugene Koffi Adoboli, a former career U.N. officer who was not a member of the ruling party. In September 2000, the National Assembly, in a secret ballot with just one candidate running, voted to elect former National Assembly first Vice President Fambare Natchaba to replace Kodjo as president of the National Assembly.

In June 1999, the RPT and opposition parties met in Paris, in the presence of facilitators representing France, Germany, the European Union, and La Francophonie, to agree on security measures for formal negotiations in Lome. On July 29, 1999, all sides signed an accord called the "Lome Framework Agreement," which included a pledge by President Eyadema that he would respect the Constitution and not seek another term as president after his term expires in 2003. The accord also called for the negotiation of legal status for opposition leaders, as well as for former heads of state (such as their immunity from prosecution for acts in office), although at year's end only the former had been considered. In addition the accord

addressed the rights and duties of political parties and the media, the safe return of refugees, the security of all citizens, and a provision for compensating victims of political violence. The President also agreed to dissolve the National Assembly in March 2000 and hold new legislative elections, which would be supervised by an independent national election commission and which would use the single-ballot method. In 2000 the Government established the CENI, which is composed of 10 members of the President's RPT party and 10 members of the opposition. Most opposition parties accepted the new Electoral Code; Artheme Ahoomey-Zunu, a member of the opposition Pan-African Patriotic Convergence Party CPP, serves as its president. In 2000 the CENI worked with the Government to develop a budget and then sought funding from the donor community for new legislative elections. The Government postponed the scheduled March 2000 elections because of "technical difficulties," and elections were rescheduled for October 14 and 28. Due to disagreements between the opposition and ruling party on basic rules and the Government's unwillingness or inability to allocate necessary resources, elections were postponed again in September; the elections were rescheduled for March 2002.

In 1998 the National Assembly voted on a decentralization plan, but the plan's implementation has been slow. Administratively, the prefect, nominated by the Interior Minister, is the primary representative of the central government in each of the 30 prefecture. Some Government agencies have representatives in the five regions.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal restrictions on the participation of women. Although many women are members of political parties, there were only 2 female ministers in the Government and 5 female members in the 81-member National Assembly.

The percentage of minorities in government and politics does not correspond to their percentage of the population; however, there are no legal restrictions on the participation of members of ethnic minorities. Members of southern ethnic groups were underrepresented; however, no ethnic group, including the President's, was overrepresented conspicuously in the Cabinet.

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

There are several domestic private human rights groups, including the LTDH, the Center of Observation and Promotion of the Rule of Law (COPED), the CADEPROD, and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). In general the Government allows groups to investigate alleged violations of human rights; however, the Government occasionally threatened or hindered the activities of human rights activists and was inconsistent in following up on investigations of abuses. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights monitors to end their public activities.

The Government vigorously disputed the 1999 Amnesty International report on alleged extrajudicial killings that occurred during the period of the 1998 presidential election, as well as the report of the U.N./OAU Commission of Inquiry, (see Sections 1.a. and 1.b.). The Government vigorously disputed the report's findings and threatened to sue Amnesty International. In criticizing Amnesty International, the Government also noted that no journalist or foreign observer who monitored the 1998 election reported bodies washing ashore; however, the newspaper *L'Aurore* in its August 13, 1998, edition, mentioned some bodies washing up on the Togolese and Beninese shores. The Government stated that the UFC and CDPA opposition parties directed the Amnesty International report, a charge denied by those groups and by Amnesty International. The Government also alleged that the ATDPDH collaborated with Amnesty International.

In 2000 the U.N./OAU Commission visited the country and Benin to investigate the allegations and meet with the President and cabinet members as well as with fishermen and farmers in the country and in neighboring Ghana and Benin. Under the terms of the inquiry, the Government pledged not to retaliate against witnesses. The Commission found "the existence of a systematic pattern of human rights violations in Togo in the course of 1998." The Commission received a number of accounts substantiating the reports of bodies discovered by fisherman in the water. The Commission reported that its work was hindered by Togolese authorities' attempts to intimidate and bribe Beninese fisherman and journalists to keep them from speaking with the Commission. The Commission also reported on a number of extrajudicial killings and disappearances surrounding the 1998 elections that had not yet been reported (see Section 1.a.). International observers received several reports of harassment and intimidation of witnesses by the Government after the Commission's report was published.

The Government responded by creating its own Commission of Inquiry, comprised of four high-ranking jurists, led by Supreme Court President Fessou Lawson. In June the Commission of Inquiry published findings which directly challenged the findings of the U.N./OAU Commission. The Government's Commission of Inquiry called Amnesty International's charges "unfounded and false," and specifically refuted the U.N./OAU Commission's allegations of eight extrajudicial killings in 1998.

In 2000 the domestic chapter of Amnesty International resumed its activities within the country; however, former officials of the domestic chapter remained in exile.

In 1999 the Ministry for the Promotion of Democracy and the Rule of Law, headed by Harry Octavianus Olympio, opened an information and documentation center on human rights (see Sections 1.d. and 1.e.). However, in 2000 the President fired Olympio and accused him of staging his own attempted killing. In October 2000, the position of Minister for the Promotion of Democracy and the Rule of Law was absorbed into the Ministry of Justice.

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

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions; however, the Government does not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities remained a problem. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominate much of the public sector, especially the military.

Women.—Domestic violence against women continues to be a problem. Although mechanisms for redress exist within both the traditional extended family and formal judicial structures, the police rarely intervene in domestic violence cases. Wife beating has been estimated to affect approximately 10 percent of married women.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, continues to be practiced. The most commonly practiced form of FGM is excision, which usually is performed on girls a few months after birth. A 1995 survey concluded that approximately 12 percent of all girls and women have undergone FGM; it is practiced by Christians and practitioners of traditional indigenous religions, and it is prevalent in Muslim communities. Most of the larger ethnic groups do not practice FGM. However, among the practicing groups rates range from 40 to 98 percent.

In theory women and girls are protected from FGM by the Constitution, and the law prohibits the practice with penalties for practitioners ranging from 2 months to 5 years imprisonment as well as substantial fines. The first trial under the law took place in 1998. Both the father of the victim and the practitioner were found guilty in 2000, sentenced to 1 year in prison and fined \$175 (100,000 CFA francs). Both were released after serving 2 months in jail. The law rarely is applied because most FGM cases occur in rural areas where neither the victims nor police know the law. Traditional customs often supersede the legal systems among certain ethnic groups.

The Government continued to sponsor seminars to educate and campaign against FGM. Several NGO's, with international assistance, organized educational campaigns to inform women of their rights and how to care for the victims of FGM.

There was some trafficking in young women for the purpose of prostitution or for labor as domestic servants (see Sections 6.c. and 6.f.).

The constitution declares women equal under the law; however, women continue to experience discrimination, especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally may restrict his wife's freedom to work or control her earnings. The Government requires that a married woman have her husband's permission to apply for a passport (see Section 2.d.). In urban areas, women and girls dominate market activities and commerce. However, harsh economic conditions in rural areas, where most of the population lives, leave women with little time for activities other than domestic and agricultural fieldwork. Under traditional law, which applies to the vast majority of women, a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygamy is practiced.

The Ministry of Social Affairs, Promotion of Women, and Protection of Children, along with independent women's groups and related NGO's, campaigns actively to inform women of their rights.

Children.—Although the Constitution and family code laws provide for the protection of children's rights, in practice government programs often suffer from a lack of money, materials, and enforcement. Although the law protects children, there are many practices that demonstrate a pattern of discrimination against children, especially girls. The Government provides free education in state schools. School attend-

ance is compulsory for both boys and girls until the age of 15. Approximately 61 percent of children aged 6 to 15 years attend school, mostly boys. In the age group of 6 to 15 years, approximately 89 percent of boys and 66 percent of girls start primary school; however, only an estimated 39 percent of boys and 13 percent of girls reach secondary school. Approximately 3 percent of boys and 0.6 percent of girls reach the university level. Literacy rates are 57 percent for adult men and 31 percent for adult women. An estimated one-third of the national budget is spent on education.

Orphans and other needy children receive some aid from extended families or private organizations but less from the State. There are social programs to provide free health care for poor children. There are few juvenile courts, and children are jailed with adults (see Section 1.c.). In rural areas, traditionally the best food is reserved for adults, principally the father.

In November traditional chiefs met and agreed to set up watchdog committees and conduct awareness campaigns against the abuse of children, especially trafficking, confinement in voodoo shrines, FGM, torture, forced marriages, and other forms of sexual harassment.

FGM is performed on approximately 12 percent of girls (see Section 5, Women).

There were reports that young girls were trafficked from the country to Nigeria for prostitution. There also are confirmed reports of trafficking in children, particularly girls, for the purpose of labor, which amounts at times to slavery (see Sections 6.c., 6.d., and 6.f.).

Child labor is a problem (see Sections 6.c., 6.d., and 6.f.).

Persons with Disabilities.—The Government does not mandate accessibility to public or private facilities for persons with disabilities. Although the Constitution nominally obliges the Government to aid persons with disabilities and shelter them from social injustice, the Government provides only limited assistance in practice. There is no overt state discrimination against persons with disabilities and some hold Government positions. However, persons with disabilities have no meaningful recourse against private sector or societal discrimination, and in practice there is discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The country's population includes members of some 40 ethnic groups that generally speak distinct primary languages and are concentrated regionally in rural areas. Major ethnic groups include the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (approximately 5 percent). The Ewe and Mina are the largest ethnic groups in the southern region, where abundant rainfall and access to the sea have been conducive to farming and trade; the Kabye are the largest group in the drier, landlocked, less populous, and less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity is practiced routinely by members of all ethnic groups. In particular discrimination against southerners by northerners and against northerners by southerners is evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative rarity of marriages across the north-south ethnic divide. Discrimination extends into the public sector, where the centralization of the State allows little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and the use of dispute resolution systems.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative predominance in the public sector and especially the security forces by members of President Eyadema's Kabye group and other northern groups, are sources of political tension. Political parties tend to have readily identifiable ethnic and regional bases: The RPT party is more represented among northern ethnic groups than among southern groups, while the reverse is true of the UFC and CAR opposition parties.

Unlike in the previous year, when north-south tensions repeatedly erupted into violence of a clearly interethnic character, there were no reports of such violence during the year. In each region, members of majority ethnic groups have harassed and attacked members of ethnic groups originating from the other region, forcing them back to their home region. In addition due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times had ethnic and regional overtones.

In July there were reports of ethnic violence involving ethnic Ibos from Nigeria. On July 29, a Togolese mob reportedly ransacked a Nigerian church after an ethnic Ibo allegedly stabbed a taxi driver over a disputed fare. The mob reportedly also attacked several Ibo businesses and homes. Many citizens believe that Nigerian Ibos

kill young women, drain their blood, and steal their sex organs to perform voodoo to accumulate wealth, health, or protection.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to join unions and the right to strike; however, security forces, including firefighters and police, do not have these rights; government health care workers may join unions but may not strike. The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The work force in the formal sector is small, involving approximately 20 percent of the total work force of whom from 60 to 70 percent are union members or supporters. The World Bank estimates that the country's total workforce was approximately 2 million persons.

There are several major trade union federations. These include the National Confederation of Togolese Workers (CNTT)—which is closely associated with the Government, the Labor Federation of Togolese Workers (CSTT), the National Union of Independent Syndicates (UNSI), and the Union of Free Trade Unions.

There is no specific law prohibiting retribution against strikers by employers.

Unlike in the previous year, the Government did not arrest any union officials. Air Afrique workers held a strike at Lome's airport during the year.

Federations and unions are free to associate with international labor groups. The CNTT and the UNSI are affiliates of the International Confederation of Free Trade Unions. The CSTT is an affiliate of the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively.—The Labor Code nominally provides workers with the right to organize and bargain collectively; however, the Government limits collective bargaining to producing a single nationwide agreement that must be negotiated and endorsed by representatives of the Government as well as of labor unions and employers. All formal sector employees are covered by the collective bargaining agreement. This agreement sets nationwide wage standards for all formal sector employees. The Government participates in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolize many sectors of the formal economy. Individual groups in the formal sector can attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option rarely is used.

The Labor Code prohibits antiunion discrimination. The Ministry of Labor is charged with resolving labor-related complaints, but it does not always do so effectively.

The law allows the establishment of export processing zones (EPZ's). Many companies have EPZ status, and more than 30 are in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms do not enjoy the same protection against antiunion discrimination as do other workers. In practice unions do not have free access to EPZ's or the freedom to organize workers. The 1974 Labor Code prohibits foreign nationals from performing administrative or management functions in trade unions.

c. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or compulsory labor, and there were no reports of forced labor involving adults. The law does not prohibit specifically forced and bonded labor by children, and children sometimes are subjected to forced labor, primarily as domestic servants. In 1998 the Government acknowledged the existence of international trafficking in children, particularly girls, who are sold into various forms of indentured and exploitative servitude, which amounts at times to slavery. During the year, the issue received national attention due to several high profile cases and the Government's commitment to address the problem (see Sections 6.d. and 6.f.). There also is some trafficking in young women for the purpose of prostitution or for labor as domestic servants (see Sections 6.d. and 6.f.).

In rural areas, parents sometimes place young children into domestic work in other households in exchange for one time fees as low as \$25 to \$35 (15,000 to 20,000 CFA francs).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits the employment of children under the age of 14 in any enterprise. Some types of industrial and technical employment set a minimum age of 18. Inspectors from the Ministry of Labor enforce these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and petty trading, very young children traditionally assist in their families' work.

The Ministry of Social Affairs, Promotion of Women, and Protection of Children is responsible for enforcing the prohibition of the worst forms of child labor; however, few resources were allotted for its implementation and enforcement was weak.

The law does not prohibit forced and bonded labor by children, and children are trafficked for labor (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Government sets minimum wages for different categories, ranging from unskilled labor through professional positions. Less than the official minimum wage often is paid in practice, mostly to unskilled workers. Official monthly minimum wages range from approximately \$20 to \$33 (14,700 to 23,100 CFA francs) per month. The minimum wage does not provide a decent standard of living for themselves and their families, and many workers must supplement their incomes through second jobs or subsistence farming. The Ministry of Labor ostensibly is responsible for enforcement of the minimum wage system but does not enforce the law in practice. The Labor Code, which regulates labor practices, requires equal pay for equal work, regardless of sex; however, this provision generally is observed only in the formal sector.

Teachers' salaries and students' stipends rarely are paid on time (see Section 2.a.). Unlike in the previous year, there were no teacher or student strikes; however, in May students boycotted classes (see Section 2.a.).

Working hours of all employees in any enterprise, except for those in the agricultural sector, normally must not exceed 72 hours per week; at least one 24-hour rest period per week is compulsory, and workers must receive 30 days of paid leave each year. The law requires overtime compensation, and there are restrictions on excessive overtime work. However, the Ministry of Labor's enforcement is weak, and employers often ignore these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees ostensibly have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice the Ministry's enforcement of the various provisions of the Labor Code is limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempt to respect occupational health and safety rules, but smaller firms often do not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs; however, in practice some cannot do so.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, although other statutes against kidnaping, procuring, and other crimes linked to trafficking were used to prosecute traffickers, and trafficking was a problem. The country remained a country of origin and transit point for trafficking in persons, primarily children. The country was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. Trafficking in women for the purpose of prostitution or nonconsensual labor as domestic servants exists. There were 83 victims returned to the country during the year.

The majority of the country's trafficking victims are children from the poorest rural areas, particularly those of Cotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicities and mainly from the Maritime, Plateau, and Central Regions. Adult victims usually are lured with phony lucrative jobs. Children usually are approached by friends or friends of their families. Sometimes parents sell their children to traffickers for bicycles, radios, or clothing, and authorize the transfer of their children.

Children were trafficked to indentured and exploitative servitude, which amounted at times to slavery. Victims were trafficked from rural areas of the Maritime, Plateau, and Central regions of the country to Cote d'Ivoire, Gabon, Nigeria, Europe (primarily France and Germany), and the Middle East, including Saudi Arabia and Kuwait. Children often were trafficked to other West and Central African countries, especially Gabon and Nigeria, to the Middle East, or to Asia. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude. Boys were trafficked for agricultural work in Cote d'Ivoire and domestic servitude and street labor in Gabon. They were fed poorly, crudely clothed, and inadequately cared for, and were neither educated nor permitted to learn a trade. Children sometimes were trafficked abroad by parents misled into allowing them to depart under false pretenses.

There were reports that young girls were trafficked from the country to Nigeria for prostitution.

According to the Government, in early March, approximately 700 children drowned in two separate incidents, when the boats trafficking them from Nigeria to Gabon capsized. At least half of the children were Togolese; five Togolese children survived and were repatriated. According to their accounts, most Togolese victims came from the country's central region.

In March a Nigerian-registered ship, the MV Etireno, sailed from Cotonou, Benin; according to the international press, it carried as many as 250 children trafficked from West Africa to work as laborers and domestic servants in Gabon. In April the ship arrived at the port of Owendo in Libreville, Gabon, and was turned away by Gabonese authorities, who suspected that illegal immigrants were aboard. On April 17, the ship returned to Benin after approximately 2 weeks at sea. International organizations and their embassies assisted the 23 children found aboard, including 8 from Togo.

On May 11, seven young girls were repatriated by the International Catholic Children's Bureau from Gabon, where they had worked since 1999.

On June 12, security forces intercepted 10 children in the process of being trafficked to Benin and Cote d'Ivoire and arrested 2 Nigerian traffickers, who were extradited to Nigeria.

On July 27, the radio station Nana FM reported that four Togolese children, allegedly serving as slaves in Cote d'Ivoire, were repatriated.

On August 29, a motorized canoe trafficking 131 West African children from Nigeria to Gabon capsized off the coast of Cameroon; 68 Togolese children between the ages of 6 and 15 were on board. The Ministry of Social Affairs repatriated the children.

There were credible reports that Nigerian women and children were trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution.

One woman, who returned from Gabon after 5 years as a victim of trafficking, filed a suit in 2000 against a Gabonese schoolteacher living in the country, who she accused of trafficking in children to work in Gabon; however, by year's end, there was no progress in the case.

Traffickers are believed to be men and women of Togolese, Beninese, and Nigerian nationalities.

The Government has little or no funding to investigate traffickers or trafficking rings. The Government claimed to have arrested or detained 10 traffickers during the year. The Government also reported that it detained briefly 55 parents of the children stranded in Cameroon when the boat that was trafficking them to Gabon capsized. Most persons arrested or detained by security forces for alleged trafficking ultimately were released for lack of evidence. However, as of March, the Government had prosecuted 50 cases against individual traffickers. These resulted in 51 convictions, which included prison sentences of 6 years, 4 years, 12 months, 8 months, 6 months, and deferred or amicable out-of-court settlements.

Government agencies involved in antitrafficking efforts include the Ministry of Social Affairs and Protection and Promotion for Family and Children, the Ministry of the Interior and Security, the Ministry of Justice, and security forces (especially police, army, and customs units. The Government cooperates with the Governments of Ghana, Benin, and Nigeria under a Quadripartite Law allowing for expedited extradition among those countries.

The police have had limited success in intercepting victims of trafficking, but prosecution of traffickers was rare. During the year, the Government intercepted 377 children, and arrested 10 traffickers, compared to 750 intercepted children and 21 arrested traffickers at the borders in 1999.

The Government provides limited assistance for victims. Terre des Hommes, an NGO, assisted recovered children until their parents or next-of-kin could be notified. There also was a government-funded Social Center for Abandoned Children. During the year, the ILO-sponsored IPEC program conducted a study of trafficking in persons in Togo and West Africa. At year's end, the program was entering its second phase, which will involve funding individual projects to combat trafficking in persons. During the year, the World Bank started to implement of an education program for domestic servants and persons at risk of being trafficked to become domestic servants.

During the year, the Government conducted public awareness campaigns, with the help of the UNICEF and NGO's such as WAO-Afrique. WAO-Afrique obtained additional funding from a private foreign company to support its awareness campaigns against child trafficking and forced labor, which the Government supported.

UGANDA

On March 12, President Yoweri Museveni was reelected to a second 5-year term under the Constitution and continued to dominate the Government. He has ruled since 1986 through the National Resistance Movement, legislatively reorganized and

renamed as "The Movement" in 1995. The Constitution provides for a 295-member unicameral parliament and an autonomous, independently elected president. The number of Members of Parliament (M.P.'s) increased following the implementation of a new law, which increased the number of districts, and an amendment to the Parliamentary Elections Statute, which increased the number of seats reserved for women and labor. On March 12, six candidates competed in the presidential elections, including President Museveni and Kizza Besigye, a former member of the army and presidential advisor. President Museveni won with 69.3 percent of the total votes cast, with 27.3 percent of the votes cast for Besigye. The four other candidates received less than 4 percent of the vote. The institution of Parliament is weak compared with the Executive. The Parliament acted with continued independence and assertiveness during the year; however, this decreased significantly prior to the June parliamentary elections. In June parliamentary elections were held separately for the reserved and directly elected seats; M.P.'s were elected to 5-year terms, and more than 50 percent of those elected were new legislators. Movement supporters remained in control of the legislative branch; however, the number of M.P.'s openly belonging to opposition parties increased to 35 from 12, although the actual number probably is higher since the affiliations of several M.P.'s are unclear. Observers believed that the March presidential and June parliamentary elections generally reflected the will of the population; however, both were marred seriously, particularly in the period leading up to the elections, by restrictions on political party activities, incidents of violence, intimidation, fraud, and electoral irregularities that led to a flawed election process. A 2000 national referendum, on the role of political parties formally extended the Movement form of government indefinitely and severely restricted political activities; it was under review at year's end. The referendum process was flawed by restrictions on political party activities and unequal funding. During the year, the Constitutional Review Commission (CRC) began work to amend the 1995 Constitution. The judiciary generally is independent but is understaffed and weak; the President has extensive legal powers.

The Uganda People's Defense Force (UPDF) is the key security force. The Constitution provides for civilian control of the UPDF, with the President designated as commander in chief; in July the President relinquished his post as Minister of Defense and named a civilian for the first time. The UPDF remained active due to the continued instability in the north, northeast, and west and because of the country's involvement in the conflict in the neighboring Democratic Republic of the Congo (DRC). UPDF soldiers and members of Local Defense Units (LDU's) assist the police in rural areas. LDU's operate under the authority of the Ministry of Internal Affairs but without a legal mandate. The Internal Security Organization (ISO) remained under the direct authority of the President. Although the ISO primarily is an intelligence-gathering body, its operatives occasionally detained civilians. The Directorate of Military Intelligence (DMI), which also is known as the Chief of Military Intelligence (CMI) and is under UPDF control, detained civilians suspected of rebel and terrorist activity. The police are organized as a national force under the authority of the Ministry of Internal Affairs. All security forces are under government control and are responsive to the Government. The UPDF, police, LDU's, and the DMI all committed serious human rights abuses.

The country's population is approximately 23 million. The economy grew at a rate of approximately 5.1 percent during the year. Annual gross domestic product (GDP) was \$320 (505,000 shillings) per capita. Foreign economic assistance provides approximately 52 percent of government revenues. The agriculturally based economy continued to rely on coffee as its chief export. Foreign investment remained steady at approximately 4 percent of GDP amid chronic and serious levels of corruption and continuing concerns about regional security in the wake of the country's intervention in the DRC. The pace of the privatization process increased due to the Government's privatization of the Uganda Electricity Board (UEB). The privatization of UEB, including sectors for transmission, distribution, and generation, are expected to be finalized by 2002. The financial sector was strengthened due to improved lending practices and more stringent supervision by the central bank. In October the Government opened bids for the sale of one of the largest commercial banks in the country, the Uganda Commercial Bank (UCB), and the Stanbic bank of South Africa won; the deal was expected to be finalized in 2002.

The Government's human rights record was poor, and there continued to be numerous, serious problems. Movement domination of the political process limited the right of citizens to change their government. Security forces used excessive force, at times resulting in death, and committed or failed to prevent some extrajudicial killings of suspected rebels and civilians. Security forces killed and injured several persons while intervening in clashes between supporters of different political candidates. UPDF forces committed fewer abuses in the Democratic Republic of the

Congo (DRC). Police, LDU, and DMI forces regularly beat suspects and other persons, often to force confessions. There were a few reports that security forces tortured suspects, primarily during the periods around the elections. Police arrested several persons who later claimed to have been tortured or beaten while in custody. A highly publicized 1999 report on police corruption released to the public in May uncovered numerous serious abuses committed by senior officers and contributed to the arrest of several officers on charges of extortion and abuse of office, which resulted in the appointment of a new chief of police during the year. There were a number of cases in which the Government detained and charged UPDF and LDU members for human rights abuses. Prison conditions remained harsh and life threatening. Members of the security forces sometimes arbitrarily arrested and detained civilians, including opposition politicians and their supporters. Authorities used incommunicado detention. Despite measures to improve the discipline and training of security forces, and despite the punishment of some security force officials guilty of abuses, abuses by the security forces at times resulted in deaths and remained a problem throughout the country. Such abuses increased in the periods prior to the March presidential and June parliamentary elections. Prolonged pretrial detention remained a problem. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays circumscribed due process and the right to a fair trial, although some detainees secured their release by accepting amnesty. The UPDF at times infringed on citizens' privacy rights. Female members of the police force no longer are required to obtain permission from the police Inspector General before marrying.

The Government generally respected freedom of speech and of the press; however, there were some instances in which the Government infringed on these rights. The Government restricted freedom of assembly and association, and the constitutional restrictions on political activity effectively continued to limit these rights; however, political parties continued operating with fewer restrictions than in previous years. There were some limits on freedom of movement. The Movement Secretariat, supported with government funds, oversaw internal organizational activity, strategy, and mobilization, and actively campaigned for candidates during the presidential and parliamentary elections. The Government continued its Movement political education courses, although they were suspended during elections; the courses are not mandatory. Domestic violence against women, rape, and abuse of children remained serious problems. Discrimination against women and persons with disabilities persisted. The Government worked with nongovernmental organizations (NGO's) to combat the practice of female genital mutilation (FGM), which occurred on a limited basis. There were fewer incidents of violence against ethnic minorities. There were some limits on worker rights. Forced labor, including by children, occurred, and child labor was common, mostly in the informal sector. There were reports of trafficking in persons. Vigilante justice also was a problem.

Insurgent forces committed numerous serious abuses. The Allied Democratic Forces (ADF), a rebel group in the western part of the country whose activities decreased during the year, killed and abducted persons, including children. The Lord's Resistance Army (LRA), a terrorist organization led by Joseph Kony, and in the past supported by the Government of Sudan, operated in the north from bases in southern Sudan. LRA attacks decreased during the year; however, the LRA continued to kill and abduct civilians, including children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of politically motivated killings by government forces; however, members of the security forces and the police committed extrajudicial killings. In the course of official operations, police, UPDF, LDU, and DMI personnel sometimes used excessive force, resulting in deaths.

Police and security forces killed several persons during the year. For example, on April 11, members of an LDU shot and killed two persons and injured another in Rwenkuba sub-county, Burahya, Kabarole district. The district Officer-in-Charge of the Criminal Investigations Department (CID) confirmed the incident and stated that those responsible were arrested and later charged with murder; they were in detention pending trial at year's end. On July 27, a policeman shot and killed Makerere University student George Babigumira; the officer was charged with murder, and the investigation was pending at year's end. On August 3, police arrested Constable Issa Sewatti for the killing of Annet Nakimuli on August 31 during an eviction in a Kampala suburb. On September 14, a court in Kampala charged

Sewatti with murder, and he was remanded to Luzira Prison and still was in detention at year's end.

Security forces killed several persons while intervening in clashes between supporters of different political candidates. For example, on March 3, Presidential Protection Unit (PPU) soldiers opened fire during a clash between supporters of President Museveni and Kizza Besigye, Museveni's primary opponent in the election, in the southwestern town of Rukungiri, killing one person and injuring several others. There were no reports of any action taken to investigate the incident.

In February four Besigye supporters were killed when a truck driven by a UPDF member drove into a crowd waiting for a campaign rally.

On June 28, UPDF soldiers reportedly killed a woman and injured 14 others at the Pabbo Displaced People's camp, Kilak County, after supporters of parliamentary candidate Colonel Julius Oketa clashed with supporters of his rival Michael Nyeko Oculia. The soldiers allegedly shot into the crowd to disperse them. There was no investigation or other action taken against the soldiers responsible by year's end.

Security forces killed several Karamojong raiders and others involved in cattle raids during clashes following the raids. On January 3, UPDF soldiers shot and killed 12 persons in Moroto district, after the soldiers allegedly tried to steal cattle from the town of Lomarototi. On January 13, the soldiers reportedly were arrested; however, no further action was taken by year's end. Also in January, UPDF soldiers allegedly killed 17 armed Karamojong raiders at Amoratoit village in Katakwi district. There were no reports of any action taken against the soldiers. On April 21, UPDF soldiers killed six armed Karamojong raiders in two separate encounters in Katakwi district. There were no reports of any investigation into the incident. On September 12, a UPDF helicopter gunship fired upon the villages of Thakale, Lothomit, and Alemkere in Nabilatuk sub-county, Nakapiripiti district, which resulted in the deaths of at least 18 armed Karamojong raiders who earlier had attacked the UPDF.

During the year, there was a significant increase in armed carjackings along the Entebbe highway between Kampala and Entebbe. The police announced a shoot-to-kill policy to discourage additional carjackings and robberies because some of the victims were foreign nationals; however, there was no indication that the police made this an official policy or that persons were killed under this policy. The carjackings decreased significantly after this order was publicized.

Harsh conditions, some intentional mistreatment, and lack of adequate medical treatment caused many deaths in prison (see Section 1.c.).

Unlike in previous years, there were no reports of fighting between UPDF and Rwandan army troops in the DRC, and there were no reports of any action taken against members of either army for abuses committed during the 2000 fighting in Kisangani. Reports of killings and widespread human rights abuses by both pro- and anti-DRC government forces, including the UPDF and ethnic tribes, continued in the conflict in the DRC. On July 7, the Government convicted UPDF Private Otim Okello for the May 23 killing of six Congolese civilian inmates at a police station in Gemina, eastern DRC; three of those killed had been arrested on suspicion that they had stolen money from Okello's girlfriend. On July 3, a UPDF court-martial sitting in the DRC sentenced to death Okello, who remained in Luzira prison at year's end.

Verification of reports of abuses committed by UPDF forces in the DRC was extremely difficult, particularly those emanating from remote areas and those affected by active combat, primarily in eastern DRC. Independent observers often found access difficult due to hazardous security conditions and frequent impediments imposed by authorities. Both pro- and anti-DRC government forces extensively used propaganda disseminated via local media, including accusations of abuse by opposing forces, further complicating efforts to obtain accurate information regarding such events.

Throughout the year in the Ituri district in Orientale Province of the DRC, an area dominated by UPDF and UPDF-supported forces, fighting continued between members of the Lendu and Hema tribes, which reportedly resulted in the deaths of thousands of persons and displaced tens of thousands of others. For example, on January 19, in a UPDF controlled area, the UPDF were accused of not intervening in fighting between members of the Lendu and Hema tribes. More than 200 persons reportedly were killed and tens of thousands of others were displaced. On April 26, six employees of the International Committee of the Red Cross (ICRC), including two foreigners, were killed in Ituri district. The Government promised an investigation into the killings; however, no credible investigation had begun by year's end. ICRC field operations still were suspended at year's end.

On May 28, the Ministry of Internal Affairs released the 1999 Judicial Commission of Inquiry report into corruption in the police force. The report is the outcome

of an investigation by the Commission, set up to investigate incidents of mismanagement and abuse of office, brutality, killings, theft, and robbery by police forces, particularly the CID. The Commission recommended reform of the police force, including the removal of senior police officers found to be incompetent or those who had acquired wealth fraudulently. Five high-ranking police officers subsequently were fired, and the Inspector General of Government was investigating the wealth of senior police officers as recommended by the Commission at year's end.

There reportedly was no action taken against the members of the security forces responsible for the following killings in 2000: The January killing of two LRA terrorists in Gulu; and the January killing of six persons in the Kampala suburb of Kabalagala. No action reportedly was taken against the UPDF soldiers who allegedly shot and killed nine persons at a wedding party in the village of Kikere, near Butembo, North Kivu Province, DRC, in 2000.

Government cases against two UPDF soldiers accused of killing five youths in Fort Portal, Kabarole district, in 1999, still were pending at year's end. The two soldiers were on remand in Katojo prison facing murder charges.

There reportedly was no action taken against the members of the security forces responsible for the following killings in 1999: The October and July beatings to death of two prisoners; the September clash in response to an attack on the UPDF that resulted in the deaths of hundreds of Karamojong raiders; and the May killing of an unarmed youth.

During the year, the Uganda Human Rights Commission (UHRC) branch in Gulu closed for lack of evidence the case in which UPDF soldiers were accused of killing 30 Acholi children in 1998 in Kitgum. In March the UHRC Tribunal awarded approximately \$5,700 (10 million shillings) to Lydia Nabuwemba for the disappearance and killing of her husband while in police custody in 1998.

There were several killings in the period prior to the March presidential election. For example, on January 10, unknown assailants shot and killed a Museveni campaign task force member after he attended a strategy meeting. On January 12, two men allegedly were killed in two separate villages in the east while putting up posters for presidential candidate Besigye.

There also were several killings in the period prior to the June parliamentary election. For example, on June 24, Edward Kamana Wesonga, M.P. for Bubulo West, reportedly shot at random to disperse a crowd and killed Sergeant Maxwell Wasswa, a bodyguard of his election opponent, after supporters of the two men clashed following an argument in Bukiga sub-county, Manjiya County. Police in the eastern town of Mbale arrested Wesonga for the killing, and he subsequently was charged with murder and remanded to Malukhu Government Prison. On September 14, Wesonga was granted bail of approximately \$2,850 (5 million shillings), and his trial was pending at year's end.

On June 26, police in Mbale arrested Hoima Resident District Commissioner (RDC) Simon Mulongo, after his bodyguard killed an opponent in Buwabwala sub-county, Bubulo East Constituency. Angry supporters of the opponent subsequently beat to death the bodyguard and four other persons who were traveling with Mulongo. Mulongo reportedly was released later; however, there was no report of action taken to investigate the incident.

On June 26, Vincent Nyanzi, former Minister of State for Gender, Labor, and Social Development and M.P. for Busujju county, Mubende district, central Buganda, allegedly killed Vincent Mwebesa, a supporter of his opponent, in Banda parish, in Mubende. On July 3, police arrested Nyanzi, and later in July he was charged with murder and remanded to Luzira Prison. On August 29, Nyanzi was granted bail of approximately \$2,850 (5 million shillings); his trial was pending at year's end. Also in June, parliamentary candidate Otieno Akika shot at voters who allegedly were disorderly, killing one person. Akika disappeared and had not been seen by year's end.

During the year, there were a series of urban bombings in Kampala and other cities that resulted in several deaths. On January 28, three bomb explosions killed four persons and injured seven persons in three different areas of Kampala; four men were arrested in connection with these bombings and were charged with treason. Their trial was pending at year's end. On March 14, two bombs exploded in Kampala and Mitala Maria on Masaka Road, central Buganda, which killed two persons and injured six others; two men were arrested in connection with these bombings and were in detention pending their treason trial at year's end. On March 17, a hand grenade thrown at pedestrians near Kampala's Old Taxi Park killed one person and injured four others. On July 7, three homemade pipe bombs exploded in Jinja, which killed one person and injured seven others. In July 28 persons, some accused of being ADF members, were arrested for the attacks and paraded around Kampala; 13 out of the 28 were charged with treason and remained on remand

pending their trial at year's end. On September 18, three persons were killed when an unknown person threw a grenade into a house in Namunyu village, Bumasobo parish, Bulambuli county, Sironko district. No one has claimed responsibility for any of these attacks.

There were no developments in the October 2000 grenade attacks in Kampala and Gulu, which resulted in the deaths of nine persons. It was unknown who was responsible for any of the attacks.

There were reports that civilians were killed and injured during fights between UPDF forces and rebels. For example, on April 28, five persons were killed and two others were injured during a confrontation between UPDF forces and the LRA terrorists at the Pece-Lokung Trading Center in Laroo Division in Gulu district.

LRA attacks decreased during the year; however, there were numerous LRA attacks on villages and displaced person camps in which persons were killed, injured, raped, or abducted (see Sections 1.b. and 2.d.). During the year, LRA attacks resulted in approximately 115 deaths, including of children, numerous injuries, and the destruction of homes and property. No new incidents of mutilation were reported. In the west and southwest, the ADF continued to attack civilian targets, trading centers, and private homes, resulting in several deaths, injuries, and abductions; however, ADF activity decreased during the year. The ADF killed at least 15 persons, including children, and abducted up to 20 persons during the year (see Sections 1.b., 1.c., 6.c., and 6.f.).

On March 12, LRA terrorists killed nine persons in Lagile and Awere sub-counties, Aruu County, Pader district, including former presidential candidate Besigye's task force district chairman and the chairman's son. On March 17, suspected ADF rebels killed 10 persons, injured an unknown number of persons, and burned 54 vehicles when they attacked the town of Kasese in the west. On March 27, LRA terrorists killed 12 persons, including a group of students and their director, and injured several others in an ambush in the Murchison Falls National Park in the northwest. On September 1, LRA terrorists killed one relief worker and four civilians in an ambush in Gulu. On November 24, unknown rebels killed one foreign Catholic priest and two other foreign persons. No progress was made in any of these cases by year's end.

Protected villages or camps for internally displaced persons (IDP's) also were the targets of large-scale rebel attacks during the year. For example, in June gunmen believed to be LRA terrorists attacked Maaji Refugee Camp near Adjumani Town, killing three Sudanese refugees and injuring seven others.

Unlike in previous years, there were no reports that the LRA and the ADF used landmines. There continued to be deaths and injuries from previously laid landmines during the year.

At year's end, the UPDF were continuing to pursue the LRA terrorists who killed Father Raffale Di Bari of the Comboni missionary Fathers in October 2000 and Kitgum RDC J.B. Ochaya and seven others in July 2000.

Raids by armed Karamojong raiders, which increased during the year, were concentrated in Katakwi district in the northeast and resulted in approximately 51 deaths and more than 80,000 IDP's (see Section 2.d.). Reportedly 150 persons, including several relief workers, were killed in road ambushes in Karamoja since November 2000. In August a state of emergency was declared in Katakwi district following repeated attacks by Karamojong raiders; the state of emergency was lifted by year's end. During the year, the Government launched a disarmament program for the Karamojong in order to stop the killings (see Section 5). UPDF forces also took action against the Karamojong raiders, which resulted in the killings of several Karamojong raiders.

During the year, there were some attacks by Rwandese Hutu rebels in the southern district of Kisoro; two civilians reportedly were killed during the attacks.

There were no credible reports that UNRF-II, USF/A, or the Citizens Army for Multiparty Politics (CAMP) were responsible for the death of civilians during the year. These groups have been inactive for years and are returning to the country under an amnesty program (see Sections 1.d. and 1.e.).

Incidents of vigilante justice increased and were reported almost daily during the year (see Section 1.c.). Authorities rarely prosecuted persons who engaged in mob violence, which frequently resulted in death. Most mob attacks targeted criminals or alleged witches. There were numerous instances in which mobs beat to death or doused with gasoline and then burned to death petty theft suspects. For example, on October 3, a mob burned to death a suspected thief after a failed motorcycle robbery near Kampala.

There were fewer reports of ritual killings of children during the year (see Section 5).

b. Disappearance.—There were no confirmed reports of politically motivated disappearances due to action by government forces.

On February 4, unidentified gunmen reportedly abducted Ahmed Mugere and Richard Mutebi, two supporters of presidential candidate Besigye; their whereabouts were unknown at year's end.

The ADF and the LRA abducted civilians. Both the ADF and the LRA abducted civilians for training as guerrillas and as sex slaves and porters; most victims were children and young adults. During the year, the ADF abducted fewer than 20 persons, including children; the LRA abducted more than 50 persons, including children and young girls (see Section 1.c.). An estimated 30,893 persons have been abducted by the ADF and LRA since 1986 (see Sections 5 and 6.c.). While some later escaped or were rescued, including many during the year, UNICEF estimated that 5,555 children abducted by the LRA since 1986 remained missing at year's end, and approximately 308 children abducted by the ADF since 1986 remained missing at year's end. NGO's estimated that since 1996 the ADF has abducted more than 1,000 Ugandan children. Under the Amnesty Act signed by the President in 2000, government assistance is being provided to former rebels to assist their return to the country.

Reports continued that Karamojong warriors abducted women as part of their traditional practice in which they claim unmarried women as wives by raping them (see Section 5).

Reportedly persons who were detained by anti-DRC government forces, including UPDF and Rwandan military forces, sometimes were transferred to Rwanda or Uganda. In August 2000, UPDF forces based in Bunia, eastern DRC, brought to the country 163 Congolese children allegedly rescued from Congolese ethnic clashes. While in the country, the children underwent political education and military training at the National Leadership Institute (NLI) in Kyakwanzi. In February the children, classified as child soldiers, were handed over to UNICEF and later returned to the DRC in July (see Section 5).

Unlike in the previous year, there were no reports from the DRC that UPDF troops abducted women from the villages they raided. There were confirmed reports that some UPDF members married Congolese women who later voluntarily left the DRC with their soldier husbands; there were no reports of forcible abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces commonly beat criminal suspects, often to force confessions. There were a few reports that security forces tortured suspects, primarily during the periods prior to and after the March and June elections (see Section 3).

Police arrested several persons who later claimed to have been tortured or beaten while in custody (see Section 1.d.).

On April 11, LDU members shot and killed two persons and injured another in Rwenkuba sub-county, Burahya, Kabarole district, in the west (see Section 1.a.).

Security forces injured several persons while intervening in clashes between supporters of different political candidates during the year (see Section 1.a.). On March 3, PPU soldiers opened fire during a clash between Museveni and Besigye supporters in Rukungiri and injured several persons (see Section 1.a.). On June 28, UPDF soldiers reportedly injured 14 persons at the Pabbo Displaced People's camp, Kilak County, after supporters of parliamentary candidate Colonel Julius Oketa clashed with supporters of his rival Michael Nyeko Oculia (see Section 1.a.).

On March 12, the presidential election day, there were reports of intimidation of voters in Gulu by the UPDF. There also were reports of incidents in which soldiers beat voters during the June parliamentary elections in Mbarara, Lira, Kyoga, and Otuke (see Section 3).

Police and security forces at times harassed and detained opposition activists (see Sections 1.d., 2.b., and 3). There were reports of police and security force intimidation of opposition supporters and at opposition rallies in the period prior to the presidential election. Major Kakooza Mutale, Presidential Advisor on Political Affairs, actively harassed and intimidated opposition supporters, occasionally with violence. For example, in January there were reports of PPU intimidation of opposition candidates in Rukungiri. In July Lydia Kamanyi, the deputy campaign manager for Aggrey Awori, was forced to take leave from her position following harassment by officials.

There were reports that security forces harassed and briefly detained journalists (see Section 2.a.).

In accordance with the Lusaka Accords, the Government withdrew approximately half of its troops from the DRC during the year.

There were reports that UPDF forces were involved in violence between the Hema and Lendu tribes in northeastern DRC that resulted in the deaths of thousands of

Congolese civilians (see Section 1.a.). There were no reports of developments in the 2000 case in which two senior UPDF officers were arrested for their involvement in violence between the Hema and Lendu in the DRC.

On April 16, the U.N. Panel of Experts on the "Illegal Exploitation of Congolese Resources and Other Forms of Wealth" in the DRC released a report that accused various foreign armies in the DRC, including the UPDF, of exploiting the DRC's minerals and other resources, as well as committing human rights abuses. In May the Government set up the "Judicial Commission into Illegal Exploitation of DRC's Natural Resources and Other Forms of Wealth by Uganda" to investigate the allegations raised in the U.N. report. On July 19, the Commission, headed by Justice David Porter, began public hearings. A report of findings was scheduled to be released in February 2002. In October the Commission released an interim report that found no evidence to support allegations involving President Museveni and members of his family but acknowledged that this was not a definitive finding. The Commission's lack of access to evidence, witnesses, and adequate funding has hampered its operations.

There were fewer reports during the year that members of the LDU's, who frequently lack training, mistreated prisoners and detainees.

The police Human Rights Desk, established in 1998, received 317 new complaints during the year, including allegations of excessive force, torture, assault, rape, and murder. A report on these incidents was being compiled and was expected to be released in January 2002.

In conjunction with the UHRC and the Makerere University Faculty of Law, the police continued a training program for police officials to foster respect for internationally recognized human rights standards. The UHRC and NGO's conducted similar programs with UPDF officials during the year.

The Government investigated some cases of abuse, and tried and punished some offenders (see Section 1.a.).

In June 2000, police beat and arrested 11 Makerere University students after they disrupted a referendum rally held by the President. They subsequently were charged with misconduct and alarming the President and released on bail. At the beginning of the year, all charges were dropped (see Section 2.b.), and no action was taken against the responsible officers.

In February 2000, businessman Charles Mpunga accused Major Kakooza Mutale of detaining and torturing him at Mbuya military barracks in January 2000. In July 2000, the UHRC tribunal ruled that there was enough evidence to proceed with a case against Mutale; the UHRC charged Mutale and found him guilty of torture and illegal imprisonment. Mutale appealed the ruling to the High Court, claiming that the UHRC lacked jurisdiction. His case still was pending at year's end, and the UHRC was waiting for the High Court's ruling before penalizing Mutale.

In February 2000, a police constable in Kayunga, Mukono district, allegedly tortured two civilians and demanded money in order to release them from jail. In March 2000, the police constable was arrested. The case was under investigation by the Mukono district police, and the constable remained in detention at year's end on charges of unlawfully detaining civilians and disobeying orders.

There were no developments in case of the UPDF reserve force commander for Tororo district who was arrested for torturing and beating of civilians and two police officers in March 2000; he remained in detention pending a court-martial at year's end. There also were no developments in the case in which Major Dick Bugingo, a commanding officer in the PPU, was summoned by the UHRC tribunal on charges that he tortured Sergeant Godfrey Mubiru in March 2000.

There were no reports of any action taken against the responsible members of the police who beat or otherwise abused persons in the following cases from 2000: The September forcible dispersal of a Uganda Young Democrats (UYD) meeting in Gulu; the June beating of 11 Makerere University students; the April beating of Ahmed Washaki, an official of the Uganda People's Congress (UPC); and the March forcible dispersal of an unauthorized rally in Mbarara. No action was taken against members of the UPDF responsible for abuses committed in Kisangani in 2000.

In 1999 the Government launched a Judicial Commission of Inquiry into police corruption. The Commission probed a wide range of police abuses, including abuses committed by senior police officials. The inquiry resulted in the arrests of several police officers on charges of abuse, rape, extortion, and robbery, including a police officer accused of raping a 16-year-old girl. The Commission presented its report to the Minister of Internal Affairs in May 2000, and publicly released a report with recommendations in May (see Section 1.a.). In February 1999, the Foundation for Human Rights Initiative (FHRI), an independent local human rights organization, began an investigation into allegations that two policemen, Moses Lutaya and Ephraim Magala, were tortured by their superiors during the same month for steal-

ing bananas while on duty. In February 1999, FHRI found that the two were tortured under the orders of the Mpigi district police commander. Lutaya and Magala subsequently were compensated by the Mpigi district administration with approximately \$750 (1.26 million shillings) and were reinstated in their jobs. The senior officers were transferred; however, no additional action was taken against them.

There were no reported developments in the August 1999 case in which an LDU member shot and injured a businessman in Kisenyi, a suburb of Fort Portal; the LDU member reportedly was apprehended and detained by the UPDF. There were no reported developments in the February 1999 case in which two LDU personnel reportedly raped two teenaged girls at Kabujogera police post in Fort Portal; the accused were arrested pending a police investigation.

There were no reports of any action taken against the responsible members of the police who tortured, beat, raped, or otherwise abused persons in the following cases from 1999: The case of Patrick Ocan; and the October beating of a man while in custody.

In January the UHRC tribunal awarded approximately \$2,800 (5 million shillings) to Corporal Sam Muwonge; in June 2000, the UHRC tribunal ruled that the former Permanent Secretary for Defense, Benjamin Mbonye, and Captain Sulait Mwesigye were responsible for the 1997 arrest and torture of Muwonge. On June 28, the UHRC Tribunal awarded approximately \$2,800 (5 million shillings) to S. Erau as compensation for his 18-day detention, torture, and loss of property by the UPDF and police in 1999. On December 5, the UHRC tribunal ordered the Government to pay \$900 (1.5 million shillings) in general damages to Dan Okello as compensation for illegal arrest and torture. Okello reportedly had been arrested in December 1998 on the order of the Moroto district Police Commander.

There were reports that civilians were injured during fights between UPDF forces and rebels (see Section 1.a.).

There were several instances of violence in the period prior to the March presidential election (see Section 3). There were reports of violence, harassment, intimidation, and in a few cases, attempted murder, assault, and robbery. Police reported processing 101 cases of election-related violence in January; violence increased in February. For example, in January unknown persons allegedly shot and injured seven Besigye supporters. There also were reports that unknown persons beat supporters of President Museveni; police took no action. In late January, there were allegations that armed gunmen attacked candidate Chapaa Karuhanga's campaign team along the Kampala-Mubende Road. In February Museveni supporters beat a Besigye supporter for carrying posters of Besigye in Luweero. There also were reports that unknown persons made death threats against presidential candidates.

On February 4, while addressing a rally in Kampala, Ken Lukyamuzi, opposition M.P. for Lubaga North, Kampala, urged the public to injure or kill any foreigners who attempted to vote in the March presidential elections. On February 9, Nasser Sebagala, prominent opposition figure and former Kampala mayor, allegedly repeated Lukyamuzi's calls for violence against foreigners during a rally in Mukono. On February 12, police in Kampala arrested and charged Lukyamuzi and Sebagala with inciting violence; they were released on bail, and their cases were pending at year's end.

During the year, there were a series of urban bombings in several cities, which resulted in 8 deaths and more than 32 injuries (see Section 1.a.). For example, on June 4, bomb explosions in three simultaneous attacks in Kampala injured 15 persons; ADF rebels were suspected of involvement.

Reports of violations of humanitarian law decreased in the west, but remained a problem, to a lesser degree, in the north. The number of reported violations by the Government decreased during the year, as did violations by the LRA.

Unlike in previous years, there were no reports that the ADF mutilated civilians or that the LRA or the ADF used landmines; however, there continued to be reports that the LRA and ADF looted and burned private homes. The LRA in particular tortured and beat children. The LRA continued to abduct children and, at clandestine bases, terrorized them into virtual slavery as guards, concubines, and soldiers (see Sections 6.c. and 6.f.). In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children who attempted to escape. There also were several rebel attacks in which persons were injured and homes and property were destroyed (see Section 1.a.).

There were numerous instances in which mobs attacked suspected thieves and other offenders caught in the commission of crimes (see Section 1.a.). Often motivated by widespread distrust or misunderstanding of the justice system, these mobs engaged in stonings, beatings, and other forms of mistreatment, such as tying suspects' wrists and ankles together behind their backs, stripping suspects of their clothes and parading them through the streets, or forcing suspects to hop painfully

on the sides of their ankles. Unlike in previous years, there were no reports that vigilantes stripped prostitutes who dressed “indecently” or “provocatively.”

Prison conditions remained harsh and life threatening. Conditions for the estimated 15,000 inmates in the various prisons and police cells particularly were bad. The 1999 UHRC report released in December 2000 cited severely inadequate medical services, seriously unhygienic conditions, and “semi-starvation” among prisoners in many prisons (see Section 6.c.). The investigator also received complaints from female prisoners that prison authorities tortured them. There were no developments in the investigation into the May 2000 case in which prison wardens tortured four inmates and allegations from female prisoners that they had been tortured by prison authorities at Lira government prison in the north; however, the UHRC tribunal was scheduled to begin hearings on the case in March 2002. In March 800 inmates staged a protest at Mbale central prison to protest inadequate food and delays in the judicial review of their cases. Authority over the local prison system remained with the Ministry of Local Government. Both civilian and military prisons were believed to have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, and HIV/AIDS; however, no accurate estimates were available on the number of deaths in detention due to the harsh conditions and lack of medical care; however, NGO’s estimated that the mortality rate in the central prison system decreased. There were no developments in the investigation into the June 1999 death of Matia Kiwanuka Mulama, who reportedly died after having been tortured by the chief warden of Buikwe prison. Unlike in the previous year, there were no reports that prisoners were forced to exhume bodies.

The harsh conditions largely resulted from the Government’s seriously inadequate funding of prison facilities. Most of the prisons grew maize, millet, and vegetables, although the UHRC accused prison farms of overworking inmates. Prisoners received only \$.0006 (1 shilling) per day for their labor, a rate established in the early 1960’s (see Section 6.c.). Prison conditions come closest to meeting international standards in Kampala, where prisons provide medical care, running water, and sanitation; however, these prisons also are among the most overcrowded. By one estimate, the country’s prisons hold approximately three times their maximum planned capacity. The central prison system continued to work with NGO’s and the donor community to improve prison buildings, water and sanitation systems, food, and uniforms. Progress has been marginal. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limit family visits. The UHRC reported that it had received allegations that officers in charge of police cells sometimes demanded bribes to allow visits.

In 2000 the President signed the Community Service Act, designed to reduce prison congestion by allowing minor offenders to do community service instead of being imprisoned. In November the Community Service Act was implemented with the sentencing of three offenders to 80 hours of community service.

Women have segregated wings with female staff in most, but not all, prisons. According to human rights advocates, rape generally was not a problem, although female prisoners also suffered from severely substandard conditions. Due to lack of space in juvenile facilities, juveniles often were kept in prisons with adults. The central prison system maintained one juvenile prison and four lower security remand homes. School facilities and health clinics in all five institutions are defunct; prisoners as young as age 12 perform manual labor from dawn until dusk. Severe overcrowding also is a problem at juvenile detention facilities and in women’s wings. The remand home in Kampala, designed for 45 inmates, holds approximately 164 children.

Government agencies have sponsored or participated in numerous conferences on the justice system and prison conditions, and worked closely with international and domestic human rights organizations on prison reform efforts. There were reports that mortality rates decreased following these activities.

Media access to prisons remained limited, but the Government permitted full access to prisons by the ICRC and local NGO’s, principally the FHRI and the Uganda Prisoners’ Aid Foundation. The UHRC visited numerous prisons and reported on its findings publicly. Prison authorities required advance notification of visits, a process that often was subject to administrative delays.

d. Arbitrary Arrest, Detention, or Exile.—Members of the security forces at times arrested and detained citizens arbitrarily. According to the Constitution, a suspect must be charged within 48 hours of arrest and be brought to trial or released on bail within 120 days (360 days for a capital offense). If the case has been committed to the court before the expiration of this period, the Constitution does not limit pre-trial detention. The Constitution also provides that detainees should be informed immediately of the reasons for their detention; however, in practice the authorities did not enforce these procedural protections. Although some laws conflict with the

Constitution, for example, the Public Order and Security Act, which provides for unlimited detention without charge, these laws never have been invoked formally by the Government. Legal and human rights groups, including the UHRC, sharply criticized the excessive length of detention without trial—in many cases amounting to several years—for alleged offenses under other laws, which both violated the constitutional rights of the detainees and substantially contributed to prison overcrowding (see Section 1.c.).

During the year, there were reported detentions of civilians in military barracks, and unregistered places of remand. There were credible allegations that the DMI ordered detainees held incommunicado in police stations or so-called safe houses (see Section 1.c.).

Arbitrary arrest was a problem. On June 8, security personnel believed to be from the DMI arrested Hajji Muhammad Kimbugwe of Nakulabye, a Kampala suburb, detained him at DMI headquarters, and later transferred him to the Central Police Station (CPS). On June 20, he reportedly wrote to the DMI chief, asked him to intervene, and accused the DMI of having arrested him three times without charging him; he still was in detention at year's end.

On December 20, police arrested 93 members of the Ndawula religious group, including their leader John Musoke Ssemanda, in Wakiso district, central Buganda, allegedly to prevent a repeat of the March 2000 killing of 1,000 citizens. On December 21, Ssemanda, two priests, and a priestess were charged with managing an unlawful society. Police released 88 of the followers after clearing them of criminal liability; the other 5 still were in detention at year's end.

Police at times harassed and detained opposition activists and journalists (see Sections 1.c., 2.a., 2.b., and 3). During the presidential and parliamentary campaigns, there were many reports of arbitrary detention; however, few, if any, instances were reported to human rights groups or independently verified. Many supporters of the opposition were arrested and detained; some persons were arrested at unauthorized demonstrations (see Section 2.b.). There also were reports that persons were arrested for hanging posters of opposition candidates and for supporting opposition candidates.

On February 12, security personnel believed to be from the DMI reportedly kidnaped, took to a military facility, and beat Hajji Ramathan Muwonge, a campaign manager of Besigye, and his two sons; they were released 24 hours later. Human Rights Watch reported that a nurse in Muwonge's house at the time of the abduction also was beaten. On March 1, three soldiers were sentenced to 3 months in prison for receiving Muwonge "without clear instructions from the relevant authorities." In December Muwonge sued the Government for wrongful detention and assault and demanded \$14,500 (250 million shillings) in compensation; no action was taken on this case by year's end.

On February 13, PPU members reportedly arrested and detained for 2 days Lieutenant Bariba Kafara, Besigye's chief campaigner in Rukungiri, and allegedly beat several persons traveling with him.

On February 20, DMI security personnel arrested Rabwoni Okwir, youth M.P. and Besigye's National Youth Coordinator, at Entebbe airport, following his statement that he had been forced by top military officers to sign a document withdrawing his support for Besigye; he was released after 20 hours and alleged that he was beaten upon his arrest and later stripped naked at DMI headquarters (see Section 3). On February 27, Okwir left the country to live in self-imposed exile.

On February 28, UPDF soldiers in Tororo arrested and detained several Besigye supporters for participating in a demonstration against army torture; they were released without charge. The Besigye supporters alleged that soldiers commanded by Major Kakooza Mutale tortured them while they were in custody.

On March 20, police in Kampala detained Besigye and other supporters at Entebbe airport for 3 hours on pending charges of terrorism and sedition; they later were released without charge.

On April 17, Winnie Byanyima, M.P. for Mbarara Municipality and Besigye's wife, was arrested and charged with sedition after she accused the Government of training Rwandan Interahamwe soldiers. On September 2, security personnel, some of them believed to be from DMI, arrested Deus Bainomugisha, former Besigye campaign manager, at the home of Winnie Byanyima's brother in Kampala. On September 7, police released Bainomugisha on bail, pending an investigation. On September 10, police in Kampala again arrested and detained Winnie Byanyima after Bainomugisha disappeared. Byanyima had posted bail for Bainomugisha following his arrest on September 2. On September 12, a court in Kampala charged Byanyima with unlawful possession of a firearm and seven bullets; she later was released on bail, and the case was pending at year's end.

On November 16, Frank Byaruhanga, a former Besigye campaign manager who had been deported from Tanzania on allegations that he was recruiting rebels to overthrow the Government, and three others were arrested and remanded to Kigo Prison on treason charges on the same day. In December he petitioned the Magistrate's Court and the UHRC and alleged unfair treatment in prison. The petition was pending at year's end.

Arbitrary mass arrests, known as "panda gari," remained a problem. On July 7, more than 200 persons were arrested in Kasese, and on July 9 and 10, more than 250 persons were arrested in the Kampala area primarily for petty crimes and desertion from the army. Most were released after screening and those without papers were referred to district court; there were no reports of further action taken. On July 10, approximately 300 persons were arrested and detained for 11 hours during a joint operation conducted by mobile police and the UPDF in Masaka town, central Buganda. Many of those arrested during the mass arrests were believed to be petty criminals; however, 28 persons, allegedly members of the ADF, were believed to be involved in a series of urban bombings (see Section 1.c.). Many of the suspects detained on July 10 were released after screening, and the others were referred to the courts.

Unlike in the previous year, the rearrest of Muslim suspects following either their release on bail or acquittal did not occur. In June 2000, authorities released 28 of 68 members of the Buseruka Islamic Tabliq group who had been rearrested in 1999 after an acquittal on murder charges. Another 2 suspects were released in November 2000; however, the remaining 38 suspects maintained their innocence and chose to stand trial, rather than accept an offer of amnesty (see Section 2.c.). Their trial started in July, but on September 27, the hearings were suspended because one of the suspects was seriously ill and later died of natural causes while on remand. On November 21, the Kampala High Court acquitted of treason charges 22 of the 37 Buseruka Tabliq Muslims for lack of evidence; the remaining 15 Muslims' cases were pending at year's end.

The UPDF sometimes detained amnesty seekers, both adults and children, at Gulu military barracks in order to debrief former LRA soldiers or captives. Unlike in the previous year, there were no reports that the military detained and used the children to help find LRA landmines and arms caches (see Sections 5 and 6.c.).

There were fewer reports during the year that members of the LDU's arrested citizens.

At the beginning of the year, all charges against 11 Makerere University students who disrupted a referendum rally held by the President in 2000 were dropped (see Sections 1.c. and 2.b.).

In 2000 police arrested and later released Sam Lyomoki, General Secretary of the Uganda Medical Union, after he protested in front of State House (the President's residence) (see Section 6.a.).

In 2000 authorities arrested several religious leaders and church members for incidents including killings, defilement, rape, abduction, theft, and unlawful assembly; their cases were in various stages of prosecution at year's end.

In January 2000, more than 5,000 persons were arrested and detained for 24 hours during a joint operation conducted by mobile police and the UPDF in Gulu Municipality. UPDF deserters were transferred to the military justice system, and 30 youths without identification papers were transferred to the police for prosecution; there was no further information available at year's end.

On June 28, the UHRC Tribunal awarded approximately \$2,800 (5 million shillings) to S. Erau as compensation for having been detained for 18 days, tortured, and deprived of his property by the UPDF and police in 1999.

Pretrial detainees comprise nearly three-fourths of the prison population. The average time in pretrial detention is between 2 and 3 years. An estimated 14,000 of the approximately 20,000 persons being held in the central prisons and in the local government-run prisons are pretrial detainees. Congestion and delays in the legal system have resulted in an increasing number of detainees each year; however, due to a concerted effort to clear the backlog, the number of criminal cases pending before the High Court decreased from 1,500 in 1999 to 149 cases during the year. A census of the central prison population conducted in 1999 indicated that at least one-sixth of the inmates had been detained beyond constitutional limits. During the year, the UHRC heard several cases brought by prisoners challenging the length of their detention. For example, on April 26, the UPDF arrested 19-year-old Geoffrey Okello based on the allegation that he possessed a firearm illegally. He was detained at Koro barracks in Gulu and later transferred to UPDF headquarters in Gulu town. On July 16, the case was reported to the Gulu branch of the UHRC, and on September 12, he was released after an appeal to the UPDF commander.

The Constitution does not prohibit forced exile; however, the Government does not use exile as a means of political control. On August 18, Kizza Besigye fled the country; a number of persons on his National Task force, including Rabwoni Okwir, Deus Bainomugisha, Ann Mugisha, and James Opoka also allegedly left the country during the year at least partially as a result of government harassment. Okwir described his situation as self-imposed exile.

In January 2000, the President signed an amnesty law covering all current and former rebels (see Section 1.e.). Some former rebels returned to the country during the year to take advantage of the amnesty. Under the terms of the amnesty act, the Government released some persons convicted of treason and other suspects; however, by year's end, the Government made only limited progress in implementing provisions in the act related to the repatriation and resettlement of former rebels because of funding constraints.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the President has extensive legal powers that influence the exercise of this independence. The President nominates, for the approval of Parliament, members of the Judicial Service Commission, which makes recommendations on appointments to the High Court, the Court of Appeal, and the Supreme Court. The lower courts remained understaffed and weak.

The highest court is the Supreme Court, followed by (in descending order) the Court of Appeal (which also functions as the Constitutional Court for cases of first instance involving constitutional issues), the High Court, the Chief Magistrate's Court, and local council (LC) level 3 (sub-county) courts, LC level 2 (parish) courts, and LC level 1 (village) courts. A minimum of six justices may sit on the Supreme Court and the Court of Appeal or Constitutional Court. In addition there are a few specialized courts that deal with industrial and other matters. The Industrial Court (IC), which arbitrates labor disputes, structurally is parallel to the chief magistrate's court. There also is a military court system.

Although once considered a useful innovation, the LC courts often are thought to be sources of injustice due to such factors as bribery and male dominance in rural areas. The LC courts have authority to settle civil disputes, including land ownership and payment of debts, and criminal cases involving children. These courts, often the only ones available to villagers, frequently exceed their authority by hearing criminal cases, including murder and rape. LC court decisions may be appealed to magistrate's courts, but often there are no records made at the village level, and many defendants are not aware of their right to appeal.

The civilian judicial system contains procedural safeguards, including the granting of bail and the right of appeal to higher courts; however, an inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, have circumscribed the right to a fair trial for many years. The courts, like other branches of government, were impaired by a 4-year civil service hiring freeze, which was relaxed only somewhat in 1998. As a result, criminal cases may take 2 or more years to reach the courts. The case backlog in the High Court, which had increased every year since 1993, was eliminated largely by the end of 2000. Attorneys working in the Office of the Public Prosecutor can be assigned several new cases each day. Some courts continued to observe the constitutionally prescribed limits on pretrial detention, but that practice was not widespread. All nonmilitary trials are public.

Many defendants cannot afford legal representation. The Constitution requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there rarely is enough money to retain adequate counsel. The Uganda Law Society operates legal aid clinics in four regional offices, although its services remain limited due to funding. It assists military defendants as well as civilians. The local chapter of *Federacion Internacional de Abogadas/Uganda Women Lawyers Association (FIDA-U)* and the *FHRI* also practice public-interest law from offices in Kampala. In 1999 the Law Development Center established a legal aid clinic to address cases involving children and those accused of petty crimes. A public defense service also was established in 1999, but it did not receive any government funding; it relied solely on donor support.

The military court system does not assure the right to a fair trial. Although the accused has the right to retain legal counsel, military defense attorneys often are untrained and may be assigned by the military command, which also appoints the prosecutor and the adjudicating officer. The sentence passed by a military court, which can include the death penalty, may be appealed to the High Command but not to the High or Supreme Courts. A court-martial appeals process was established in 1997.

The Government continued to arrest and charge persons for treason, especially captured rebel fighters, in numbers greater than the judicial system could manage.

In the past, numerous human rights abuses were committed in connection with treason cases, including political detention, detention without charge, detention in unregistered and unofficial places of remand, and mistreatment, including torture. There were reports that at times such abuses continued during the year (see Section 1.d.). At year's end, prison officials put the number of those on remand on the charge of treason at 145, none of whom were children. Detainees included members of the Islamic Tabliq group suspected of supporting ADF rebels; some of whom refused amnesty under an amnesty act signed by the President in January 2000 and remained in detention (see Section 1.d.).

In January 2000, the President signed an Amnesty Law, which covers all persons involved in insurgencies since the Government came into power in 1986. The Amnesty Law has been extended three times for 6-month periods, most recently until June and was expected to be extended again. An Amnesty Commission was established and its members were appointed in June 2000. Since the establishment of the Commission, 1,751 former rebels or collaborators accepted amnesty, of whom 123 had been in prison on charges of treason. During the year, the Government released 123 treason convicts and terrorist suspects under the terms of the law. In addition approximately 1,000 former rebels from the LRA, UNRF-II, and ADF had reported to district authorities or surrendered to UPDF forces and were resettled without passing through the Commission or formally being given amnesty. This figure may include a number of formerly abducted children in the Acholi districts who were not actually rebels (see Section 1.b.). At year's end, the Government was negotiating with a group of approximately 1,200 UNRF-II rebels based in southern Sudan, some of whom had indicated they will return under the amnesty program.

During the year, the President pardoned approximately 900 detainees awaiting trial on various offences, including one prisoner on death row.

There was one political prisoner. Bright Gabula Africa, whose death sentence for treason (plotting an armed coup) was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body that recommends whether presidential clemency powers should be exercised in a given case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, which the Government generally observes; however, there were some exceptions. The law requires that police have search warrants before entering private homes or offices, and the police generally observed this law in practice. There were fewer reports during the year that LDU's arrested citizens without authority. During the presidential and parliamentary campaigns, there were credible reports that security officials searched homes and offices without warrants. The police also sometimes searched vehicles without prior warrants. Prison officials routinely censored prisoners' mail.

Hundreds of thousands of persons remained displaced internally as a result of rebel activity and raids by armed Karamojong raiders (see Section 2.d.).

The Government required that employees in the President's office register their political affiliation in writing (see Section 3).

In March the law was updated to permit female members of the police force to marry without the permission of the police Inspector General.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, and the Government generally respected these rights; however, there were instances in which the Government infringed on these rights. Police at times harassed journalists by holding them at police stations for several hours of questioning.

The media generally are free and outspoken, and there are many privately owned publications and broadcasters. The New Vision is a government-owned daily newspaper with a circulation of 35,000, with up to 10 readers sharing each copy, which is of fairly high quality and sometimes included reporting critical of the Government. The independent Monitor newspaper, with a daily circulation of 22,000, consistently was critical of the Government. The Monitor's circulation rose significantly during the year, particularly prior to the March presidential election, and following Okwir and Besigye's departure from the country (see Sections 1.d. and 3). The East African, a Nairobi, Kenya-based weekly publication that provides extensive reporting on the country, continued to circulate without government hindrance.

A print media law and a broadcast media law require journalists to be licensed and to meet certain standards, such as holding a university degree in journalism or the equivalent. The law also provides for a Media Council that can suspend newspapers and deny access to state information; the Media Council was staffed but not

operational during the year. Government officials have not enforced either of the laws in recent years.

There were reports that security forces singled out and ejected journalists who were based outside of Kampala, particularly those working for the independent media, from open meetings and press conferences and harassed and illegally detained them. During the year, there were reports of this occurring in Soroti and Gulu.

Government ministers increasingly have spoken publicly against obscenity and for "press responsibility." On October 2, the editor and four staff members of the Red Pepper, a weekly newspaper that began publication during the year, were arrested, and on October 3, three persons, including the editor, were charged with trafficking in obscenity. The charges followed the paper's publication of photos of secondary school students engaging in sexual behavior at a party in a public park. On October 19, Arinaitwe Ruyendo, the Deputy Editor of the Red Pepper, and his photographer Amon Turyamubona were arrested and charged with four counts of trafficking in obscene publications with intent to corrupt public morals. They were released on bail of approximately \$143 (250,000 shillings), and their trial was pending at year's end. On December 14, the newspaper's editor was arrested again on new charges of publishing more obscene material; he was released and a hearing was scheduled for January 2002. The paper continued to publish at year's end.

In December 2000, the Government temporarily banned the regular opinion columns of four journalists with the New Vision newspaper due to past commentary critical of the Government; they allegedly were told to stop writing until after the presidential campaign. The columns of three of the journalists were reinstated 3 weeks later; the fourth journalist transferred to another paper. All four continued writing; however, they temporarily practiced some self-censorship.

Three editors of The Monitor newspaper were arrested in 1999 and charged with sedition and publication of false news in connection with a case in which a woman, Kandida Lakony, claimed to have been abused by the UPDF. The editors were released shortly after their arrests; however, they were required to appear in court numerous times during a prolonged trial period. The case was dismissed on March 6.

The Government controlled Radio Uganda, the only national radio station, and one television station (UTV), whose reporting was not as independent as that of the New Vision newspaper. Radio Uganda's number of listeners has decreased as new stations have begun broadcasting. At year's end, there were at least 40 radio stations, mostly private, operating throughout the country. The Monitor Group Ltd. expanded its services and introduced Kampala's first all-talk and issues-oriented FM radio station. There were four local private television stations and more than a dozen private television stations available via satellite. The number of independent media broadcast sources increased during the year. Several independent media outlets in Kampala broadcast daily or weekly political talk shows, in several languages, which often were very critical of the Government and individual officials, including the President. High-ranking officials often participated in these programs and debated issues with political opponents, particularly during the 2 months prior to the March presidential election (see Section 3). There was no censorship of these programs; however, there were reports that local government officials or politically connected business leaders interfered with programming on local radio stations in the smaller towns.

Radio and television coverage by state-owned media of the March presidential and June parliamentary elections favored Movement activities. Radio Uganda did not provide balanced reporting or equal airtime to candidates. In the independent media and the New Vision newspaper, there was a fairly balanced level of coverage of the President and his leading opponent Besigye, with less coverage of the other candidates. However, overall activities by opposition parties and efforts to promote opposition candidates received less coverage in the media (see Section 3). The Ugandan Election Monitoring NGO Group (NEMGROUP) reported that the Voice of Teso, a small station based in Soroti, and Hoima Radio denied airtime to competing candidates as a matter of policy.

Uncensored Internet access was available widely in major cities through several commercial service providers; however, it continued to be beyond the reach of most noninstitutional users, despite declining costs as competition increased. There were more than a dozen cyber cafes in Kampala and other cities, and several NGO's offer Internet access.

The Government does not restrict academic freedom, and there are two public and more than nine private universities. Students and faculty have sponsored wide-ranging political debates in open forums. During the year, police dispersed at least one student demonstration that had become violent (see Section 2.b.).

Political education and military science courses known as “Chaka Mchaka” continued during the year, although they were suspended during elections; the courses are not mandatory. Although the Government announced plans to hold such courses for M.P.’s, at year’s end, the Government had not held these courses. These courses are criticized as indoctrination in Movement political philosophy. Unlike in the previous year, there were no reports that the techniques used in some of the courses included intimidation and physical and mental abuse or that some instructors demanded payment for the courses. In addition there were no reports that persons were coerced to take them.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for some degree of freedom of assembly for nonpolitical groups; however, the Government restricts this right in practice. The Constitution bans political parties from holding national conventions, issuing platforms, endorsing candidates, or opening branch offices outside the capital, and on several occasions, police disrupted or intervened and dispersed opposition demonstrations and other events. The Constitution also forbids other activities that would interfere with the Movement system, an elastic provision that the Government, in the past, has interpreted to the detriment of political groups’ interests. Permits are not required; however, groups are required to notify the police prior to public gatherings. Police denied permission to hold public rallies to several non-Movement groups during the year; however, in practice many groups held rallies and large gatherings prior to and following the presidential and parliamentary elections, only some of which were declared illegal or disrupted by authorities (see Section 3). For example, on December 26, seven multiparty M.P.’s addressed a large public rally on the ban on political parties in Kampala, and authorities did not interfere. On September 14, the Ministry of Gender, Labor, and Social Affairs banned all meetings and elections within the labor movement until further notice (see Section 6.a.).

There were credible reports from opposition candidates that security personnel, including UPDF soldiers, intimidated them and disrupted their rallies and that local government officials deliberately obstructed opposition political events. On January 18, police in the southwestern town of Kabale blocked Rabwoni Okwir from addressing a rally, allegedly because the organizers had not sought permission from security personnel in the area (see Section 1.d.). Okwir also was blocked from addressing rallies in Kikinzi county in Kanungu district in the southwest. On February 28, UPDF soldiers in Tororo, in the east, arrested several supporters of presidential candidate Besigye for participating in a demonstration in which they protested against army torture (see Section 1.d.).

In February riot police in Kampala forcibly dispersed a student demonstration to protest lax campus security following the February 2 death of student Alex Adiga at a Kampala university, after clashes in which students pelted them with stones and set fire to street barricades.

There were reports that in Soroti and Gulu, journalists working for the independent media were singled out and ejected from open meetings and press conferences (see Section 2.a.).

Unlike in the previous year, there were no reports that local officials dispersed meetings of religious groups (see Section 2.c.).

During the year, all charges were dropped against 11 Makerere students who were arrested after the group disrupted a referendum rally held by the President in June 2000 (see Sections 1.c.).

No action reportedly was taken against the members of the police who forcibly dispersed demonstrations in September and March 2000.

The Constitution provides for freedom of association; however, the Government restricts this right in practice. NGO’s are required to register with the Nongovernmental Organizations Board, which includes representation from the Ministry of Internal Affairs as well as other ministries. The Government approved most NGO registrations.

New legislation that would regulate political party activities was not enacted by year’s end. In April the Parliament passed the Political Organizations Bill; however, the President vetoed it because the law contained provisions that would allow political parties to operate at the district level. The President returned the bill to Parliament for amendment; and it was under review in the Legal and Parliamentary Affairs Committee at year’s end.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, in the past the Government forcibly disbanded several religious groups. There is no state religion.

Religious groups and foreign missionaries, like other nongovernmental organizations, must register with the Government. The Government continued to refuse to grant registration to the World Last Message Warning Church, due to its leader’s

pending criminal charges and continuing suspicions following the 2000 cult killings of more than 1,000 citizens (see Section 1.d.). There were no reports that the Government refused to grant registration to any other religious organizations.

Permits were necessary for the construction of facilities, including religious facilities. There were no reports that the Government refused to grant such permits to any religious organization. Mosques operated freely, Koranic schools were common, and Muslims occupied positions of authority in local and central government; however, some Muslim leaders claim that the number of positions did not reflect their percentage of the population. Prisoners were given the opportunity to pray on the day appropriate to their faith. Muslim prisoners usually were released from work duties during the month of Ramadan.

Unlike in the previous year, there were no reports that security officials harassed or detained Muslims, and there were no reports of the rearrest of Muslim suspects following either their release on bail or acquittal; 38 members of the Islamic Tabliq group remained in detention after they chose to stand trial (see Section 1.e.).

Unlike in the previous year, there were no reports that local authorities forcibly dispersed meetings or services of religious groups. Several churches that had been closed down by police or local authorities were not reopened by year's end. In April 2000, following allegations that the church allowed youths to engage in sexual relationships, the deputy RDC closed the Revival Pentecostal Church in Nseko village, Kasangati; in mid-April 2000, police in Kasese district banned the activities of a church group based in Hima public school, Busongora. In May 2000, the Bushenyi RDC ordered the closure of the Church of the Servants of the Eucharistic Hearts of Jesus and Mary, which allegedly was operating in the guise of a vocational school. These groups remained disbanded at year's end.

Following the March 2000 killings of more than 500 Movement for the Restoration of the Ten Commandments of God followers and the discovery of mass graves of approximately 500 other persons on properties in Kanungu belonging to the group, the Government launched investigations of numerous religious groups. Three groups were disbanded forcibly, and one religious leader was arrested (see Section 1.d.). On December 20, police arrested 93 members of the Ndawula group, including their leader John Musoke Ssemanda, in Wakiso district, central Buganda, allegedly to prevent a repeat of the March 2000 killing of 1,000 citizens. On December 21, Ssemanda, two priests, and a priestess were charged with managing an unlawful society. Police released 88 of the followers after clearing them of criminal liability; the other 5 still were in detention at year's end. There were no developments in the case of Rukungiri Assistant Resident District Commissioner (ARDC) Reverend Francis Mutazindwa who was arrested in March 2000 for failing to act on information about the activities of the Kanungu cult while he was ARDC; he was released on bail in 2000. In December 2000, the Government appointed a commission of inquiry to investigate the Kanungu killings and the operation of other religious-based NGO's; however, due to the Ministry of Internal Affairs' lack of funds, the Commission's investigation has been delayed.

In 2000 police in Rukungiri district arrested Innocent Bitungwabariho, a leader of the Jesus Christ the King of Salvation church. Bitungwabariho allegedly confined his family to their house for 5 years in order to prevent them from being exposed to sin. In August 2000, he appeared before court in Rukungiri district on charges of participating in an unlawful assembly, being idle and disorderly, and child neglect under section 15, sub-section (I) of the Penal Code Act. Bitungwabariho remained in detention, and his case was ongoing at year's end.

In July 2000, Wilson Bushara, leader of the World Last Message Warning Church, and 17 of his followers were arrested and charged with defilement, rape, abduction, and theft. The group reportedly defiled and raped a 15-year-old girl between August and September 1999. In November 2000, the Director of Public Prosecutions ordered that Bushara and his followers be transferred from the Buganda Magistrates' Court to Luweero where the offenses allegedly were committed. On May 13, the Kampala High Court dismissed the charge of defilement against Bushara due to lack of evidence; however, the other charges and cases against his followers were pending before the Luweero district Magistrates' Court at year's end.

There were no developments in the following 2000 cases: the May case of five members of the Kisaaba Redeemed Church in Kayunga, Mukono district; and the May case of five members of the Mulungimu Full Gospel Church in Luweero.

There were no developments in the case of Nabi Besweri Kiswabuli, the apostle of the Issa Massiya religious group in Iganga district, who in 2000 was charged with assaulting and injuring Daniel Tsubira, a former follower, in 1999. The case was pending at year's end.

Complaints by Muslim groups of government bias lessened during the year; however, the backlash from the death of more than 1,000 citizens at the hands of a reli-

gious cult in 2000 resulted in negative public attitudes towards fringe Christian groups and the Government's forcible disbanding of some groups.

Some local governments have restricted the hours of operations of religious organizations that are viewed as cults, for example, prohibiting nighttime prayer meetings. The Government largely has ignored calls for these churches to be shut down and their followers returned to mainstream churches.

Unlike in previous years, there were no reports that the UPDF targeted Catholic clergy in the DRC.

On November 24, unknown persons killed one foreign Catholic priest and two other foreign persons (see Section 1.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice, although there were some limits. Some local officials reportedly demanded payment of fees for permission to change a place of residence. A married woman must obtain her husband's written permission on her passport application if children are traveling on her passport (see Section 5).

During the year, the DMI twice imposed travel restrictions on former presidential candidate Kizza Besigye; on March 17, Besigye was stopped from boarding a plane to South Africa, and again on May 25, he was prevented from traveling to Nairobi, Kenya. He petitioned the UHRC Tribunal against the Government for wrongful restriction of movement; the case was pending at year's end. On June 30, state agents reportedly temporarily blocked Besigye while he was traveling to Mbarara to attend a victory party of his wife, Mbarara Municipality M.P. Winnie Byanyima. The Government also detained Besigye several times during the year, and in August he fled the country (see Section 1.d.).

Attacks by LRA terrorists and armed Karamojong raiders caused many Acholis and Iteso to leave their homes for urban centers, displaced person camps, and villages guarded by the UPDF and LDU's. Although the armed Karamojong raiders did not attack the Acholi during the year, increased incursions by the Karamojong raiders to raid cattle and food had led to the displacement of approximately 81,000 persons, particularly in Katakwi district. It was estimated that approximately half of Katakwi and Gulu district populations were in displacement camps or protected villages due to such attacks. At year's end, there were 559,721 IDP's as a result of violence in the north, west, and northeast according to the U.N. Office of the Coordinator for Humanitarian Affairs.

There were no laws that provide for the granting of refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government does grant such status in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. As it has done repeatedly in past years, the Government continued to provide first asylum as well as land for temporary resettlement to citizens from neighboring countries and extended this practice to significant numbers of refugees during the year. More than 85 percent of the approximately 180,000 refugees in the country are from southern Sudan; there also are refugees from the DRC, Rwanda, and Burundi.

In the north, government forces continued their policy of maintaining so-called protected villages with UPDF detachments nearby as a means of protecting civilians and denying support to the LRA. Although substantial NGO and donor community assistance has improved the overall conditions in the villages, conditions still remain poor. The Government failed to provide adequate security to the protected villages or camps for IDP's, which were the targets of large-scale rebel attacks (see Section 1.a.).

A Refugee Law Project Report released in June quoted testimonies of refugees and NGO workers regarding the continued pressure to join the Sudanese People's Liberation Army (SPLA). The report referred to accounts of the latest recruitment drive of 1999 in which the SPLA, with the assistance of the UPDF, rounded up males from Keyo, Olua, Mirieyi, and Adjumani town who did not have refugee documents.

During the year, there were reports of the forced return of persons to a country where they feared persecution. In June the Government handed over to the Rwanda authorities three suspected Rwandan rebels. In addition on September 4, 13 Rwandan rebels were handed over to Rwandan officials at Katuna border post in the southern part of the country.

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

Movement domination of the Government and the political process and some restrictive constitutional provisions limited citizens' effective exercise of the right to

change their government. Universal suffrage is accorded to adults 18 years of age and older. The Constitution does not provide the right to vote to prisoners, and prisoners were not permitted to vote in the elections during the year. The President dominated the Government, and Movement supporters remained in control of the Parliament; the independence and assertiveness of legislators decreased significantly prior to the June parliamentary elections. The March presidential and June parliamentary elections generally reflected the will of the population; however, there were numerous instances of election-related intimidation, violence, and electoral irregularities, including restrictions on political party activities, which led to a flawed election process.

The Government maintained, at government expense, the Movement Secretariat, an organization that roughly parallels government institutions and is limited to those professing support for the Movement. Political education and military science courses known as Chaka Mchaka continued during the year; the courses were not mandatory (see Section 2.a.). The Government prohibited some non-Movement political gatherings, required that employees in the President's office register their political affiliation in writing, and broke up numerous political meetings not sanctioned by the Movement (see Sections 1.f. and 2.b.). The June 2000 referendum on the role of political parties resulted in the indefinite extension of the Movement form of government and the indefinite continuation of these restrictions on political parties (see Section 2.b.). The referendum process was flawed by restrictions on political party activities and unequal funding. In April the Parliament passed the Political Organizations Bill; however, the President vetoed it because of provisions that would allow political parties to operate at the district level (see Section 2.b.).

In November 2000, the Parliament passed the Presidential Elections Bill, which governs the presidential election process; in December 2000, the President signed the law. The law permits election campaigns to commence after the Electoral Commission (EC) has approved a candidate's nomination. On January 8 and 9, the presidential nominations were held. Under the Local Government Act and the Electoral law, Parliament must approve funding for each electoral exercise. When the legislation is passed, it is submitted to the Ministry of Finance for allocation. The Government's failure to provide timely legislation for the presidential, parliamentary, and local elections impacted adversely on the exercise, and caused the EC funding to be delayed considerably and money for electoral materials to arrive late.

On March 12, six candidates competed in the presidential elections, including President Museveni and Kizza Besigye. President Museveni was reelected with 69.3 percent of the total votes cast, with 27.3 percent of the votes cast for Besigye. The four other candidates received less than 4 percent of the vote. On March 23, Besigye filed a petition with the Supreme Court challenging the results of the election; however, on April 21, the Court ruled 3-2 against Besigye, stating that he had failed to prove that the election was so flawed that a new election was required. The Court found that the EC was at fault for its handling of the election. On May 12, three EC officials were arrested and charged with abuse of office and neglect of duty for printing excess cards for the purpose of allegedly rigging the presidential election; on July 31, the charges were dropped. Besigye was detained or called in for questioning following the presidential and June parliamentary elections; he fled the country in August (see Sections 1.d. and 2.d.).

The presidential election generally reflected the will of the population; however, there were many complaints of irregularities prior to and on election day, which led to a flawed election process. These irregularities included: insufficient time for voter registration, allegations of vote-buying, unauthorized persons tampering with voter rolls, double voting, persons' names being crossed off the voter list before they voted, and votes being given to President Museveni before the votes were cast. For example, in Gulu there were reports that UPDF soldiers were able to vote even if their voter card number did not match their registration number; civilians were not allowed to vote if their numbers did not match. There also were reports that soldiers intimidated voters (see Section 1.c.). Although there were allegations that the voter register contained many illegal names, the percentage of all registered voters accounted for only 70.3 percent of the eligible voter poll.

Several civil and religious organizations prohibited their members from campaigning for candidates during the presidential elections. There were reports that UPDF officers campaigned, and a UPDF officer reportedly was arrested and another went into hiding to avoid arrest for violating army rules against campaigning. The Inspector General of Police restricted presidential candidates and their agents from conducting campaigns in police barracks and cautioned police against wearing T-shirts of candidates, carrying out campaigns, and putting up of posters. The Anglican Church directed its clergy to stop campaigning in churches and not to display candidates' posters.

Army commander Major General Jeje Odongo was appointed head of the country's internal security (in limited "Security Zones of Specified Interest") during the election period. There were numerous reports of election-related violence and intimidation by both the Government and the opposition prior to and on election day (see Sections 1.a. and 1.c.). Police and UPDF forces also harassed and detained opposition politicians and supporters (see Section 1.d.).

The Constitution requires elections through electoral colleges for the 81 special interest group seats reserved for women (56), organized labor (5), persons with disabilities (5), youth (5), and the army (10); however, the UPDF High Command, chaired by President Museveni, elected the 10 army representatives. Salim Saleh, Museveni's brother, was elected in the army election. The number of seats for women increased from 38 to 56 and from 3 to 5 for organized labor in the June elections. In 2000 the Parliamentary Elections Statute was amended to increase the number of worker representatives from three to five, the same as all of the other special interest groups. On June 18–22, the elections were held for these seats; there were allegations of vote rigging and vote buying in some of the elections.

On June 26, elections were held for the 214 directly elected parliamentary seats. There was an increase in the number of M.P.'s following the implementation of a law that increased by 12 the number of districts. Although there were numerous instances of election-related intimidation and violence (see Sections 1.c. and 1.d.), observers stated that the elections generally reflected the will of the population. Despite active campaigning by President Museveni and influential members of the Movement, many important Movement M.P.'s lost their seats in the elections; however, a number of them lost to other Movement candidates, which suggested that their defeats were due to local concerns rather than political affiliation. The number of opposition M.P.'s increased to 35 from 12, including 9 UPC (former President Milton Obote's party) M.P.'s and at least 6 M.P.'s from the Democratic Party (DP). Others are affiliated loosely with the DP, and the affiliations of several other M.P.'s are unclear. On June 30, President Museveni stated in a press conference that the Movement had grown stronger in this latest round of elections. He counted 230 M.P.'s in the Movement ranks, giving it a clear majority; however, a number of moderate Movement M.P.'s, including some M.P.'s who were at the forefront of the fight against corruption in the Sixth Parliament, kept their seats in spite of Museveni's active campaigning for their opponents.

Prior to the both sets of June parliamentary elections, the President threatened to campaign against opposition candidates, including Movementists, and such threats increased immediately prior to the election days. During the week of June 11, while addressing an FM radio audience, Museveni accused Winnie Babihuga, incumbent Rukungiri women's M.P. and Besigye supporter, of engaging in election malfeasance, suggesting that she and others could be arrested; Babihuga was not reelected. Museveni appeared at rallies supporting his favored candidates and used the occasion to criticize their opponents.

Election results in several districts were challenged and resulted in recounts. The most notable occurred in Mbarara Municipality. M.P. Winnie Byanyima defeated her opponent Mbarara RDC Ngoma Ngime despite strong support for Ngime by President Museveni and other Movement officials. Ngime challenged the results in the Mbarara Chief Magistrate's court, and on July 4, the Chief Magistrate ordered a recount of Byanyima's votes. During the initial recount, several of the ballot boxes were discovered not to be sealed properly, and the number of ballots in the boxes did not match the official tally sheet within each box. Byanyima petitioned the Mbarara High Court to stay the recount. On July 6, the recount was stayed. Ngime and presidential advisor Fox Odoi requested that the Principal Justice of the Supreme Court intervene; however, the Justice stated that he did not have jurisdiction. On July 17, the High Court ruled in favor of Byanyima and ordered the recount stayed indefinitely. In November Ngime filed an appeal, which was ongoing at year's end.

In the Igara East district in the west, M.P. candidate Spencer Patrick Turwomwe challenged the result of the June 26 election and alleged that his opponent Richard Nduhuura voted twice. On September 18, the High Court annulled the results of the election, and Nduhuura lost his seat after he was found guilty of voting twice. On November 17, a by-election was held; Nduhuura won in what observers viewed to be a generally free and fair election.

Newspaper, radio, and television coverage, in particular coverage by state-owned media of the March presidential and June parliamentary elections favored Movement activities. Efforts to promote activities by opposition candidates received less coverage in the media than the President (see Section 2.a.).

The law sets educational requirements for candidates for public office. Although these requirements are not new, candidates in the March and June elections were

required to prove that they met the requirements. Several candidates were disqualified because of false papers, and at least one M.P. resigned his position because it was discovered that he had forged education papers.

During the year, the Constitutional Review Commission (CRC) began soliciting the public's opinion and holding public hearings on amending the 1995 Constitution. The CRC was set up to examine the constitutional provisions relating to sovereignty, political systems, democracy, and good governance; however, it did not receive sufficient funding to carry out its mandate.

The percentage of women in government and politics does not correspond to their percentage of the population; however, they play an influential role in national affairs. The Government used quotas in an aggressive effort to place women in positions of authority. Women continued to make strong contributions in Parliament and inside the Movement. The Vice President is a woman, as are 4 ministers and 12 junior ministers in the President's 66-member Cabinet. One woman serves as Deputy Chief Justice of the Supreme Court, and another woman heads the CID. On November 1, four female members were elected to represent the country on the East African Community (EAC) legislative Assembly. Elections for special interest group seats reserved for women in Parliament were held in the 12 new districts created during the year, and women won 12 additional nonreserved seats for the 295-member Parliament in the June election; as a result, there are 78 female M.P.'s in the Seventh Parliament.

The percentage of minorities in government and politics does not correspond to their percentage of the population (see Section 5). The first M.P. of Asian ethnicity was elected for one of the reserved youth seats in Parliament in June; however, he resigned after it was discovered that he had forged his secondary school diploma.

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

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views. Active domestic groups include the FHRI; FIDA-U; Human Rights Focus, based in the northern town of Gulu; the National Association of Women's Organizations of Uganda (NAWOU), an umbrella group; the International Federation of Human Rights; and the Human Rights and Peace Center, based at Makerere University. The Prisoners' Aid Foundation monitors prison conditions, and the National Organization for Civic Education and Election Monitoring deals with problems related to civil society and political rights. HURINET, a Human Rights Network and an umbrella organization for nine human rights organizations in the country, also continued to be active. The local NGO Uganda Debt Network has been active in trying to address corruption. Government officials frequently attended conferences and seminars hosted by NGO's on social problems. The Government continued to cooperate with NGO's on legal and prison reforms.

The Government allowed visits by international human rights NGO's, including Amnesty International, the ICRC, and the UNHCR. However, since May the ICRC suspended all field activities in the country and in northeastern DRC, following the killings of six ICRC workers (see Section 1.a.). ICRC has maintained only local staff at branches in Kasese, Bundibugyo, Fort-Portal, Gulu, Kitgum, and eastern DRC, until the situation normalizes. ICRC also has suspended visits to military detention facilities (see Section 1.a.).

The Constitution established the UHRC as a permanent independent body with quasi-judicial powers. Under the Constitution, the UHRC may subpoena information and order the release of detainees and the payment of compensation for abuses. The UHRC continued to pursue suspected human rights abusers, including high-level officials in the Government and military, and expanded its operations by opening a second branch office in Soroti district in September 2000. The UHRC Human Rights Tribunal continued to function, and the headquarters received 759 complaints during the year, including some against senior government leaders and military and police officials; the Soroti office received 369 complaints and the Gulu office received 278. Of the 752 complaints received at headquarters: 434 were pending investigations; 159 investigations were completed and were waiting for judgments; 112 were referred to other bodies; 23 were resolved through mediation; 13 were dismissed as outside the mandate of the office; 8 were determined not to be human rights cases; 7 complainants lost interest; and 3 were time barred. Of the 369 complaints received at the Soroti office: 136 were pending investigations; 108 were referred to other bodies; 77 were resolved through mediation; 35 were dismissed as outside the mandate of the office; and 13 were determined not to be human rights cases. Of the 278 complaints received at the Gulu office: 135 were pending investigation; 67 were dis-

missed as outside the mandate of the office; 36 were referred to other bodies, 26 were resolved by mediation; and 14 were under mediation.

The UHRC does not have the power to intervene in cases pending before a court. The UHRC inspected numerous detention facilities and publicly reported on its findings; in December 2000, the UHRC released its 1999 report. The report cited abuses by security organs and condemned police corruption and inefficiency; it noted instances of denial of the right to assembly, and criticized involvement in the DRP. The President appoints the UHRC's eight-member board.

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

The Constitution prohibits discrimination based on these factors; however, the Government does not enforce the law effectively in matters of locally or culturally accepted discrimination against women, children, persons with disabilities, or certain ethnic groups. Race was not a factor in national politics. The continued instability in the north led to violations of the rights of some Acholi, an ethnic group that comprises a significant part of the population. Most violations of Acholi rights resulted from LRA actions.

Women.—Domestic violence against women, including rape, remained common. According to U.N. statistics, 31 percent of women have experienced domestic violence. There were no laws that specifically protect women from battery or spousal rape, although there is a general law concerning assault. Law enforcement officials, reflecting general public opinion, continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file assault charges against their husbands. These problems continued to receive increasing public attention. Numerous women's rights NGO's sponsored conferences, empowerment sessions, and training programs throughout the country. The Domestic Relations Bill was not passed during the year; however, it was expected to be reintroduced in the next session of Parliament. During the presidential elections, a hotline was set up for women to call the UPDF to seek redress if their husbands threatened violence against them for exercising their right to choose a candidate.

Some men of the Karamojong ethnic group in the northeastern section of the country continued their cultural practice of claiming unmarried women as wives by raping them. Between February and July 2000, Karamojong warriors raped approximately 20 women during raids on neighboring districts in the northeast. An undetermined number of women were victims of abduction and rape by rebel forces (see Section 1.c.). Police and court records indicate reports of defilement (statutory rape) are increasing. According to the Commissioner General of Prisons, 4,000 (38 percent) of all capital cases during the year were defilement cases; the Kasese district Education department recorded 360 defilement cases and Bushenyi department recorded 120 cases during the year.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by the Sabiny tribe, located in the highly rural Kapchorwa district in the east, and by the Pokot tribe (also known as the Upe), which spans the remote northeastern border with Kenya. There are approximately 10,000 Sabiny and approximately 20,000 Upe who live in the country. Among the Sabiny, initiation ceremonies involving FGM are carried out every 2 years. In December 2000, there were reports that approximately 121 Pokot girls and 621 Sabiny women and girls were subjected to FGM when the last ceremony was held. An international human rights NGO offered cattle, goats, and money for scholarships to Sabiny parents who did not allow their daughters to be circumcised during the 2000 ceremony. There is no law against the practice, but the Government and women's groups working with the U.N. Population Fund continued to carry out programs to combat the practice through education. These programs have received strong government support and some support from local leaders. The programs emphasize close cooperation with traditional authority figures and peer counseling. Significant press attention to these ongoing efforts brought public attention to the problem throughout the year.

Although prostitution is illegal, it is known to exist; however, there are no credible statistics available on the incidence.

There were reports of trafficking in persons, primarily children, during the year (see Section 6.f.).

Traditional and widespread societal discrimination against women continued, especially in rural areas, despite constitutional provisions to the contrary. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In most areas, women may not own or inherit property, nor retain custody of their children under local customary law. Divorce law requires women

wanting to prove adultery to meet stricter evidentiary standards than are required for men. Polygyny is legal under both customary and Islamic law, and a wife has no legal status to prevent her husband from marrying another woman. In some ethnic groups, men also may “inherit” the widows of their deceased brothers. Women do most of the agricultural work but own only 7 percent of the agricultural land. There are limits on a married woman’s ability to travel abroad with her children (see Section 2.d.).

Female members of the police force no longer are required to obtain permission from the police Inspector General before marrying (see Section 1.f.).

There are active women’s rights groups, including FIDA, Action for Development, the National Association of Women Judges (NAWJ), Akina Mama Wa Afrika, the Forum for Women in Democracy, and NAWOU, which promote greater awareness of the rights of women and children. Women as Partners for Peace-Uganda sponsored a forum to discuss democracy and conflict resolution. FIDA continued with its program on proposed reforms of outdated and discriminatory laws. On December 22, in the eastern district of Tororo, a referendum was held to reform the 1964 bride-price by-law. The revised law would make the bride price a nonrefundable gift to the parents of the bride and was expected to lessen domestic violence when either party seeks divorce. Approximately 60 percent voted in favor of the referendum.

Children.—In previous years, the Government devoted only limited funds to children’s welfare; however, education received the largest percentage of the budget. The Government demonstrated a commitment to improving children’s welfare, particularly through its continuation of the Universal Primary Education (UPE) program. The program provides free education through the seventh grade for a maximum of four children per family, two girls and two boys; however, education is not compulsory. Key components of the UPE program include eliminating compulsory uniform requirements, providing free textbooks, eliminating fees imposed by schools, and the payment of Primary Leaving Examination (PLE) fees by the Government. Although some provisions had not yet been implemented fully by year’s end, the UPE had increased funding for education, provided additional skills training for teachers, and reduced the textbook to student ratio. Strained finances, instability in some areas, infrastructure problems, and inadequate teacher training have prevented full implementation. Although the UPE program makes education more accessible financially, parents still must pay for school supplies and some school costs. According to official statistics, there is a 95 percent enrollment rate; however, this figure widely is believed to be inflated as a result of both school dropouts and a tendency of some schools to inflate attendance figures for funding purposes. Recent statistics indicate a decline from 84 percent in 1997 to 76.5 percent in 2000; however, since the implementation of UPE, primary school enrollment has increased from 2.9 million in 1996 to 6.8 million in 2000.

Girls and boys theoretically have equal access to education, and lower grades are divided almost evenly by sex; however, the proportion of girls in higher school grades remains low since families traditionally have favored boys when making financially related educational decisions. Boys also are more likely to finish primary school and perform better on the PLE. The Government continued several programs to promote a national plan for the education of girls; only 54 percent of adult women are literate compared with 74 percent of adult men. Parents’ inability to afford schooling has correlated highly with the occurrence of child labor in rural areas (see Section 6.d.).

The Government has not yet implemented effectively the 1996 Children’s Statute, which outlines broad protections for children. Government efforts to enforce the statute’s provisions were hampered by the large proportion of the population that is below 18 (50 percent of the country’s population is under 15), manpower and fiscal constraints on the judiciary, and cultural norms. The law stipulates parents’ responsibilities and provides extensive protection for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. It also includes provisions on the rights of the child, including a provision that a child shall not be made to work or take part in any activity, whether for pay or not, that is likely to injure the child’s health, education, or mental, physical, or moral development; however, the Government has been unable to enforce prohibitions on child labor, particularly in the informal sector (see Section 6.d.). The Children’s Statute also requires children with disabilities to be treated and given necessary special facilities—a provision hampered in execution by inadequate funding.

Child abuse remained a serious problem, particularly the rape of young girls or defilement. Only a small fraction of these incidents is reported, especially when the perpetrator is a family member, neighbor, or teacher—as often is the case. In 2000 there were 4,209 reported cases of defilement, an increase from 2,637 in 1999; 2,410

of the cases were investigated, and 2,317 arrests resulted from such investigations. Increasing numbers of accusations reached the courts, although neither conviction nor punishment was common. Cases frequently were reported in newspapers, but a payment to the girl's parents often ended the matter. Despite these obstacles, an increasing number of cases were prosecuted. While defilement carries a maximum sentence of death, that punishment never has been meted out to a convicted rapist. Defilement applies to all cases of sexual contact outside of marriage involving girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The marriage of young girls by parental arrangement is common, especially in rural areas.

Most schools use corporal punishment, although in 1997 the Government banned the beating of secondary school students. There were no developments in the June 1999 case of Peter Masanja, who died after a beating by the Kakungulu Memorial Islamic Institute's director, Hamidullah Llukwago.

FGM is performed on girls in the Sabinu and Pokot tribes (see Section 5, Women). Estimates placed the number of orphaned children (children missing either parent are considered orphans) at up to 1.7 million. This large number of orphans resulted from previous civil wars, the internal displacement of persons, and HIV/AIDS.

There were fewer allegations of ritual killings of children, and there were no confirmed reports of such killings. In April 14, police in Kigunga village in Goma sub-county, in the eastern town of Mukono, arrested three traditional healers for allegedly kidnaping and trying to sacrifice a 13-year-old boy. The suspects appeared in court and subsequently were remanded to Luzira prison. There were no reports of developments in the case by year's end. In December police in the eastern town of Mbale arrested Sheikh Hamdan Madanga, a witch doctor, for possession of a human head in his shrine.

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

The legal recruitment age for military service is 18 years; however, in practice some recruiters have allowed 17-year-olds to enlist. LDU's may recruit children under the age of 18 with parental consent.

The UPDF at times detained LRA child soldiers at Gulu military barracks for a few weeks or months. Unlike in the previous year, there were no reports that the military used the children to help find LRA landmines and arms caches. During the year, 163 Congolese child soldiers who were brought to the country by the UPDF in August 2000 for political education and military training were flown back to the DRC and reunited with their families (see Sections 1.b. and 1.c.). There were several instances during the year in which abductees, mostly children, escaped or were freed and returned to the country.

Unlike in the previous year, there were no reports from the DRC that UPDF and Rwandan troops, in addition to RCD rebels, abducted young women from the villages they raided (see Section 1.b.).

The ADF and LRA abducted many children, using them as guards, laborers, soldiers, and, in the case of the LRA, for forced sex (see Sections 1.b., 6.c., and 6.f.).

Persons with Disabilities.—The Constitution provides that persons with disabilities have “a right to respect and human dignity” and requires that authorities take appropriate measures “to ensure that they realize their full mental and physical potential;” however, despite this provision, there was no statutory requirement for government services or facilities, such as accessibility of buildings for persons with disabilities. Most buildings have one story, but in larger towns with multistory buildings, there often are no elevators; even where they do exist, they rarely are reliable. Widespread discrimination by society and employers limits job and educational opportunities for those with physical disabilities. In 1998 the Government appointed a Minister of State for Disabled Persons. A Department for Disabled Persons also exists under the Ministry of Gender, Labor, and Social Development; however, these bodies and positions have little funding to undertake or support any initiatives.

The Children's Statute also requires children with disabilities to be treated and given necessary special facilities—a provision hampered in execution by inadequate funding.

Religious Minorities.—There are amicable relations between the various religious communities, and no religious group actively impinges upon the right of others to worship. However, the backlash from the spring 2000 killing of more than 1,000 citizens at the hands of a religious group resulted in negative public attitudes towards fringe Christian groups. Some officials of “mainstream” Catholic, Protestant, and Muslim religious organizations have called for the closure of Christian churches, which are viewed as “cults.”

The general assembly of the Ugandan Joint Christian Council (UJCC), a religious body composed of Roman Catholic, Anglican, and Orthodox Churches that has engaged in election activities including civic education and monitoring, referred appli-

cations for membership to the association by other spiritual and Pentecostal churches to the UJCC executive, which could help ease tensions between those churches and evangelical groups.

On October 19, the heads of various religious denominations in the country including the Anglican, the Orthodox, Roman Catholic, and the Uganda Muslim Supreme Council endorsed the Inter-Religious Council of Uganda Constitution, whose objective is to strengthen inter-religious dialog among the main religious groups and to advocate social topics of concern to all groups.

National/Racial/Ethnic Minorities.—Civil strife in the north led to the violation of the rights of members of the Acholi tribe, who largely reside in the northern districts of Gulu and Kitgum. Both government forces and the LRA terrorists—who themselves largely are Acholi—committed abuses. LRA fighters in particular were implicated in the killing and kidnaping of Acholi tribe members (see Sections 1.a. and 1.b.); the UPDF record in the north continued to improve markedly. Abuses were inflicted upon members of the Bakonjo and Bamba tribes in the west by ADF rebels.

During the year, raids by armed Karamojong raiders in Katakwi district in the northeast resulted in approximately 51 deaths. The raids may have exacerbated ethnic tensions in the northeast (see Section 1.a.). In December the Government began a disarmament program for the Karamojong raiders, and by year's end, thousands of weapons had been turned in.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of every person to join workers' associations or trade unions, and the Government respects this right in practice; however, it has not responded to a 1997 application for registration by the Uganda Allied Teachers' Union. Employers often do not observe the requirement to recognize a union. The right to form unions extends to civil servants. However, many "essential" government employees are not permitted to form unions; these include police, army, and permanent secretaries in the ministries, heads of departments and state-owned enterprises, school principals, and other management-level officials. The Government has failed to enforce the rights of some employees to join unions in newly privatized industries and factories. The number of reserved parliamentary seats for organized labor increased to five during the June elections (see Section 3).

The law allows unionization if 51 percent or more of the work force supports it and if the proposed union represents at least 1,000 employees. These requirements effectively prevent the right of workers in the private sector to form unions. The International Labor Organization (ILO) notes that this dual requirement may deprive workers in smaller bargaining units, or who are dispersed over wide geographical areas, of the ability to form unions or exercise collective bargaining rights, in particular where no trade union represents an absolute majority of the workers concerned (see Section 6.b.). Both the ILO's Committee of Experts (COE) and Committee on Freedom of Association (CFA) have requested that this dual requirement be amended, and at year's end, there was a draft bill pending before Parliament that would reduce to 20 the number of workers required to form a union.

The National Organization of Trade Unions (NOTU), the largest labor federation, includes 19 unions with a membership of 80,000, or approximately 5 percent of the workforce. The NOTU is independent of the Government and political parties. Among its members are medical workers, including doctors, and the civil service union. During the year, two new members joined NOTU: The Uganda Fisheries and Allied Workers and Uganda Media Unions. The NOTU's influence on the overall economy remains small, since approximately 90 percent of the work force are peasant farmers. Even in areas in which cash crops are significant, unionization has remained practically nonexistent.

The Constitution confirms the right to strike; however, the Government seldom acts in defense of the worker's right to strike, and government policy requires that labor and management make "every effort" to reconcile labor disputes before resorting to strike action. This directive presents unions with a complicated set of restrictions. If reconciliation does not appear to be possible, labor must submit its grievances and notice to strike to the Minister of Labor, who usually delegates the dispute to the Industrial Court (IC). In principle IC rulings are final; however, its decisions have been appealed by employers who claimed that they doubted the impartiality of the Court. In previous years, in the absence of verdicts from the IC, the Minister of Labor generally did not permit strikes, on the basis that "every effort" had not been exhausted. Frustrated laborers often went on strike anyway, protesting credibly that they were not paid a wage that provides a decent standard of living.

In 2000 the IC President was criticized for the Court's impartiality and subsequently was "promoted" from her post allegedly because of this impartiality; in May the President appointed Constantine Rwaheru as the IC president. In 2000 police arrested and detained for 2 hours Sam Lyomoki, General Secretary of the Uganda Medical Union, after he protested in front of State House (the President's residence) the absence of a successor as well as the Government's failure to comply with the decision of the Advisory Committee on Wages to raise wages and salaries; he never was charged.

On February 6, more than 400 workers, including top managers, of the Kampala-based Crown Beverages Ltd. went on strike for the second time in a month demanding the resignation of the Chief Executive, whom they said was responsible for poor working relations. The workers reportedly resumed work after pleas from the Board Chairman. On April 10, workers of the Radio Uganda Current Affairs Department in Kampala went on strike, protesting the nonpayment of salaries since October 2000. On April 11, the strikers resumed work after management paid them 2 months of more than a year's back salary. On August 30, workers of Windsor Lake Victoria Hotel went on strike for 2 weeks following the firing of Moses Mauku, a strong unionist, in what the workers' viewed as a move to undermine the union movement. Following the strike, the hotel management reportedly fired 76 of the workers; although the NOTU and the hotel's management later offered the 76 workers the opportunity to return to work, the workers rejected the offer. As a result, they were considered to have left voluntarily.

On September 14, the Ministry of Gender, Labor, and Social Affairs banned all meetings and elections within the labor movement until further notice. The Ministry also reportedly nullified all elections and resolutions of any trade union meetings held since April. The ban came a month after two unions suspended their general secretaries and two others had called delegates' conferences. According to the Government, the unions had been engaged in undemocratic activities and political agitation outside what is allowed in the 1975 Trade Union Decree, and therefore were banned until further notice. The ban still was in effect at year's end.

Labor unions freely exercised the right to affiliate with and participate in regional and international labor organizations. The NOTU is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, specifying that a workplace may be unionized if a majority of the employees supports doing so (see Section 6.a.); however, true collective bargaining takes place only in the small private sector of the modern economy. There were examples of collective bargaining in the private sector during the year; for example, Kakira Sugar Works officials and the union agreed to increase workers' salaries. In the modern sector, the Government by far is the largest employer (civil service and state-owned enterprises), and it dominates the bargaining process. The Government has adopted a tripartite (government-employers-labor) cooperative approach to setting wages and resolving labor disputes. Both the Government and employers may refer disputes to the IC.

In 1999 the Uganda Textile, Garments, Leather, and Allied Union filed a complaint against the Government with the ILO for failure to support the attempts of workers in the textile sector to exercise their right to freedom of association; the case was closed in June 1999.

The law does not prohibit antiunion discrimination by employers, and union activists are not protected sufficiently from retribution by employers for union activities; however, there were no reported incidents of government harassment of union officials. Unionization continued to be blocked effectively by some industries, especially in the textile, hotel, and construction sectors. Labor organizers complained that laws requiring a minimum of 1,000 persons in order to form a union hindered their activities. The Government only took limited action on organized labor complaints, but pointed out that the refusal to allow unionization is a constitutional violation.

There were no developments in the February 2000 case of 21 workers who were dismissed in connection with a strike at the Nytil Picfare textile factory.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including forced and bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively. There was strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where often they were overworked. Throughout the country, prison officials routinely augmented their meager pay with crops grown by prisoners on the prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners perform manual labor, often 12 hours per day (see Section 1.c.).

Compensation, when paid, generally was very low, although the law demands that pretrial detainees must receive back pay for all work that they have performed once they are released (see Section 1.c.).

The UPDF at times detained LRA child soldiers at Gulu military barracks for a few weeks or several months. Unlike in the previous year, there were no reports that the UPDF used children to help find LRA landmines and arms caches.

Both the ADF and the LRA abducted civilians for training as guerrillas; most victims were children and young adults, whom the ADF and LRA terrorized into virtual slavery as guards, laborers, soldiers, and, in the case of the LRA, as sex slaves (see Sections 1.b. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits employers from hiring workers below the age of 18; however, child labor is common, especially in the informal sector. The Ministry of Gender, Labor, and Social Development is charged with enforcing the law on child labor, but it has limited financial means to do so. Part of the problem is demographic, because half of the population is under 15 years of age. Many children leave school and go into agricultural or domestic work in order to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country (see Section 5). The problem is acute particularly among the large orphan population.

Most working children are employed in the informal sector, often on the subsistence farms of extended family members or as domestic servants. In urban areas, children peddle small items on the streets, are involved in the commercial sex industry (particularly in border towns and in Kampala), or beg for money. Although adults do most tea harvesting, some children were employed in this sector as well. Some of the country's orphans engage in labor activities.

It is estimated that 60 percent of all land-based trade in the country is informal. Smuggling is one of the larger informal industries, and employs large numbers of child laborers at the borders with Kenya and Tanzania. Children walk back and forth across the unguarded borders, transporting small amounts of fuel, sugar, coffee, or other commodities.

Government efforts to decrease the incidence of child labor were boosted by a \$1.5 million grant in 1998 from the ILO's International Program for the Elimination of Child Labor (IPEC). The IPEC program and projects were launched in 1999 to eliminate child labor in the sugar and rice-growing industries as well as a public awareness campaign. Government officials acknowledged that for the IPEC to be implemented, continued judicial and law enforcement reforms were needed. The Ministry of Gender, Labor, and Social Development established a National Steering Committee on Child Labor and a Child Labor Unit to develop a national policy to eliminate child labor; however, such a policy was not developed by year's end. The Government held several awareness training workshops for officials charged with enforcing child labor laws during the year.

The law does not prohibit the worst forms of child labor, nor does the Government have a mechanism to address this problem. However, several human rights NGOs began programs aimed at removing children from hazardous work. No reports about the efficacy of these efforts were available at year's end. In October 2000, consultants working for the Ministry of Gender, Labor, and Social Development reviewed four labor laws and created draft legislation consistent with ILO Convention 182; on June 21, the Convention was ratified and new provisions were incorporated into the draft Employment Bill 2000 to comply with international standards; the law had not been passed by year's end.

The recruitment age for military service is 18 years; however, in practice some recruiters have allowed 17-year-olds to enlist (see Section 5).

The law prohibits forced and bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively (see Section 6.c.).

Trafficking in children occurs (see Section 6.f.).

e. Acceptable Conditions of Work.—The minimum legal wage is \$3.50 (6,000 shillings) per month, a rate set in the early 1960's. This wage is insufficient to provide a decent standard of living for a worker and family. Wages continued to be determined through negotiation between individuals and their employers, unions, and proprietors, or through negotiation within the boards of directors at state-owned industries. Salaries usually are augmented by other benefits such as housing and transport allowances, which often are equal to base wages. The Ministry of Labor's salary scale for civil servants starts with unskilled labor at \$44 (75,000 shillings) per month, up to supervisors at \$350 (600,000 shillings) per month, plus modest increases for years worked. All include provisions for paid overtime. The higher end of this wage scale would provide minimal standards of living for a worker and family, but most civil servants have great difficulty earning enough money to pay their

children's school costs. Many civil servants and their dependents work in second jobs, grow their own food, or seek other ways to supplement their incomes. In industries that employ workers on an hourly basis, the normal workweek was 40 hours. Although there was no legal maximum workweek, a time-and-a-half rate was paid for each additional hour worked. Many industries pay workers by piecework, which avoids overtime and circumvents the prohibition on child labor. Many companies employ workers as "casual laborers" or "contract workers" in order to avoid providing benefits.

The condition of employee housing on the tea and sugar plantations at the major state-owned corporations, and within military and police barracks, was substandard. Sanitation and water facilities often are lacking.

Building codes often are not enforced. Some structures have tripled in height above the original foundations, leading local engineers to express reservations about the structural integrity of these workplaces. Factories generally are sound, but machinery almost always lacks safeguards.

The law establishes some occupational health and safety standards. In September 2000, the Government enacted the Workers' Compensation Act, which significantly increased compensation, based on monthly salaries, for workers injured or killed at work. The Ministry of Labor's Department of Occupational Health is responsible for enforcement of occupational safety regulations; however, in practice inspections are rare, due primarily to lack of vehicles and funding for inspection trips. There were fatal accidents at several construction projects at a rate of approximately one per month. The limited occupational safety regulations under the law do not protect workers who refuse to perform dangerous work from being fired, although strong unions in certain dangerous industries protect such workers.

Foreign workers are protected under the Occupational Health and Safety Law.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, or within the country. There is strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where they often were overworked (see Section 6.c.). There were unconfirmed reports that government officials were complicit in the illegal trafficking of Asian workers to the country. The Government made significant efforts to combat trafficking in persons despite severe resource constraints and the civil conflict with the LRA.

In 2000 Molo Songolo, a South African child rights organization, reported that children were trafficked from the country to South Africa; however, the credibility of the report is unknown. The children allegedly were abducted or bought from their parents by organized gangs from Nigeria, DRC, and Angola. There were no further reports during the year.

During the year, there were reports that the country was a transit point for trafficking in persons. On September 28, the Government's Joint Anti-Terrorism Task Force arrested six foreigners suspected to be involved in trafficking in persons. On October 26, all were released without charge.

During the year, there were reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in Sudan. A June report published by the Refugee Law Project confirmed that recruitment by SPLA forces was ongoing.

Both the ADF and the LRA abducted civilians for training as guerrillas; most victims were children and young adults whom the ADF and LRA terrorized into virtual slavery as guards, laborers, soldiers, and, in the case of the LRA, as sex slaves (see Sections 1.b. and 6.c.). As many as 4,000 Ugandan children abducted by the LRA held in the southern part of Sudan remained unaccounted for at year's end. In past years, the LRA also reportedly sold and traded some children, mostly girls, or provided them as gifts to arms dealers in Sudan.

In December 1999, in Nairobi, Kenya, the Governments of Sudan and Uganda signed an accord agreeing, among other things, to cease supporting rebel groups and to return abductees. The Sudanese Government permitted the return of a number of LRA captives who previously had escaped LRA captivity during the year; however, the Sudanese Government did not free any abductees still held captive by the LRA.

The Criminal Code prohibits slavery with penalties of up to 10 years' imprisonment. The CID is mandated to combat trafficking. The CID did not keep records on the magnitude of the problem, and it was unknown if its efforts have been effective.

Improved civil-military relations in northern areas of the country have helped the UPDF assist victims of the LRA. Between November 2000 and January, the UPDF rescued and repatriated 121 child abductees who had escaped from the LRA (see Section 1.b.). The Government has established protected camps garrisoned by the UPDF to prevent abductions (see Sections 1.a. and 2.d.). The UPDF escorted rescued

abductees to NGO facilities, which provide physical assistance and counseling to the children and their families so that the children can be reintegrated into society.

ZAMBIA

Zambia is a republic governed by a president and a unicameral national assembly. After 2 decades of one-party rule, free and fair multiparty elections in November 1991 resulted in the victory of the Movement for Multi-Party Democracy (MMD) and the election of President Frederick J.T. Chiluba, a former trade unionist. In 1996 elections, President Chiluba was reelected. On December 27, Levy Mwanawasa of the MMD was elected president, and his party won 69 out of 150 seats in the National Assembly. The MMD's use of government resources, including the state-owned media, raised questions over the fairness of the elections. The voting and counting processes generally were transparent, and there were no reports of violence or overt intimidation during the elections. Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the elections. Opposition parties further alleged that significant rigging took place during the elections; however, such allegations were not proven by year's end. Three opposition parties reportedly planned to challenge the elections in court; however, no challenge was initiated by year's end. Mwanawasa was expected to be sworn in on January 2, 2002. The Constitution mandates an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system is hampered by lack of resources and inefficiency.

The police, divided into regular and paramilitary units operating under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Security and Intelligence Service, under the Office of the President, is responsible for intelligence and internal security. Police continued to commit numerous, and at times serious, human rights abuses.

The Government continued its free market economic reform program. Economic performance improved, with a growth rate of 4 percent through much of the year. The annual inflation rate declined from 35 percent to 17 percent during the latter half of the year. Balance of payments support by foreign donors continued as a result of greater government attention to governance issues and the privatization of the mines. Approximately 80 percent of the country's population of an estimated 10.3 million live in extreme poverty.

The Government's human rights record remained generally poor; however, there were some improvements in a few areas. Citizens' right to change their government was respected in presidential, parliamentary, and local government elections; however, there were credible allegations of election irregularities. Police officers reportedly committed several extrajudicial killings and frequently beat and otherwise abused criminal suspects and detainees. Police officers who commit such abuses often do so with impunity; however, some officers remained in detention pending trial. The lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. Prison conditions were harsh and life threatening. The Government's commission of inquiry released its report into the alleged torture during detention of suspects in a 1997 coup attempt; however, the Government declined to take action against those accused in the report. Arbitrary arrests, prolonged detention, and long delays in trials remained problems. The courts exhibited increased independence by issuing a number of rulings against the Government or the MMD. Police infringed on citizens' privacy rights. Although there were indications of some relaxation, the Government generally continued to restrict press freedom. The Government restricted freedom of assembly. Human rights and civic organizations and political parties continued to complain of government harassment; however, these groups were instrumental in halting attempts by supporters of the President to amend the Constitution to allow him to seek a third term. Violence against women remained widespread. Women continued to experience discrimination in both law and fact, including the denial of widows' inheritance rights. Child abuse was a problem. Discrimination against persons with disabilities was a problem. Child labor was a problem in rural subsistence occupations and some urban occupations. 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.—Police reportedly committed several extrajudicial killings during the year. At Chikankata police post on August 24, two police officers beat to death Lameck Siamapande, who was in police custody on suspicion of theft. On September 3, the two officers were arrested following calls for their arrest from the Permanent Human Rights Commission (PHRC) and the Young Women's Christian Association. The police officers remained in detention pending trial at year's end.

In August a police officer was accused of shooting and killing three teachers while he was off duty. AFRONET, the local human rights nongovernmental organization (NGO), demanded that police investigate the case and take action against the officer. The case was investigated; however, no arrests were made by year's end.

A large number of prison inmates died due to illness and harsh conditions (see Section 1.c.).

In 2000 Kelvin Mushabati and Geoffrey Michelo died of suffocation after a police officer threw a tear gas canister into their prison cell. The police officer responsible for the killings was charged with murder; he remained in detention pending a trial at year's end.

In August two police officers were sentenced to death for the murder of a truck driver in 1999 and to 30 months' imprisonment with hard labor for the attempted murder of a passenger in the truck.

In 1999 four gunmen shot and killed Wezi Kaunda, the son of former President Kenneth Kaunda, during an apparent carjacking in Lusaka. The Government permitted forensic specialists and a team of advisors from Scotland Yard to participate in an investigation in response to a request from the Kaunda family. Two suspects were arrested. During their trial, one of the suspects claimed that the MMD was responsible for the killing; however, a letter reportedly written by the suspect alleged that several UNIP officials were responsible. Final submissions in the case were made during the year; however, no ruling was issued by year's end.

The police constable who beat to death Sailas Mabvuto Lungu in 1999 remained in detention awaiting trial at year's end.

No further action was taken during the year nor is any likely in the following cases from 1999: The August case of a pregnant woman who died in police custody, as a result of police abuse; and the March case of Khondwani Musukwa who died in police custody, apparently as a result of torture.

In January three police officers charged with the 1998 death in detention of Bertha Mungazila were acquitted, largely on the basis of testimony by a police pathologist who indicated that Mungazila could have died from "extreme fear of detention." The pathologist's testimony directly contradicted the findings of a coroner who, during an official inquiry into Mungazila's death, determined that Mungazila died as a result of torture.

Since 1980 more than 200 persons have been killed or injured by landmines in the country; however, there were no reports of deaths from landmines during the year.

On July 6, unknown persons killed Paul Tembo, a former senior MMD official, at his home. The killing appeared to be an attempted robbery, but the attackers declined offers of money on the premises and did not take any valuables with them. Tembo's killing occurred the night before he was to testify before a tribunal convened to investigate charges of financial fraud. Tembo's testimony was expected to be highly damaging to the government ministers being investigated and, by extension, the President. The police made no arrests in connection with Tembo's killing by year's end.

The conflict in Angola periodically led to armed attacks within the country's territory, which resulted in civilian deaths; in November seven citizens were killed in one of these armed attacks perpetrated by Angolan government soldiers.

Unlike in the previous year, Congolese rebels did not cross into the country and kill civilians.

b. Disappearance.—There were no reports of politically motivated disappearances. However, there were reports that National Union for the Total Independence of Angola (UNITA) rebels or Angolan government forces abducted persons, particularly young persons, for forced labor in Angola (see Sections 6.c. and 6.f.). On November 9, Angolan government troops reportedly abducted at least 50 villagers from the district of Shang'ombo after entering the country in pursuit of UNITA rebels. The Government requested that the Angolan Government return the villagers, and the villagers were returned by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police frequently used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In most instances, detaining officers who beat suspects generally were not disciplined or arrested for such acts.

In January police and a neighborhood watch group beat, detained, and subsequently released with a charge of immoral behavior 11 men who were suspected of killing a man. No action reportedly was taken against the responsible officers by year's end.

According to the Legal Resources Foundation, in January eight officers of the Kabwe flying squad tortured Adess Ngulube in her home and at a police station. Ngulube was beaten, pinched with pliers, and suspended with her hands and feet bound from what is locally known as "kempelwa" (the swing). The officers suspected that her husband, convicted of treason in connection with a 1997 coup attempt, had left her two rifles and a pistol that she was hiring out to criminals. The police received a search warrant and searched her home. Ngulube was charged with unlawful possession of a firearm, although it is not clear that the police found any weapons at her property. No action reportedly was taken against the responsible officers by year's end.

In March four Lusaka Central police officers beat and detained Godfrey Mulundano on accusations that he had stolen a police bicycle. No charges were pressed against him. One of the responsible officers was charged; however, no further action was taken by year's end.

On May 5, police used tear gas to prevent forcibly persons from entering the site of a banned rally (see Section 2.b.). An elderly man was struck by a car and killed as bystanders fled both the tear gas and rocks thrown by rally participants.

The police officer arrested for killing two detainees in 2000 remained in detention pending trial at year's end (see Section 1.a.).

There were no developments during the year in the 2000 case of a Radio Phoenix reporter who was beaten by members of the MMD while investigating reports of extortion by MMD cadres at the central market (see Section 2.a.).

There was no known action taken during the year, nor is any action likely to be taken, against the police responsible for torturing, beating, or abusing the persons in the following cases from 2000: The August case at the University of Zambia that followed demonstrations the day prior; the August case of Hendrix Mbumwai; and the January case of Shadreck Selemani.

There was no known action taken during the year, nor is any action likely to be taken, against the police responsible for torturing, beating, or otherwise abusing the persons in the following cases from 1999: The September case of Dave Wanjeke; the September case of Benson Mwale; the June case of Cedrick Phiri; and the March case of the young man at the Woodlands Police Station.

In response to pressure from the PHRC, foreign governments, NGO's, and other human rights organizations, in May 1998, the Government agreed to initiate an independent inquiry into the torture claims of seven persons detained during the 1997 coup attempt. In August 1998, the Government established a commission of inquiry, which completed its work and submitted a report to President Chiluba in 2000. In March the Government publicly released the report and issued a response. The report detailed a pattern of widespread torture during the coup investigation and highlighted systemic problems that created a climate of impunity for torture. It made recommendations for compensation to victims, disciplinary action against members of the police force, and reforms for improvement in the administration of justice. The Government accepted the finding that torture occurred; however, it criticized the overall quality of the report because the commission did not consider the special circumstances created by the fact that a coup had been attempted. The Government decided not to compensate the victims and does not intend to implement any of the recommended disciplinary measures.

The lawsuit filed in 1999 by Dean Mung'omba claiming torture during detention in 1997 was ongoing at year's end. Mung'omba had suspended action on his suit pending the Government's response to the Commission of Inquiry on Torture Allegations. Because the Government refused to compensate victims as recommended by the Commission's report, Mung'omba decided to resume action on the case.

In 1999 the Government promised to institute measures to monitor and reform police operations to ensure that civil liberties are protected. It further directed the police, prisons, and immigration departments to intensify human rights training among their officers, which has been part of their basic training since 1997. The training of new recruits continued during the year, and there was greater training within the police force. The Government took no action on its statements in 1998 that it would amend the Police Act to provide for the establishment of a police au-

thority to which members of the public could direct complaints pertaining to police harassment and abuse.

Police corruption also was a problem. There were several reports that police released prisoners in exchange for bribes of between \$55 and \$85 (200,000 to 300,000 kwacha). Citizens in private debt disputes often were detained by police in exchange for a portion of the payment owed (see Section 1.d.). Police sometimes committed extortion at roadblocks or required document processing "fees" or gas money in order to commence investigations (see Section 2.d.). The number of roadblocks was reduced nationwide in 2000 on order of the Inspector General of Police in an effort to reduce the opportunity for corruption (see Section 2.d.). Police action was politicized in the delivery of authorizations for public meetings. Although such politicization decreased briefly after a court ruling (see Section 2.b.), it resumed during the campaigns for the December elections.

The police investigated instances of police use of excessive force and have disciplined officers found to have committed human rights abuses. Officers who commit serious abuses sometimes are prosecuted; some have been convicted and sentenced to prison (see Section 1.a.). Other cases of abuse in detention frequently go unpunished unless a NGO takes up the case on behalf of the victim. Punishment, if any, usually comes years after the abuse was committed. Authorities arrested some police officers on such criminal charges as murder and robbery. For example, in August two officers were arrested and charged with murder after they beat to death a suspect while he was in police custody (see Section 1.a.). Their trial still was pending at year's end. Senior government officials acknowledged the problem of police abuse and requested foreign donor assistance for training for the police. In 2000 the Government announced its intention to create a national forensic laboratory to provide the police with resources for professional investigations, and it began plans for the laboratory's establishment during the year. In 1999 the High Court issued a decision banning corporal punishment in the country; however, some chiefs in Northern Province continued to use corporal punishment as a disciplinary measure in local court cases. During the year, the Government made efforts to enforce the ban by publicizing it.

Human rights training for new recruits, middle ranks, and long-serving officers continued at the police academy. The training has raised police awareness of human rights; however, there was no decrease in police use of physical force to gather information from suspects.

Since 1980 more than 200 persons have been killed or injured by landmines in the country; however, there were no reports of injuries from landmines during the year.

Groups of UNITA deserters and Angolan government forces entered the country and seized food and goods by force from villages. On at least one occasion, they forced young men and women to accompany them back to Angola (see Sections 1.b. and 6.f.).

Prison conditions are harsh and life threatening. According to official statistics, prisons designed to hold 5,330 prisoners held more than 12,741. This severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery and other diseases, including tuberculosis. According to statistics released by the High Court, 204 prisoners died in prison between January and September due to illness and harsh conditions. In 1999 the Commissioner of Prisons attributed the serious overcrowding in prisons to the slow pace that the courts dispose of cases. Prison congestion began worsening starting in February when magistrates and local court justices went on strike (see Section 6.a.). Women and men are held separately. Juveniles often are not held separately from adults. Pretrial detainees are not held separately from convicted prisoners.

In 1999 the Magistrates and Judges' Association of Zambia expressed its intention to undertake efforts to release all eligible detainees on bail in order to reduce prison congestion. According to the Association, Kamwala Remand Prison in Lusaka contained 636 inmates, although it had been designed to hold only 200.

In 1999 the PHRC announced that it would employ prison inspectors to ensure that inmates are kept in habitable environments. The PHRC submitted a request to the Ministry of Finance for funds to support the creation of prison inspector positions, but the request was not approved (see Section 4). The Government generally permits prison visits by both domestic and international NGO's and by resident foreign diplomats. Provincial human rights committees periodically inspected prison conditions. Foreign diplomats and an international human rights NGO conducted prison visits during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government does not observe these prohibitions. Criminal

suspects often are arrested on the basis of insubstantial evidence or uncorroborated accusations. Family members or associates of criminal suspects sometimes were detained, interrogated, and physically abused by the authorities in attempts to identify or locate suspects. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours; in practice the authorities hold most detainees for more than 1 month from commission of an offense to first appearance before a magistrate. In many cases, an additional period of 6 months elapses before a magistrate commits the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court takes months, or in some cases as long as a year. Once a case reaches the High Court for trial, court proceedings last an average of 6 months. Unlike in previous years, all 72 magistrate positions were filled during the year; however, magistrates and judges went on strike in February (see Section 6.a.). By law attorneys and family members are permitted access to pretrial detainees.

Police stations frequently become "debt collection centers," where police officers acting upon unofficial complaints detain debtors without charge, indefinitely, until they pay the complainants. In return the police receive a percentage of the payments (see Section 1.c.).

In January police at Lusaka's Castle Police Post detained a 1-year-old girl in order to compel her parents to submit to questioning about the possible criminal activity of a relative. The child and her mother were released unconditionally after 16 hours; the child's father was detained for 4 days at the Woodlands Police Station, then released without charge.

In March police detained for approximately 2 months Kennedy Kangwa on a charge of threatening violence, then released him unconditionally. Kangwa was not given a "warn and caution statement," nor did officials inform him about the basis for the charge against him.

In March four Lusaka Central police officers beat and detained for several hours Godfrey Mulundano on accusations that he had stolen a police bicycle; he was not charged. One of the responsible officers was charged; however, no further action was taken by year's end.

In June United Party for National Development President Anderson Mazoka was arrested and detained for several hours for rioting and causing malicious damage to a government vehicle in the Mkushi parliamentary by-election. In August the Director of Public Prosecutions dismissed the charge against Mazoka.

In September police arrested Emily Sikazwe, director for Women for Change, an NGO, for refusing to vacate the presidential suite at a Chipata guesthouse; however, the police commanding officer at Chipata determined that there were no grounds for the arrest and ordered the arresting officers to return Sikazwe to the guesthouse.

Authorities arrested two journalists on charges of defamation during the year (see Section 2.a.).

The case against four opposition cadres who were arrested in 2000 for shouting anti-MMD slogans during an election campaign was pending at year's end.

In 2000 Alfred Zulu, a prominent human rights activist was detained and charged with financial fraud; however, no further action was expected against him (see Section 4).

Donald Phiri, who was charged with murder in 1999 following an illegal police search of his father's home, was released from detention; however, his case was ongoing at year's end.

The case against Imasiku Mutangelwa, the leader of a small organization known as the Barotse Patriotic Front (BPF), was pending with the High Court at year's end. Mutangelwa was sought by police for questioning in 1999, after he made statements supporting a separatist rebellion in Namibia; he was arrested and charged with belonging to an unlawful society. Mutangelwa was released on bail after his arrest, and his case was ongoing at year's end.

Pretrial detention often was prolonged. The number of detainees awaiting trial in Lusaka rose from 500 to 1,000 between February and April. Approximately 1,288 of 2,251 detainees in the Lusaka region were awaiting trial at the end of 2000. In some cases defendants have been awaiting trial for as long as 4 years. There was some progress in holding trials; in past years, some defendants had waited as long as 10 years for their trials to commence. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments. The High Court Commissioner can release detainees if prosecutors fail to bring the case to trial, although that did not occur in any case during the year. Although there is a functioning bail system, overcrowded prisons reflect in part the large number of detainees charged with serious offenses for which bail is not grant-

ed. These include treason, murder, aggravated robbery, and violations of narcotics laws. There were no cases of "constitutional bail," which may be granted in cases in which a judge determines that the accused has been detained for an excessive period without evidence being presented against him or her. Indigent detainees and defendants rarely have the means to post bail. The Government's legal aid office is responsible for providing representation for indigent detainees and defendants in criminal or civil cases; however, in practice few receive assistance. The office had 9 attorneys and a budget of \$160,000 (576,000,000 kwacha) during the year.

The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries. Because the immigration authorities lack funds for deportation, illegal immigrants sometimes are kept in prison for extended periods, sometimes for more than 5 years. There were 199 illegal immigrants in detention in Lusaka at year's end.

The 1996 case involving the indefinite incarceration of three newspaper reporters on charges of contempt of the House remained pending. Although the High Court dismissed the sentences, and the three were released from custody, the Government appealed the case, seeking to reinstate detention of the reporters. The Government is unlikely to continue its appeal, primarily because two of the reporters involved in the case died (see Section 2.a.).

The law prohibits government use of exile for political purposes, and the Government does not use it; however, it has used deportation and the threat of deportation for political purposes against persons whose claims to citizenship it has refused to recognize. No one was deported during the year; however, Majid Ticklay, who was deported by the Government in 2000 after he wrote a letter that was published in the Post newspaper publicly urging the Asian community to unite behind one political party, remained under a deportation order.

During the year, a number of citizens remained in self-imposed political exile in foreign countries, including: Liberal Progressive Front President Dr. Roger Chongwe, in Australia; Zambia Democratic Congress General Secretary Azwell Banda, in South Africa; former editor of the defunct newspaper, Confidential, Reverend Steward Mwila, in South Africa; and former President Kaunda's daughter, Catherine Mwanza, in South Africa.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, the judicial system was hampered by lack of resources and inefficiency. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court.

The Supreme Court has appellate jurisdiction for all legal and constitutional disputes. The High Court, which holds regular sessions in all nine provincial capitals, has authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases; local, or customary, courts handle most civil and petty criminal cases in rural areas.

Local courts employ the principles of customary law, which vary widely throughout the country. Lawyers are barred from participating in proceedings in such courts, and there are few formal rules of procedure. Presiding judges, who usually are prominent local citizens, have substantial power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters. Judgments often are not in accordance with the Penal Code. For example, they tend to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts are public, and defendants have the opportunity to confront their accusers and present witnesses. However, many defendants lack the resources to retain a lawyer, and the limited resources of the Government's legal aid department mean that many citizens entitled to legal aid find that it is unavailable. Courts are congested, and there are long delays in trials while the accused are in custody. The Magistrates and Judges' Association made an effort to expedite the process of court appearances in 2000 by setting up a fast-track court that could quickly hear minor, uncomplicated cases. During the year, this mechanism was suspended during a strike by the Magistrates and Judges' Association but resumed upon termination of the strike (see Section 6.a.). The fast-track courts reportedly have speeded up the process and decreased the number of persons in pretrial detention; however, no figures were available to support these assertions.

Courts continued to act independently and at times made statements critical of the Government. For example, in April a judge ordered the police to provide security for a rally that the police initially had banned, which reinforced established procedures under which police may grant or deny permission for organizations to conduct public events (see Section 2.b.). However, after an initial period of compliance with the order, the police again frequently banned political gatherings. In May a judge

granted an injunction to 22 members of the ruling MMD barring the party from expelling these members because of their opposition to the proposed presidential third-term amendment (see Section 3). In September a judge granted an injunction to an elections NGO that required the state-owned broadcaster, ZNBC, to air the NGO's prepaid programming (see Section 2.a.); ZNBC complied with the injunction.

Appeals in the cases of 59 military personnel detained during a 1997–98 state of emergency and later sentenced to death for involvement in an attempted coup were ongoing at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government frequently does not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and often arrested alleged criminals at their homes without first having obtained an arrest warrant.

The Constitution grants the Drug Enforcement Commission and the Zambian Intelligence Security Service authority to wiretap telephones for probable cause. In 1996 the Inspector General of Police admitted in open court that he had ordered the illegal wiretaps of the telephones at the offices of the Post, an independent daily newspaper. The case still was pending at year's end, and it is unlikely to be resolved. There were no confirmed reports of wiretaps during the year; however, the opposition alleged that the Government wiretapped their telephones.

Police detained and abused relatives and associates of suspects during the year (see Section 1.d.).

Roundups of suspected illegal aliens in the home or workplace continued. According to the Government's Commissioner for Refugees, immigration officials are empowered under the law to conduct these roundups without a warrant.

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 at times restricted these rights in practice. The Penal Code prohibits various activities that may be interpreted broadly to restrict these freedoms.

In response to headlines and stories of alleged corrupt practices on the part of government officials, the accused government officials and other individuals have brought numerous libel suits against the independent Post newspaper. At year's end, nearly 80 cases filed over a period of 5 years were waiting to be adjudicated. The print media routinely criticized the Government.

The law provides for investigative tribunals to call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal may result in charges of contempt punishable by up to 6 months in jail. The media have criticized these provisions as a clear infringement of press freedom and as a means for parliamentarians to bypass the court system in dealing with libel suits against the media.

Although the Post ran a series of articles containing explicit information on government corruption cases between May and September, Post staff was not targeted for legal action over any of these stories. However, in August authorities arrested Post editor Fred M'membe, reporter Bivan Saluseki, and Member of Parliament (M.P.) Edith Nawakwi on charges of defaming the President. Nawakwi had called President Chiluba a thief in public remarks, which Saluseki subsequently reported in the Post. All three accused were released on bail on the day of their arrest; however, M.P. Dipak Patel was arrested later in August on the same charge and released on the day of his arrest. In September an initial hearing was held for the four; however, the trial did not resume by year's end.

Unlike in the previous year, there were no reports of warnings by the Minister of Information against the media during the year; however, in August the Government temporarily closed for 1 month a private radio station, Radio Phoenix.

The Government exercised considerable influence over the government-owned media, including reviewing articles prior to publication and censoring of individuals responsible for published articles or programs deemed offensive by the Government. As a result, workers in the government media generally practice self-censorship. The government-owned media continued to be supportive of the Government, and there was less active government interference than in the previous year. Editorial independence in the government press was particularly noteworthy during the public debate about the third term amendment, when a government-owned newspaper carried neutral reporting on the activities of the anti-third-term movement and ran an editorial supporting the right of the public to debate the amendment (see Section 3).

A number of privately owned newspapers question government actions and policies, and these circulate without government interference. For the last 5 years, the leading private daily, the Post, has had an Internet site that has attracted more than 15,000 readers per month. The government-controlled Times of Zambia and Zambia Daily Mail, two of the most widely circulated newspapers, also have web sites.

In addition to the government-controlled radio station, there are several church-related radio stations, two private commercial radio stations, and three community radio stations in various locations in the country. On August 19, the Government shut down Radio Phoenix for failure to renew a transmitter license. Radio Phoenix had tried to renew the license prior to its expiration, but the Government failed to provide guidelines for the necessary renewal procedures in a timely manner. Human rights and political observers believe the reason for the shutdown was the increasing criticism of the Government during the station's live-broadcast call-in program, Let the People Talk. On September 18, Radio Phoenix's license was renewed, and it subsequently resumed broadcasting.

Radio Phoenix rebroadcasts Voice of America (VOA), British Broadcasting Corporation (BBC), and South African Broadcasting Corporation (SABC) items. A Catholic radio station, Radio Yatsani, received its license in September. The license limits it to only three newscasts of 3 minutes each per day. Yatsani officially has permission to rebroadcast VOA and BBC transmissions but must first have excerpts approved by the Ministry of Information, a process that effectively eliminated timely rebroadcasts.

In 2000 a Radio Phoenix reporter was detained and beaten by members of the MMD while investigating reports of extortion by MMD cadres at the central market. Police conducted an investigation and arrested those suspected of assaulting the reporter. In response to pressure from MMD officials, the suspects were released the same month, and the case is unlikely to be resumed.

The Government owns the sole local-content television station, the Zambia National Broadcasting Corporation (ZNBC). Multichoice, a telecommunications company based in South Africa, provides satellite and analog wireless subscribers with television services. These services include broadcasts of Cable News Network (CNN), BBC World Sky Television, and the SABC's Africa News. They also provide three BBC, one Radio France International, and VOA radio news broadcasts. None of the services includes local news coverage. There is a second wireless television service, CASAT. Trinity Broadcasting Network, a foreign-based, church-related television network, broadcasts a 24-hour transmission of prerecorded religious programming from a rented studio at the former ZNBC complex.

During its 1991 campaign, the MMD promised to privatize the government-owned media. Following its election, the MMD offered the government-owned media organizations independence, but stipulated any media organization accepting the offer would no longer receive government financial support. Of the four major government-owned media organizations, The Times of Zambia, The Zambia Daily Mail, the ZNBC (radio and TV), and the Zambian Institute of Mass Communication (a media training organization), only the latter accepted the offer and gained independence. Opposition political parties complain that government control of the three other media bodies limits their access to the chief means of mass communication in the country. In September the ZNBC tried to cancel broadcasts by an elections NGO, Coalition 2001, saying that its programming had to include representatives of the MMD. Coalition 2001 obtained an injunction requiring the ZNBC to allow Coalition 2001 to use its prepaid broadcast time. In September the Government permitted ZNBC television and radio to broadcast live a 90-minute debate among presidential candidates.

The Government does not restrict academic freedom. Although the law gives the University Council a mandate to address faculty concerns, the Minister of Education is empowered to appoint the members of the Council; some academics have criticized this provision as an infringement of academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The law requires rally organizers to notify the police 7 days in advance of a rally. The police may advise the organizers that the time or venue is inopportune. In practice the police did not interfere with most peaceful rallies whose leaders followed the prior notification rule and that could be described as politically neutral or favorable to the Government or MMD; however, authorities sometimes denied permission to proceed with or cancelled rallies planned by the political opposition, particularly during by-election campaigns. In April police banned a rally organized in opposition to a proposed presidential third-term amendment to the Constitution; however, because the police denied permission for the rally fewer than 5 days before the event,

a judge ordered the police to provide security for the rally. The judge's ruling was applicable to the whole country, and the police initially stopped blocking rallies and public meetings; however, the police again banned several public events during the campaign for the December elections (see Section 3).

In April university students staged an unauthorized march in opposition to the third-term amendment from the University to the Parliament buildings. Police lined the route of the march but did not interfere with the students' progress; following discussions between police and student leaders the march dispersed, and no violence occurred.

On May 5, police cancelled a rally for those who were opposed to the third-term amendment, although the rally previously had been authorized. Police then used tear gas to prevent forcibly participants from entering the rally site (see Section 1.c.).

In July the police refused to grant permission for a rally by the Social Democratic Party (SDP) at N'Gombe township in Lusaka; however, although police had violated the notification provisions of the law, the SDP did not seek legal redress.

There was no known action taken against police responsible for injuring students during a demonstration in 2000.

Unlike in the previous year, government officials did not warn publicly of "drastic action" against two NGO's, AFRONET and the Zambian Independent Monitoring Team (ZIMT).

The Constitution provides for freedom of association; however, the Government placed some limits on this right in practice. All organizations must apply formally for registration to the Registrar of Societies. In most cases, government authorities routinely approved these applications. However, in 1999 the Government denied the application of a group of former servicemen who wanted to form an association. The Government argued that an organization for former servicemen already existed and did not permit the servicemen to register. There are 45 political parties and dozens of NGO's registered. The Government threatened to take action against those organizations that did not submit annual reports to the Registrar of Societies. In 1999 the Ministry of Home Affairs withdrew the registration of more than 20 NGO's that did not comply with the reporting requirement. The NGO's that complied with the requirement, including those that frequently criticized the Government, continued to be registered. None of the NGO's that were deregistered in 1999 was re-registered; however, it is unknown whether any reapplied for registration, and some of the NGO's reportedly were defunct.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Although a 1996 amendment to the Constitution declared the country a Christian nation, the Government in practice generally respects the right of all faiths to worship freely.

Governmental controls require the registration of religious groups. The Government approved all applications for registration from religious groups without discrimination. There were no reports that the Government rejected any religious groups that attempted to register or obtain licenses.

An office for religious affairs at the level of deputy minister in the President's Office at State House is responsible for dealing with issues that pertain to religion and worship, and to the promotion of state-church understanding and interfaith dialog.

The Zambia Episcopal Conference, the Christian Council of Zambia, and the Evangelical Fellowship of Zambia were criticized by individuals, including some members of the Government, for publicly opposing efforts to amend the Constitution to enable the President to seek a third term of office. A Catholic bishop was heckled by supporters of the President when he read a pastoral letter condemning the third term campaign during a church service. The Government subsequently apologized to the bishop for this behavior. In spite of Government criticism of these churches for taking a stand on a political issue, these organizations were able to organize activities freely to mobilize public opinion on the third-term issue.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, at times the Government limited them in practice. Police roadblocks to control criminal activity continued, and police at times extorted money and goods from motorists (see Section 1.c.). Roadblocks were closed during most of 2000 to facilitate travel and reduce opportunities for corruption; however, several roadblocks returned to operation during the 2000 holiday season reportedly to limit drunk-driving accidents; some of these roadblocks subsequently were not removed.

Resident doctors who engaged in a strike in 2000 were barred from leaving the country; however, the strike was resolved, the ban on leaving the country was lifted, and most resident doctors returned to work (see Section 6.a.).

During a November raid by Angolan government forces, approximately 100 villagers in Shangombo district of Western Province temporarily were displaced.

The law does not provide for the granting asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government complies with the provisions of these agreements. The U.N. High Commissioner for Refugees (UNHCR) estimated that there were approximately 266,000 refugees, mainly Angolans and Congolese, in the country at year's end. A group of more than 100 former combatants from the Democratic Republic of the Congo (DRC) who entered the country in 2000 were accorded temporary refugee status and relocated to a camp far from the DRC border. The Government and UNHCR planned to undertake additional evaluation on the eligibility of these former combatants. The Government cooperated with the UNHCR in processing applications for refugee status, and in accommodating the refugees.

The Government provided first asylum to approximately 12,000 new refugees from Angola during the year, including former UNITA soldiers and their families. In October the Government and UNHCR began transferring approximately 450 Angolan former combatants and their families to the Eastern Province, which is farther from the Angolan border. The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries (see Section 1.d.). Because the immigration authorities lack funds for deportation, illegal immigrants may be detained for extended periods, sometimes for more than 5 years.

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

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

On December 27, 11 political parties contested the presidential elections; parliamentary and local government elections were held at the same time. According to the Electoral Commission of Zambia (ECZ), Levy Mwanawasa, the MMD presidential candidate, was elected with 29 percent of the vote; runner-up Anderson Mazoka, the United Party for National Development (UPND) candidate, won 27 percent of the vote. The remaining 44 percent of the vote was divided among the other nine opposition candidates. The MMD won 69 out of 150 parliamentary seats, leaving it slightly short of a majority; the remaining 81 seats were divided among several opposition parties and 1 independent member. Approximately 55 percent of eligible voters registered; however, international and domestic monitors criticized the voter registration process as flawed and inadequate. Approximately 70 percent of registered voters cast ballots. Mwanawasa was expected to be sworn in on January 2, 2002.

Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the elections. There were no reports of violence or overt intimidation during the elections. The MMD's use of government resources during campaigns, including the state-owned media, called into question the fairness of the elections. Opposition parties further alleged that significant rigging took place during the elections; however, such allegations were not proven by year's end. Three opposition parties reportedly planned to challenge the elections in court; however, no challenge was initiated by year's end.

A series of parliamentary by-elections held during the year generally were representative of the will of the electorate; however, there were some irregularities such as the use of government transport by MMD officials during campaigns and the police denial of permits for the opposition to hold public rallies (see Section 2.b.). Opposition parties won three of these by-elections; however, these victories were not enough to challenge MMD dominance. In September during the Kabwata by-election, police enforced the rules that require political campaigning to occur a fixed distance beyond a polling station, requiring both the opposition Forum for Democracy and Development (FDD) and MMD officials to remove their supporters from the polling station. Police detained some unruly MMD supporters; the Government reportedly transferred some of the police officers to remote duty stations following the detentions.

Under the Constitution, the President exercises broad authority. The National Assembly ratifies major appointments and theoretically has broad powers, but the overwhelming majority held by the MMD until the December 27 election effectively precluded independent action by the legislature and limited its ability to provide a check on executive authority. Between January and May, M.P.'s, including high ranking members of the MMD, were instrumental in defeating attempts by supporters of President Chiluba to amend the Constitution to allow him to seek a third

term of office. More than one-third of the M.P.'s signed a declaration opposing the third term, which prevented the President's supporters from gaining the two-thirds vote necessary to amend the Constitution. Citizens, mobilized by civil society organizations, also mounted sufficient political pressure to compel the Government to abandon its efforts. M.P.'s also initiated impeachment proceedings against the President. This act was largely a symbolic gesture, as the President retained sufficient support to block a two-thirds impeachment vote. The MMD attempted to expel 22 of its M.P.'s who were leaders in the anti-third-term movement following the party's convention in the beginning of May. A judge granted an injunction barring the MMD from expelling the M.P.'s. The Speaker of the National Assembly subsequently came under pressure from the MMD to declare the seats of the 22 M.P.'s vacant. The Speaker deferred to the court injunction, enabling the 22 to retain their seats until they chose to leave on their own.

The ECZ did not renew its contract with the controversial firm that had run the voter registration computer system in 1996. Parties and NGO's generally were satisfied that the new system was not subject to manipulation by the ruling party. However, the overall process of voter registration remained inefficient and difficult for eligible citizens to use and led to a low number of registered voters (55 percent) in the December elections. Provisions for a continuous registration system were enacted too late to be of use in the December 27 elections.

The percentage of women in government and politics does not correspond to their percentage of the population. During the December 27 parliamentary elections 18 women were elected to the 150-seat Parliament. Former ambassador Gwendoline Konie and Dr. Inonge Lewanika were the first women to run for president.

The percentage of minorities in government and politics does not correspond their percentage of the population. There were three ethnic Asians in Parliament prior to the December 27 parliamentary elections, one of whom was a minister. In April some of the President's supporters used racist language against two M.P.'s of Asian origin; they were not disciplined.

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

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are not cooperative or responsive to their views. Some civic education NGO's, particularly those actively opposed to the third-term campaign, complained of harassment by the Government or organizations supported by the Government.

Some domestic human rights organizations, including the Law Association of Zambia, Women for Change, the Catholic Commission for Justice and Peace, and the Zambia Civic Education Association continued to press for a transparent democratic electoral system. Human rights, development, and election NGO's monitored the 2000 by-elections and organized civic education activities focused on improving voter participation and information. Several of these organizations worked with the Electoral Commission to organize voter awareness campaigns and create conflict resolution bodies to address violations of the electoral code of conduct.

The Government was sensitive to criticism from human rights and civic organizations, particularly during the third-term debate. However, the President ultimately responded to NGO and other criticism by categorically stating his intention not to seek a third term (see Section 3).

In March police in Livingstone and Legal Resources Foundation (LRF), a local NGO, met to discuss possible LRF training in human rights for police officers. Some police and immigration officers previously complained that LRF protects criminals because of its work defending accused persons.

In 2000 Alfred Zulu, a prominent human rights activist, was detained and charged with financial fraud. Some observers alleged that Zulu was targeted because of his human rights activities; however, there was no evidence to support these allegations. No further action was taken by the Government against Zulu by year's end.

The Government generally did not interfere with inquiries or visits by international human rights organizations. For example, in February a group from Amnesty International conducted a 2-week visit of Lusaka prisons.

In 1997 the Government established the autonomous PHRC. A Supreme Court justice chairs the Commission; other members are drawn from throughout society and include the former head of the Foundation for Democratic Processes and a University of Zambia lecturer on human rights. The Commission interceded on behalf of persons whose rights it believed were denied by the Government. The Commission oversees human rights committees in all provincial capitals. The Commission

has spoken out on behalf of detainees and prisoners. In 2000 the PHRC requested but did not receive funding to hire prison inspectors; until it obtains funding, its provincial committees are conducting periodic prison inspections (see Section 1.c.). In March the Government responded to the 2000 report of the commission of inquiry that investigated torture claims by detainees (see Section 1.c.).

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

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed. Constitutional amendments barring native-born citizens of partial or full foreign ancestry from the presidency appear to violate the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who are accorded authority and privileges as chiefs, from running for political office unless they resign their chieftainships. A legal challenge to these amendments in 1996 was unsuccessful.

Women.—Domestic violence against women remained a serious problem. Wife beating and rape were widespread. Domestic assault is a criminal offense. Although the police have a Victim Support Unit (VSU) to attend to the problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing," in practice police often are reluctant to pursue reports of domestic violence, preferring instead to encourage a reconciliation. The Government and NGO's expressed continued concern about violence against women, and the media continued to devote considerable publicity to it during the year. According to official statistics, more than 4,700 rape cases were reported to the police between 1991 and 1998. Of these, approximately 30 percent resulted in conviction and 5 percent in acquittal. The remainder of the cases either were dismissed or remain unresolved. The courts normally sentence defendants convicted of rape to hard labor. Since many rape cases were not reported to the police, the actual number is considered to be much higher.

In August young women reportedly were among a group of persons abducted by UNITA soldiers for forced labor in Angola (see Sections 6.c. and 6.f.).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice women are disadvantaged severely in formal employment and education compared with men. Married women who are employed often suffer from discriminatory conditions of service. Women have little independent access to credit facilities; in most cases, they remain dependent on their husbands who are required to cosign for loans. As a result, few women own their own homes. However, some small financial institutions reportedly allow women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legal protections. Polygyny is permitted if the wife first agrees to it at the time of her wedding. Under the traditional customs prevalent in most ethnic groups, all rights to inherit property rest with the deceased man's family. Under the law, the children of the deceased man equally share 50 percent of an estate; the widow receives 20 percent; the man's parents receive 20 percent; and other relatives receive 10 percent. The widow's share must be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines.

In practice property grabbing by the relatives of the deceased man remains widespread, although increased training of local court officials has brought about a slight decrease in the number of incidents. Ignorance of the law on the part of victims is a problem. As a result, many widows receive little or nothing from the estate. The fines that the law mandates for property grabbing are extremely low. During the year, no action was taken on the Intestate Succession Act. In response to the President's criticism of property grabbing, the police, through its VSU, handled instances of property grabbing as criminal offenses.

NGO's that predominantly represented women's interests were particularly active as lobbying organizations. The Non-Governmental Organizations Coordinating Committee, an umbrella organization for women's NGO's, was influential in the Oasis Forum, formed to present an opposing view to the proposed presidential third-term constitutional amendment (see Section 3). Women for Change conducted a series of high profile human rights awareness programs with traditional leaders.

Children.—The Government seeks to improve the welfare of children, but scarce resources and ineffective implementation of social programs continue to affect adversely the welfare of children. The Ministry of Sport, Youth, and Child Development, the Ministry of Education, the Ministry of Labor, and the Ministry of Community Development and Social Services have the responsibility for improving child

welfare. Education is neither compulsory nor free. The number of children enrolled in public schools at the primary levels continued to decline. A lack of adequate educational facilities and a scarcity of educational materials are problems. Some areas have established community schools that in theory are free; however, these schools have fewer resources than public schools and require contributions from parents. The number of girls and boys in primary school is approximately equal; however, fewer girls attend secondary school.

Due to poverty, both rural and urban children often work in the informal sector to help their families make ends meet (see Section 6.d.). The number of street children in Lusaka increased from approximately 35,000 in 1991 to approximately 95,000 at year's end, partly because of the growing number of orphans whose parents have died from HIV/AIDS. Approximately 75 percent of all households are caring for at least one orphan; these children face greater risks of child abuse, sexual abuse, and child labor. Approximately 7 percent of households are headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS and attempted to address the problem of child labor by establishing a child labor unit with awareness programs in 2000. Child abuse was believed to be fairly common, but no statistics were available.

The Labor Ministry and the Ministry of Community Development cooperated in establishing a child labor office to address the problem of street children; in 2000 the Government established the Child Labor Working Group. There are laws that criminalize child prostitution, pornography, and sexual exploitation of children under the age of 21. Laws against child prostitution were not enforced effectively; however, cases of child pornography and sexual exploitation generally were enforced effectively (see Section 6.d.).

Persons with Disabilities.—Persons with disabilities faced significant societal discrimination in employment and education. The Government took steps to ameliorate their hardships, including establishing a national trust fund to provide loans to persons with disabilities to help them start businesses, but its efforts were limited by scarce resources. The Government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of citizens to form trade unions, and approximately 60 percent of the 300,000 formal sector workers are unionized. Of the country's 19 large national unions, organized by industry or profession, 18 are affiliated with the Zambia Congress of Trade Unions (ZCTU). The ZCTU is operated democratically and, like its constituent unions, is independent of any political party and the Government. The Zambia Union of Financial and Allied Workers broke away from the ZCTU with four other unions in 1994 to establish a rival umbrella organization. The Primary Teachers Union of Zambia later joined this group. Four of the founding unions, including the Mineworkers' Union of Zambia, since have rejoined the ZCTU, leaving only the Zambia Union of Financial and Allied Workers and the Primary Teachers Union of Zambia outside the Congress.

The law codifies the "one union, one industry" principle and allows for a multiplicity of trade unions as well as federations of trade unions. The Bankers Union of Zambia, although registered with the Government in 1993, was unable to operate because the employers recognize the existing Zambia Union of Financial and Allied Workers. The Secondary School Teachers Union of Zambia (SSTUZ) and the Zambia National Teachers Union (ZNUT) continued to operate; however, most teachers still belong to the ZNUT. The ZNUT lost bargaining power when some members switched to separate unions for primary and secondary school teachers; however, these unions experienced difficulty gaining attention from the Government. Unions continued to experience increasing fragmentation due to a shrinking formal sector and 1993 changes in labor laws that decreased union leverage. Only 11 percent of the eligible workforce was employed in the formal sector.

All workers have the right to strike, except those engaged in essential services. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the Intelligence Security Service, the law defines as essential services power, medical, water, sewerage, fire fighting, and certain mining occupations essential to safety. It permits strikes only after all other legal recourse has been exhausted. The result is that there has not been a legal strike since 1993. The law prohibits employers from retribution against employees engaged in legal union activities. Workers engaged in illegal strikes do not enjoy this protection.

In February the Magistrates and Judges Association of Zambia went on strike until their salaries and conditions of service were improved. Also in February, nurses started a strike that lasted for several months. In April and June, civil serv-

ants, city/town/district council workers, public service workers, and teachers went on strike. The workers were striking for increased salaries and improved conditions of service. The strikes were settled when workers were awarded nominal salary increases. No action was taken against the workers engaged in these strikes.

The 2000 strike involving resident doctors was resolved, and most resident doctors returned to work with increased salaries and better working conditions (see Section 2.d.).

The ZCTU came under criticism for opposing the presidential third-term amendment; however, no action was taken against ZCTU leaders or members.

By a majority vote of its members, a union may decide on affiliation with the ZCTU or with trade unions or organizations outside the country. The ZCTU is a member of the International Confederation of Free Trade Unions, and a citizen currently holds the presidency of that body. Labor leaders travel without restrictions to international conferences and to visit counterparts abroad.

b. The Right to Organize and Bargain Collectively.—Employers and unions in each industry negotiate collective bargaining agreements through joint councils in which there is no government involvement. Civil servants and teachers, as public officials, negotiate directly with the Government. Collective disputes are referred first to conciliation. If conciliation fails to resolve the dispute, the parties may refer the case to the Industrial Relations Court (IRC), or, in the case of employees, vote to strike. In practice the industry joint councils function effectively as collective bargaining units.

The law prohibits discrimination by employers against union members and organizers. An employee who believes that he has been penalized for union activities may, after exhausting any existing administrative channels for relief, file a complaint with the IRC. This court has the power to order appropriate redress for the aggrieved worker. The complainant may appeal a judgment of the IRC to the Supreme Court. In practice the IRC often orders employers to reinstate workers found to have been victims of discrimination. The IRC, like other courts, has inadequate resources to address all cases before it in a timely manner.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor; however, it authorizes the Government to call upon citizens to perform labor in specific instances, for example, during national emergencies or disasters. The Government also can require citizens to perform labor that is associated with traditional civil or communal obligations, as when all members of a village are called upon to assist in preparing for a visit by a traditional leader or other dignitary.

The Government prohibits forced and bonded labor by children, and in practice the labor authorities enforce the legal proscriptions when cases violating the law are brought to their attention (see Section 6.d.). However, there were reports that UNITA rebels abducted persons, particularly young persons, for forced labor in Angola (see Sections 5, 6.d., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment of children is 16 years. The Labor Commissioner effectively enforced this law in the industrial sector, where, because of high adult unemployment, there is little demand for child labor. Child labor is most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. The law was not enforced for those who work in subsistence agriculture, domestic service, and informal sectors, where children under the age of 16 often are employed. Acute family poverty levels and economic factors contribute to child labor. The problem has been compounded by the HIV/AIDS epidemic, which has produced a growing number of orphans. In urban areas, children commonly engage in street vending. The International Labor Organization (ILO) estimated that approximately 564,000 children were in the work force during the year. Approximately 85 percent of those children are engaged in the worst forms of child labor, including street begging and prostitution. The Government has signed but not ratified ILO Convention 182 on the worst forms of child labor.

In 2000 the Government established an interministerial working group, the National Steering Committee of the National Country Program on Child Labor, to coordinate efforts at addressing the root causes of child labor.

The Government prohibits forced and bonded labor by children, and the authorities enforced legal proscriptions when violations were brought to their attention; however, while in general forced or bonded labor was not a problem, there were reports that UNITA rebels abducted young persons for labor in Angola (see Sections 5 and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage for nonunionized workers is set at \$0.07 (245 kwacha) per hour. Based on a 48-hour workweek, the legal max-

imum for nonunionized workers, a worker earning the minimum wage would receive \$12.70 (47,000 kwacha) per month. The minimum wage covers nonunionized workers in categories such as general workers, cleaners, office orderlies, and watchmen. The minimum wage is insufficient to provide a worker and family with a decent standard of living, and most minimum wage earners supplement their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits are established through collective bargaining. In practice almost all unionized workers receive salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment is 40 hours and is, in practice, the normal workweek. The law requires 2 days of annual leave per month of service.

The law also regulates minimum health standards in industry, and the Department of Mines is responsible for enforcement. Factory safety is handled by the Inspector of Factories under the Minister of Labor, but staffing problems limited enforcement effectiveness. There are provisions in the law to protect the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—The Constitution prohibits trafficking of children under the age of 18, as well as trafficking in women for immoral activities; however, there are no other laws prohibiting trafficking in persons. There were some reports of trafficking of Zambian women to South Africa.

Angolan Government forces and UNITA deserters abducted citizens and forced them to accompany them back to Angola, where the abductees were forced to herd cattle, carry logistical supplies, and engage in prostitution.

When incidents have been alleged, the Government has investigated them and, in one case, tried an accused trafficker who was acquitted.

ZIMBABWE

Zimbabwe is a republic in which President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) have dominated the executive and legislative branches of the Government since independence in 1980. Although the Constitution allows for multiple parties, opposition parties and their supporters were subjected to significant intimidation and violence by the ruling party and government security forces, and financial restrictions continued to be imposed on the opposition. The 2000 parliamentary elections were preceded by a government-sanctioned campaign of violence directed towards supporters and potential supporters of the opposition. Although most election observers agreed that the voting process itself generally was peaceful, there were irregularities. In 1999 the country's first viable opposition party emerged, the Movement for Democratic Change (MDC), which won 57 out of 120 seats in the June 2000 parliamentary elections. The Constitution provides for an independent judiciary, and in practice the judiciary remained largely independent despite government attempts to dilute its independence; however, the Government repeatedly refused to abide by judicial decisions.

The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice it is controlled by the President's office. The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security; however, they frequently were called upon for domestic operations during the year. The Central Intelligence Organization (CIO), under the Minister of State for National Security in the President's Office, is responsible for internal and external security, but it does not have powers of arrest. Senior government and ruling party members tightly control the security forces. Members of the security forces committed numerous, serious human rights abuses.

An estimated 60 percent of the population of approximately 12 million survive on subsistence agriculture and approximately 75 percent rely directly or indirectly on agriculture for their livelihood; however, there are significant mining, manufacturing, and service sectors. The country has abundant arable land, minerals, good but deteriorating infrastructure, an educated and disciplined work force, and an ecotourism sector. Its chief sources of hard currency are tourism and exports of tobacco, gold, ferroalloys, nickel, and remittances from citizens working in other countries. Important sectors of the nonfarm economy continued to be dominated by state-owned monopolies and suffered from mismanagement and poor governance, including corruption, and from large fiscal deficits exacerbated by the Government's military operations since 1998 in the Democratic Republic of the Congo (DRC). These conditions contributed to accelerating price inflation, rapid currency depreciation,

shrinking real incomes, and high unemployment. The formal sector unemployment rate exceeds 65 percent. The country's gross domestic product (GDP) was estimated at approximately \$2 billion (Z\$600 billion). During the year, per capita GDP fell to \$392 and, according to government estimates, more than 70 percent of the population lives below the poverty line. The Government has faced growing pressure from urban labor groups and rural low-income groups as the standard of living dropped. International experts estimated that HIV/AIDS infects one-third of the adult population, and has created an estimated 900,000 orphans since the late 1980's.

The Government's very poor human rights record continued to worsen during the year, and it committed numerous, serious abuses. Security forces committed extrajudicial killings. A government-sanctioned, systematic campaign of violence targeting supporters and potential supporters of the opposition began in the run-up to parliamentary elections in 2000 and continued to intensify during the year. Ruling party supporters and war veterans, with material support from the Government, expanded their occupation of commercial farms, and in some cases killed, abducted, tortured, beat, abused, raped, and threatened farm owners, their workers, opposition party members, and other persons believed to be sympathetic to the opposition. There were reports of politically motivated disappearances. Security forces tortured, beat, raped, and otherwise abused persons. Prison conditions remained harsh and life threatening. Arbitrary arrest and detention and lengthy pretrial detention remained problems. The Government undermined the independence of the judiciary by pressuring justices to resign and replacing them with those deemed to be more sympathetic to the ruling party's policies; the Government manipulated the composition of the courts and did not respect court rulings against the Government's land resettlement program. Infringements on citizens' privacy continued. The Government expanded its far-reaching "fast-track" resettlement program, begun in 2000, whereby nearly all large-scale commercial farms, which are mostly white-owned, were designated for seizure without fair compensation; many farmers and their families were forced to abandon their homes and property due to direct threats from members of the Government and ruling party, and their supporters.

The Government continued to restrict freedom of speech and of the press, enforced restrictive laws against journalists, intimidated and arrested journalists, and monopolized radio and television broadcasting. The Government imposed more stringent restrictions on foreign journalists. Journalists also practiced self-censorship, and the Government continued to restrict academic freedom. The Government restricted freedom of assembly and used force on numerous occasions to disperse non-violent public meetings and demonstrations. Although the Government generally respected religious freedom, its retention of the colonial-era Witchcraft Suppression Law reportedly was viewed as restrictive by some practitioners of traditional indigenous religions. The Government at times restricted freedom of movement, including erecting roadblocks around and within districts holding elections throughout the country. Tens of thousands of farm workers were displaced internally due to the ongoing land resettlement policies. The Government amended and began enforcing a law that requires all dual nationals to renounce their foreign citizenship in order to retain their Zimbabwean citizenship. The political process remained heavily tilted in favor of the ruling party, and widespread irregularities, fraud, and intimidation marred the parliamentary by-elections held during the year. The Government accused nongovernmental organizations (NGO's) of launching opposition political activity. Domestic violence against women remained widespread, female genital mutilation (FGM), and discrimination against women and persons with disabilities remained problems. Abuse of children remained a problem. There were continuing reports of ritual murders associated with traditional religious practices. The President and his Government encouraged widespread resentment of the economically prominent white minority. The Government violated worker rights. Child labor was a problem, and the traditional practice of offering young girls as compensatory payment in interfamily disputes persisted. There were reports that persons were trafficked from the country to South Africa for prostitution and forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed at least four extrajudicial killings, and in numerous other cases, army and police units participated or provided transportation and other logistical support to perpetrators of political violence and knowingly permitted their activities.

In March a soldier reportedly died from injuries after he was tortured by police and CIO officers at the Harare Central police station. There was no further information available on the case by year's end.

On April 9, police beat to death a University of Zimbabwe (UZ) student in his dormitory room following student demonstrations on the campus the previous day (see Section 2.b.). The UZ student reportedly was not involved in the protests. Police denied that the student died from injuries sustained from the assault by several police officers, and no further action was taken on the case by year's end.

On October 15, two army soldiers used batons to beat to death a man in a Guruve police station. The soldiers reportedly accused the man of looting. They were arrested and charged with murder, and a Bindura magistrate ordered them to be held without bail. The case remained pending at year's end.

On November 24, six ZDF soldiers beat and threw Lameck Chemvura, a UZ student who they suspected of supporting the MDC, from a moving train; he subsequently died from his injuries. Six soldiers were arrested; however, only one was charged with murder. The police denied that the case was politically motivated. The case was pending at year's end.

The Government used excessive force to disperse demonstrations and strikes during the year (see Sections 1.c., 2.b., and 6.a.). On August 8, members of the security forces attempted to disperse forcibly a strike at the Zimbabwe Iron and Steel Company (ZISCO) plant in Redcliff (see Section 6.a.). Three truckloads of heavily armed army and police units fired tear gas, beat participants, and shot at the strikers indiscriminately, which resulted in the deaths of 3 strikers and injuries to 10 others. The Government claimed that the police shot the three accidentally; however, labor activists stated that the security forces fired at the workers deliberately to break up the strike. Although police conducted an investigation, the results were not announced by year's end. The Steel Workers' Union sued the police and army for using excessive force; the case still was pending at year's end.

Harsh prison conditions and a high incidence of HIV/AIDS are acknowledged widely to have contributed to a large number of deaths in prison; the Zimbabwe Prison Service documented that 1,051 prisoners have died of HIV/AIDS-related causes since 1998 (see Section 1.c.). However, some deaths in custody and prison may have been due to abuse.

On August 13 in Gokwe, Vusumuzi Mukweli, an activist for the MDC, died in prison under suspicious circumstances 5 days after he was arrested for allegedly inciting violence in a campaign for local council elections. The MDC called for an official investigation into Mukweli's death, but there was no action on the case by year's end.

During the year, a civilian teenager in Masvingo province near the border with Mozambique reportedly was killed by a landmine explosion. In 2000 two persons were killed and two were injured by landmine explosions.

In 2000 at a soccer match in Harare, 12 persons were trampled to death after police fired tear gas into stands where opposition supporters were waving MDC banners and chanting antigovernment slogans. Five others were injured critically, one of whom later died from injuries. Human rights organizations were supporting individual legal cases against the ZRP for using excessive force in the incident; however, the cases had not been tried by year's end.

No action was taken in the case of Notice Zhakata, who reportedly died at Norton Hospital in 1999 of injuries inflicted on him by police at the Kadoma police station, where he was detained following an arrest.

Police killed eight persons during the 1998 food riots. The Government conducted investigations into these cases, and private legal actions were instigated against the police. At year's end, only 3 of 42 cases still were pending before the courts. In the resolved cases, 26 judgments were issued against the police, and payments in 7 cases were made (see Section 1.c.).

By year's end, the Government still had not responded formally to a 1997 report by the Legal Resources Foundation (LRF) and the Catholic Commission for Justice and Peace (CCJP) on atrocities committed during the 1982–87 Matabeleland crisis, despite the 1999 release of a shortened version of the report that was made available in local languages, and as a result of mounting pressure from civic groups, political parties, and churches. The LRF and Zimbabwe Lawyers for Human Rights subsequently subpoenaed the Government in January 2000 to release the findings of two commissions that investigated the Matabeleland massacres; however, the Attorney General claimed that the documents were missing. In July 2000, the LRF petitioned the Supreme Court to force the Government to release the findings; by year's end, the Court ruled that the President could be sued in court but did not rule on whether the Government was required to release its findings. An estimated 10,000 to 20,000 persons died in the Matabeleland massacres.

The Zimbabwe Human Rights NGO Forum, an umbrella group of 9 prominent domestic human rights organizations, reported that 48 persons were confirmed killed as a result of political violence during the year. According to human rights groups, at least 130 persons reportedly have been killed during political violence since early 2000, which these groups consider to be a conservative estimate because it includes only the number of confirmed killings. ZANU–PF supporters committed almost all of the killings during the year; however, opposition supporters reportedly were involved in at least two killings. In the 5-month period before the 2000 parliamentary elections, 31 deaths were reported officially as a result of political violence, which were mostly perpetrated by supporters of the ruling party. The majority of those killed in political violence were MDC activists or supporters. A number of farm workers reportedly were killed in political violence; however, exact figures were not known. In 2000 at least five farm workers were killed; three of the five were found hanged, and the police recorded their causes of death as suicides.

On January 9, six MDC supporters were charged with killing Bernard Gara, a ZANU–PF supporter, during clashes between ruling party and opposition supporters at Baradzanwa Business Centre in Bikita West in early January. The case still was pending at year's end.

In March ZANU–PF supporters reportedly chased and killed two MDC members in Muzarabani and Hoya wards, Mashonaland Central province. One of the victims was beaten with logs and had his eyes gouged out. The other reportedly drowned after he was chased into a river by ZANU–PF supporters. No action was taken against those responsible by year's end.

In late June, Misheck Mwanza, who worked at Dick Farm in Chinhoyi district, died from injuries suffered during an assault in May. Mwanza's wife stated that she and her husband were approached by four suspected ZANU–PF supporters while walking on the farm in May. Her husband was asked what party he supported and, upon answering that he supported the MDC, the four men immediately attacked him. No arrests were reported.

On October 29, Tawanda Mutinzwe, a ZANU–PF supporter, was charged with murder and held without bail for allegedly torturing two men to death with a hot iron. The case remained pending at year's end.

On November 5, approximately 10 armed men reportedly abducted Cain Nkala, Bulawayo War Veterans Chairman, from his home and killed him. One week later, Nkala's body was found in a shallow grave 25 miles southwest of Bulawayo. The Government, including President Mugabe, accused the MDC of committing the killing. Approximately 30 MDC members were arrested and detained in connection with the murder (see Section I.d.). The MDC denied responsibility for the killing and accused the security forces of killing Nkala.

On December 8, Augustus Chacha, an MDC activist, was abducted from his home by suspected ZANU–PF supporters; his body was found in a reservoir near his home in Shurugwi district on December 10. A local ZANU–PF spokesman denied that the party was responsible for the killing. There were no reports of action taken against those responsible by year's end.

Between December 21 and 26, ZANU–PF youth brigade members killed four MDC activists, and one other died from injuries after a December 6 attack. Among those persons killed were Trymore Midzi, the MDC vice-chairman for the Bindura district, and Titus Nheya, an MDC candidate who ran for office but was defeated in the 2000 parliamentary election. No action was taken or investigation conducted by year's end.

On December 25, MDC supporters reportedly killed Willis Dhliwayo, a war veteran and ZANU–PF supporter, near the town of Chipinge and left his body on a road near the Mount Selinda border post. Dhliwayo reportedly was arguing with MDC supporters during the night before the killing. Police stated that the killing probably was politically motivated; the investigation was ongoing at year's end.

In 2000 in Buhera district, a group of men in a ZANU–PF vehicle pulled in front of a vehicle driven by MDC leader Morgan Tsvangirai's campaign manager and eight other passengers and forced the vehicle to stop. The men beat the driver and passengers with rifle butts and then set the car on fire. The driver and one passenger died in the attack, and two other passengers reportedly were hospitalized. Police later arrested two persons implicated in the attack, but they were released after a brief detention without explanation. There were no other arrests or court action in the case.

There was no known investigation or action taken against the ZANU–PF supporters responsible for the following killings in 2000: The June killing of Mandishona Mutyanda, NDC ward chairman for Kwekwe district; the May beating to death of Mationa and Onias Mashaya; the May beating to death of Alex Chisasa;

the April killing of Luckson Kanyurira and another MDC supporter; and the March killings in Mberengwa district.

Several white commercial farmers were killed during the year; however, it was unclear if any of the attacks were connected to land seizures. On March 4, unknown persons shot and killed 72-year-old Gloria Olds, a commercial white farmer, in front of her farm gate in Matabeleland North province. Her son, farmer Martin Olds, was killed by ZANU–PF supporters in 2000. The police who investigated the crime claimed that robbery was the motive because her truck was stolen after the attack. However, the Commercial Farmers Union stated that political intimidation of white commercial farmers was the most likely motive. Police arrested one suspect shortly after the murder, but no further action was taken by year's end. On August 6, Kwekwe farmer Ralph Fenwick Corbett died in a hospital as a result of head injuries sustained in an attack by suspected war veterans. The suspects reportedly broke into his home and tied him with wire before assaulting him with an axe. Police conducted an investigation, but no further action reportedly was taken by year's end.

In April 2000, a group of war veterans, including active duty defense force personnel in civilian clothing, abducted MDC organizer and commercial farmer David Stevens from his farm and took him to their base in Murewa, where they beat him badly and then shot and killed him. In September 2000, after receiving an anonymous tip, police arrested a Marondera war veteran and charged him with murder. The suspect was released on bail pending a court hearing; however, the Attorney General later withdrew the charges due to a lack of evidence, although the suspect had been apprehended with the murder weapon and had been identified by a number of witnesses. No further action was taken on the case by year's end.

No action reportedly has been taken against the three men armed with rifles who killed white farmer Henry Elsworth and seriously injured his son in an ambush attack outside his farm gate in December 2000.

There were continuing reports of ritual murders and killings of children for body parts that were associated with traditional religious practices. In 1999 Faber Chidarikire, a ZANU–PF official and mayor, was charged with the murder of a girl in 1987. In June Chidarikire was tried; however, the court deferred its judgment, and no judgment was issued by year's end.

b. Disappearance.—There were reports of a growing number of politically motivated disappearances committed by ZANU–PF supporters during the year, especially in the rural areas where most organized groups are loyal to the Government, and there are few opposition organizations. Domestic human rights organizations believe that there were disappearances in rural areas that were not reported due to fear of retribution by progovernment factions. Some abductees were tortured, and others later were found killed (see Sections 1.a and 1.c.). The number of abductions in which abductees were known to be released increased significantly during the year.

The Zimbabwe Human Rights NGO Forum reported 61 disappearances between January and July; 27 remained unresolved at year's end. On January 8, four CIO agents abducted Eide Javachava, a messenger working for former MDC parliamentary candidate Elliot Pfebve, in Harare. The agents detained Javachava for 2 nights, continually beat him, and questioned him (see Section 1.d.). On May 26, masked men suspected of being ZANU–PF supporters reportedly abducted and detained for several hours Joel Sithole, the MDC candidate for a local election in Plumtree. In July in Bindura, the Zimbabwe Human Rights NGO Forum reported that armed police officers claiming to be war veterans abducted Chipso Ruzive and 27 MDC supporters. Five of the supporters, who were youths, still were missing at year's end. Other youths were assaulted by police officers at the Bindura police station but later were released.

In July war veterans reportedly kidnaped and tortured 13 MDC supporters at torture camps in Bindura district (see Section 1.c.).

On September 4, the wife and daughter of Elliot Pfebve were abducted at knifepoint and held for 4 hours (see Section 1.f.).

In April and May, war veterans abducted managers of urban NGO's and private companies and took them to ZANU–PF headquarters in attempts to extort wage concessions for the NGO and company employees.

In 2000 Patrick Nabanyama, a local MDC official and polling agent for Bulawayo South Member of Parliament (M.P.) David Coltart, was abducted by suspected ZANU–PF supporters from his home. Ten war veterans, including Cain Nkala, the chairman of the National Liberation War Veterans Association in Bulawayo, reportedly were detained for the kidnaping. On November 4, the 10 detainees pleaded not guilty to charges of kidnaping and were released on bail. The following day, Cain

Nkala was kidnaped and killed (see Section 1.a.). At year's end, Nabanyama still was missing.

No action reportedly was taken against the war veterans who beat and abducted a journalist for The Independent newspaper, a foreign journalist, and her cameraman, in Mutoko district in 2000; the police rescued the kidnaped journalists within a few hours of the abduction.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces tortured, beat, and otherwise abused persons. The ZRP showed poor training in criminal apprehension and interrogation, and there were unconfirmed reports of human rights abuses by the CIO. There continued to be reports of police using excessive force in apprehending and detaining criminal suspects. Government supporters continued to beat and torture suspected opposition members, commercial farmers, and farm laborers.

Security forces were involved in incidents of political violence, including instances of soldiers beating civilians in areas where persons voted for the opposition, such as Harare suburbs and Masvingo town.

On January 4, police officers and CIO agents detained and tortured for 4 days Ishmael Kauzani, an MDC supporter, at Zaka police station in Bikita West. Police blindfolded him, interrogated him about the MDC, kicked and beat him all over his body, including his genitals, with sticks and bare hands. Following the January 13–14 by-elections, the violence in Bikita West decreased.

On January 8 in Harare, four CIO agents abducted Eide Javachava, a messenger working for former MDC parliamentary candidate Elliot Pfebve. The agents detained, continually beat and questioned Javachava for 2 nights (see Section 1.d.).

On April 2, police and ZANU–PF youth supporters assaulted and injured Tawanda Hondora, Chairman of Zimbabwe Lawyers for Human Rights, at a police station in Chikomba. Hondora had gone to the station to investigate claims by witnesses for the MDC in its legal petition that they were being intimidated and pressured not to testify against ZANU–PF members. Hondora identified five persons who assaulted him; however, the police had taken no action by year's end. A civil suit against the attackers also remained pending at year's end.

Following ZANU–PF's defeat in a May mayoral election, in Masvingo town, 50 army recruits reportedly beat and injured the occupants of local nightclubs and other establishments (see Section 3).

On July 3, police officers in Harare's Budiriro township reportedly beat with batons Richard Jachi and his wife after they were ordered out of their house at approximately 3 a.m. According to the Amani Trust, the Jachis were taken to Budiriro police station, where they were beaten again and charged with public violence. There was no further information available on the case by year's end.

In July there were reports that police beat residents in Harare's suburbs during a strike (see Section 6.a.).

On September 7, police officers detained Tinaapi Diura, a local MDC official in Chikomba. The officers questioned him about a recent attack on a ZANU–PF official, then beat him. Diura was released at a cemetery where a group of young ZANU–PF members beat him with batons.

On November 24, on a train, six army soldiers beat and harassed passengers who they suspected of supporting the opposition; one UZ student was killed when the soldiers threw him from the moving train (see Section 1.a.).

The Amani Trust reported that at least six politically motivated rapes were committed during the year but noted that the figure likely is grossly underreported due to cultural taboos. The attacks targeted female farm workers and health workers (see Section 5).

Security forces repeatedly used force, including tear gas, to disperse nonviolent demonstrations; security forces also beat demonstrators, which resulted in injuries (see Section 2.b.).

The Government generally has not pursued actively past allegations of torture and has not prosecuted CIO or ZRP officers for such abuses.

No action reportedly was taken against the army soldiers who allegedly beat an MDC M.P. and MDC members at a political rally in 2000 or against the police and security forces who used excessive force to disperse demonstrations or soccer matches on the following dates in 2000: October 16; October 12; October 9; and July 9.

Unlike in the previous year, there were no reports that government forces allegedly used landmines in the DRC. There were reports in 2000 that government forces allegedly used landmines in the DRC; there was no further information available on the extent of injuries resulting from these landmines.

In 1999 the Chitungwiza police arrested, detained for 6 months, and allegedly tortured a married couple, Joyce and Shupikai Karimazondo, and another person, John

Mita, in response to allegations by a neighbor that they had killed their young domestic worker for ritual purposes. In 2000 the Karimazondos and Mita were released, and the murder charge was dropped after the domestic worker was located alive and unharmed. The Magistrate Court declined the Karimazondos' defense counsel's application to have the Government prosecute the investigating officers for misconduct and unlawful detention. Mita stated that he was suing the Government for unlawful detention. The Amani Trust investigated the allegations. The Karimazondos filed a civil suit with the High Court, and at year's end, the case was pending.

In 1999 the military police detained and subsequently tortured and beat two journalists, Mark Chavunduka and Ray Choto (see Section 2.a.). The journalists' suit for their alleged mistreatment still was pending at year's end.

In 1999 CIO officer Richard Mutswiri Mutiti reportedly filed a suit with the High Court alleging that four CIO officials had beaten and kicked him, doused him with a flammable petroleum distillate, and threatened to burn him, while detaining him without warrant at the Harare Central Police Station in 1998. A CIO disciplinary committee reportedly recommended the firing of the four officials in 1998, and one reportedly resigned soon thereafter. The case was pending in the High Court at year's end.

There were no known developments in the case of three men, one of whom later was identified as a police officer, who reportedly assaulted Isodore Zindoga, deputy secretary general of the Zimbabwe Confederation of Trade Unions (ZCTU), in 1999 in Harare. There were no developments in the case of Notice Zhakata who reportedly died at Norton Hospital of physical abuse inflicted by police at the Kadoma police station while he was detained in 1999.

A consortium of human rights lawyers and NGO's pursued legal actions in 42 cases on behalf of persons who alleged that they had been injured by members of the security forces during the 1998 food riots (see Sections 1.a. and 1.d.). By year's end, only three cases were unresolved and still pending.

Government supporters continued to beat and torture suspected opposition members, commercial farmers, and farm laborers. An international team of experts from the International Center for Rehabilitation of Torture Victims, led by Dr. Inge Gefencke, visited the country during the year and concluded that there was systematic mass physical and psychological torture perpetrated by government supporters throughout the country. Human rights groups have reported that war veterans and other ruling party supporters set up torture chambers in government-funded offices and police stations to brutalize opposition supporters. The Zimbabwe Human Rights NGO Forum reported 2,245 cases of torture during the year as part of a campaign of political violence. In 2000 the names of MDC M.P. David Coltart and other MDC members and supporters reportedly were included on a death list that was circulated among ZANU-PF supporters. During the year, the death list reportedly continued to be circulated, and additional names were added.

Persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers in the manufacturing sector, were singled out for assault or intimidation. In most cases, the national police did not halt acts of political intimidation or violence, arrest the perpetrators, or vigorously investigate political crimes. Some victims who were tortured or beaten died as a result of their injuries (see Section 1.a.).

There were reports that war veterans targeted for abuse ZANU-PF members who were not carrying the new party identification cards during the year (see Section 3).

In the 2 months preceding the July 28-29 by-election in Bindura, ZANU-PF supporters beat and tortured hundreds of opposition supporters.

In June and July, war veterans set up camps at Kitsiyatota, Chiveso, Murembe, Mupandira, and Maizeland Farms in Bindura district where they tortured captured opposition supporters. The Zimbabwe Human Rights NGO Forum reported that war veterans also established torture camps at Foothill Farm and Nyawa in Bindura. In July war veterans reportedly kidnaped and tortured 13 MDC supporters at one of the bases in Bindura. There was no further information available on the case by year's end.

On June 30, ZANU-PF supporters abducted from his home and beat Fani Javangwe in the Harare township of Epworth and accused him of being pro-MDC. They forced Javangwe to lie prostrate and beat him all over his body; he sustained multiple injuries to the head, ears, and left leg, and suffered a fracture of his left hand. He also was forced to strip naked and sit very close to a fire. Javangwe reported the attack to the police; however, no action was taken by year's end.

In June Willias Madzimure, the MDC M.P. for the Harare suburb of Kambuzuma, was attacked in his home (see Section 1.f.). His maid sustained injuries to her head,

back, hands, and stomach from bricks that were thrown at her as she escaped over the back wall. One residential guard lost an eye in the attack, and a second guard sustained head injuries. Although Madzimore's guards identified six of the perpetrators, no arrests were made by year's end.

On July 22 in Bindura, several hundred ZANU–PF supporters ambushed a motorcade carrying MDC President Tsvangirai and several MDC M.P.'s. The ZANU–PF youths threw stones at the vehicles, seriously injuring five persons, and burnt the car in which the MDC's secretary for health, Dr. Tichaona Mudzingwa, was riding; several persons, including Mudzingwa, were detained after the incident (see Section 1.d.). None of the perpetrators was detained or charged.

On August 6, during a conflict between commercial farmers and farm occupiers near Chinhoyi, at least four persons were injured seriously (see Section 1.f.). On August 7, ZANU–PF youth indiscriminately beat white persons in the area. Following the conflict, 24 white farmers and their relatives, including 5 persons who were making inquiries at police stations, were charged with assault and public violence. All of those arrested were released on bail (see Section 1.d.). Their cases remained pending at year's end.

In early September, Mutandera, an MDC supporter, was forced to attend a ZANU–PF meeting in Chikomba, where he was beaten severely and stabbed in the head, according to the Zimbabwe Election Support Network (ZESN). He was hospitalized at Chivhu General Hospital.

In October in Gokwe district, ZANU–PF supporters reportedly abducted and tortured 10 MDC supporters, including a local MDC official. The abductees were taken to a camp in a local shopping area. One abductee, Elifanos Chamunorwa, was forced to carry a large boulder on his shoulders for a long distance and was burned on the soles of his feet with a hot iron. Police officers intervened to take Chamunorwa to a hospital; however, no arrests were made. Phineas Dimhairo, the MDC chairman for Gokwe Central, reportedly was stoned and whipped with chains. The case was pending at year's end.

On November 7, ZANU–PF supporters beat and whipped numerous farm workers and their families, including a 5-year-old boy, on five farms near the town of Marondera. No arrests were made by year's end.

On November 16, hundreds of war veterans and ZANU–PF supporters attacked shoppers, schoolchildren, and other persons in Bulawayo, causing numerous injuries. No arrests had been made by year's end.

On November 30, 300 war veterans reportedly raided a farm near Chegutu, beat farm workers, and burned 42 houses; 20 persons were hospitalized for serious burns, and more than 100 persons were displaced.

During the year, business managers of urban NGO's and private companies were abducted and taken to ZANU–PF headquarters, where some were beaten and threatened, and others were forced to kiss a portrait of President Mugabe and sing ruling party slogans.

War veterans and ZANU–PF supporters continued to harass, intimidate, and abuse journalists considered to be sympathetic to the opposition during the year (see Section 2.a.).

In a number of rural areas, war veterans and other ZANU–PF supporters conducted "pungwes" (forced nightly political gatherings). Hundreds of villagers were rounded up, driven to remote areas, and forced to chant ZANU–PF slogans or denounce the opposition until the next morning.

Government supporters raped suspected opposition supporters. The attacks targeted female farm workers and health workers (see Section 5).

In October 2000, President Mugabe issued a presidential decree granting a general amnesty for politically motivated crimes that occurred between January 1 and July 31, 2000 (see Section 1.e.). The amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them.

In July 2000, the National Constitutional Assembly (NCA), an umbrella organization of approximately 100 NGO's, called for an inquiry into the political violence, and a number of other human rights organizations released reports on the political violence associated with the June parliamentary elections during the year.

There were confirmed reports that in Budiriro, a suburb of Harare, war veteran groups frequently used a medical clinic belonging to former National Liberation War Veterans Association leader and M.P., Dr. Chenjerai Hunzvi, to torture members of the MDC before the 2000 parliamentary elections. At least one person, Chipunza, died from injuries sustained during torture there, and another six testified to a human rights group that they were tortured at this clinic. Authorities arrested 46 war veterans, but they were released on bail, and they are unlikely to be tried because of the amnesty (see Section 3).

The Zimbabwe Human Rights NGO Forum reported that in 2000, ZANU–PF supporters in Mberengwa district abducted a local nurse and a teacher at night and forced them to a remote camp where other opposition members were being held. The two were stripped and forced to climb trees and jump from a height of three meters. They were beaten with electrical cords and sticks and threatened with firearms. Authorities arrested four suspects and held them on charges of malicious damage to property, public violence, kidnaping, and murder. As a result of the presidential amnesty, charges against three of the suspects were dropped, but the other suspect remained in custody for murder at year's end.

In 2000 a group of ZANU–PF supporters allegedly tortured MDC members in Bulawayo before the start of a rally addressed by President Mugabe. In August police arrested two war veterans suspected of participating in the torture; however, charges against them were dropped as a result of the amnesty.

No action was taken by year's end against the police who used tear gas to disperse violent clashes between MDC and ruling party supporters or against the ZANU–PF supporters and war veterans who beat and threw stones at unarmed opposition members and bystanders in 2000.

There was no known action taken against the ZANU–PF supporters or war veterans responsible for torturing, beating, or otherwise abusing the persons in the following cases from 2000: The August sexual abuse of 10 school children; the July beating of The Standard journalist Cengetayi Zvanya; the June beating of several journalists; the June beating of an MDC ward chairman; the May beating to death of an opposition supporter and his son; the May beating of Eomonn Oliver; the May beating to death of an army sergeant; the April beating and killing of a commercial farmer; and the April beating and killing of several MDC supporters.

No action was taken against the ruling party supporters who conducted 200 reported attacks on schools in June 2000. Teachers were dragged from classrooms, beaten, and stripped naked in front of their students. Health care workers also were targeted for assault, and nurses were raped. During the year, ruling party supporters continued to target teachers who they suspected of supporting the opposition; however, there were fewer attacks than in 2000.

During the year, 11 persons were injured by landmine explosions along the Mozambique border. During 2000 two persons were killed and two were injured by landmine explosions.

On November 25, an unidentified assailant shot a farmer three times at close range in the Macheke area; the farmer was hospitalized for his injuries. Two suspects reportedly were arrested. No further action was taken by year's end.

Prison conditions remained harsh and life threatening. Extreme overcrowding, shortages of clothing, and poor sanitary conditions persist. Overcrowding and poor sanitation aggravated outbreaks of cholera, diarrhea, and HIV/AIDS-related illnesses among the 21,133 prisoners. Government prison service authorities have determined that exposure to HIV/AIDS was a major cause of a large number of deaths in detention, and prison authorities called for more research to address this growing problem; some authorities argued for the early release of such terminally ill prisoners. Fletcher Dulini-Ncube, an MDC M.P. who was arrested for the killing of Cain Nkala and held in Khami Maximum Security Prison for more than 1 month, reportedly was denied regular access to medications for diabetes and hypertension (see Sections 1.a. and 1.d.).

The Government established a successful community service sentencing program to try to alleviate prison overcrowding. The Legal Resources Foundation, in cooperation with the prison service, has established a human rights training program for prison officials. Officials who mistreat prisoners are punished routinely. There has been a significant increase in the number of women incarcerated, primarily due to harsh economic conditions. Female prisoners are held in separate cellblocks from male prisoners. There are an estimated 2,000 women in prison, increasingly for crimes of prostitution, embezzlement, fraud, petty theft, and abandonment of infants. Many incarcerated women are obliged to raise their very young children in prison if they have no one to care for them while they are detained. Juveniles generally are held separately from adults; however, a local NGO reported that occasionally juveniles, particularly juveniles between the ages of 16 and 18 years, are held with adult prisoners for brief periods of time.

Pretrial detainees generally are held in individual cells until their bail hearings. If detainees are charged and remanded into custody, they routinely are held with the general prison population until trial.

The Government permits international human rights monitors to visit prisons; however, government procedures and requirements make it very difficult to do so. Permission is required from the Commissioner of Prisons and the Minister of Justice, which sometimes can take a month or longer to obtain or may not be granted.

A local NGO that deals with prisoners' issues was granted access on a number of occasions during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weaken this prohibition, and security forces arbitrarily arrested and detained persons repeatedly.

The law requires that police inform an arrested person of the charges against him before he is taken into custody. Warrants of arrest issued by the courts are required except in cases of serious crimes or where there is the risk of evidence disappearing. There is a growing problem, especially in rural areas, in which victims or witnesses of crimes who report to the police are themselves charged with the crimes of the perpetrators. Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law often is disregarded if a person does not have legal representation. A 1992 amendment to the Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the Attorney General or his agents. However, in practice a circular issued by the Attorney General giving a general authority to grant bail has lessened the negative effect of the rule. High Court judges grant bail independently.

Detainees generally are not allowed prompt or regular access to their lawyers. Authorities often inform lawyers who attempt to visit their clients that detainees are "not available." Family members generally are denied access unless accompanied by an attorney. Detainees, especially those from rural areas without legal representation, routinely are held incommunicado. Family members and attorneys often are not able to verify that a person has been detained until the detainee appears in court.

The Official Secrets Act and the Law and Order Maintenance Act (LOMA) grant the Government a wide range of legal powers. The LOMA gives extensive powers to the police, the Minister of Home Affairs, and the President to prosecute persons for political and security crimes that are not defined clearly.

In December a revised Public Order and Security Bill (POSB), which the Government proposed to replace the LOMA, was submitted to Parliament for debate; however, it was not passed by year's end.

Prolonged pretrial detention remained a problem. Detainees spend an average of 6 months incarcerated before their trials because of a critical shortage of magistrates and court interpreters.

On January 8, four CIO agents abducted Eide Javachava, a messenger working for former MDC parliamentary candidate Elliot Pfebve, in Harare. The agents detained Javachava for 2 nights, continually beat him, and questioned him about Pfebve, who filed a lawsuit against President Mugabe in a foreign country for sponsoring political violence. Pfebve's brother was killed during the violent campaign that preceded the 2000 parliamentary elections. No further information was available on the case by year's end.

On July 3, police officers in Harare's Budiriro township reportedly took Richard Jachi and his wife to Budiriro police station, where they were beaten and charged with public violence (see Section 1.c.). No further information was available on the case by year's end.

During the July national strike, police raided an MDC office and arrested 33 youths it claimed were responsible for attacks on ZANU-PF supporters in Bindura (see Sections 1.f. and 6.a.). The MDC stated that the police ostensibly were looking for "hostages" that did not exist. On July 3, police arrested three journalists for reportedly photographing the police beating of workers who were participating in the 2-day national strike (see Section 6.a.). On July 4, the three journalists were released because the Attorney General did not press charges.

On July 11, police arrested Wellington Chibebe, the ZCTU's Secretary General, and questioned him about the ZCTU-sponsored strike on July 3 and 4 and the ZCTU's association with foreign labor organizations (see Section 6.a.). He was released later that day.

In August 24 white farmers and their relatives, including 5 persons who were making inquiries at police stations, were charged with assault and public violence. All of those arrested were released on bail. Observers considered the bail conditions to be excessive; although bail amounts rarely exceed \$33 (Z\$10,000), the presiding judge in these cases required bail payments of \$330 (Z\$100,000). In addition the judge required that those released not return to their homes for 10 days for "their own safety," that they surrender their travel documents, and that they report to a police station on a regular basis. Their cases remained pending at year's end (see Section 1.c.).

Police arrested numerous members of the opposition during the year; MDC leader Morgan Tsvangirai was arrested and detained twice during the year. On July 22,

police and charged with public violence the MDC's secretary for health, Dr. Tichaona Mudzingwa, and several MDC youths who had been riding in a convoy that was attacked by ZANU–PF supporters (see Section 1.c.). Mudzingwa was released on bail after spending 1 night in detention. He was charged with public violence; however, in August a magistrate dismissed the charges for lack of evidence. On September 8 in Bulawayo, police arrested three bodyguards of MDC M.P. David Coltart during a mayoral election and confiscated their video camera and radios. The three were held for 2 days for possessing an “unlicensed two-way radio.” Police raided their homes and confiscated their guns—although all of them were registered legally—and accused the three of possessing weapons of war. The MDC accused the police of arresting the three for trying to film ZANU–PF attempts to manipulate the election.

In November police arrested approximately 30 MDC members in connection with the killing of Bulawayo War Veterans Chairman Cain Nkala (see Section 1.a.); some of them were detained for weeks, and the bail hearings for several of the detainees repeatedly were delayed. Two detainees were charged with murder and remained in custody at year's end, six were released on bail after being charged as accessories to murder, and the remaining detainees were released without charge. The detainees included Fletcher Dulini-Ncube, M.P. and MDC Treasurer, who was arrested on November 19. A High Court judge, who was considered a supporter of the ruling party, repeatedly postponed bail hearings for Dulini-Ncube. On December 7, after 3 weeks in detention, Dulini-Ncube was denied bail and charged with conspiracy to commit murder. Dulini-Ncube appealed his case to the Supreme Court; on December 18, he was released on bail after almost 1 month of detention in a maximum security prison (see Section 1.c.).

On December 14, police detained Tsvangirai and questioned him for 4 hours about a two-way radio found at his residence in a police raid the previous day. On December 15, police again detained, questioned, and charged Tsvangirai with violating the Posts and Telecommunications Act for possessing an unlicensed radio. Tsvangirai was released, and no further action on the case was reported by year's end.

Police also arrested several journalists during the year (see Section 2.a.).

After forcibly dispersing protests, police arrested numerous protestors (see Section 2.b.). Some were charged with violence under the LOMA.

During food riots in October 2000, police detained at least 70 persons. No further information was available on their cases by year's end.

In May 2000, police arrested 20 MDC supporters who were preparing for a political rally. No further information was available on the case by year's end.

At the end of 1999, the Government reportedly was holding approximately 80 foreigners in Harare Remand Prison who had been there for between 2 months and 1 year without having been charged formally. Many of these detainees reportedly were persons from the DRC, who claimed to fear persecution by the Government of the DRC. The Government of Zimbabwe was supporting militarily the DRC against insurgent forces. No further information was available at year's end.

In 1999 military and civilian police detained and physically abused two journalists from *The Standard* and charged them with violating Section 50 of the LOMA (see Sections 1.c. and 2.a.). In a 2000 decision, the Supreme Court ruled that the section of the LOMA under which the journalists were arrested was unconstitutional. However, at year's end, the journalists' suit for their alleged mistreatment was pending (see Section 2.a.).

The Constitution prohibits forced exile, and the Government does not use forced exile; however, a number of persons left the country to escape repression and remained in self-imposed exile at year's end. For example, during the year, Nkosana Moyo, former Minister of Industry and International Trade, sent his family outside the country before submitting his resignation in May; he also promptly departed to take a position outside the country.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in practice the judiciary remained largely independent despite government attempts to dilute its independence; however, the Government repeatedly refused to abide by judicial decisions. In addition numerous government officials, including the Justice Minister and the Minister for Information and Publicity, repeatedly called for the resignation of justices whose rulings were not consistent with the policies of the executive branch, and officials criticized the judiciary for these rulings. During the year, the Chief Justice was coerced into retiring early, and a number of High Court judges resigned or retired early after being subjected to intensive government pressure and intimidation. In March the International Bar Association conducted an investigative visit to the country; in its subsequent report, it criticized the intimidation of judges and the forced retirement of the Chief Justice.

The law provides for a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Judges are appointed to serve until the age of 65 and may extend their terms until the age of 70 if they remain in good physical and mental health. The Constitution provides that they may be removed from the bench only for gross misconduct, and that they cannot be discharged or transferred for political reasons; however, during the year, judges were coerced or threatened by the Government into resigning. In March Justice Minister Patrick Chinamasa announced after meeting with Chief Justice Anthony Gubbay that Gubbay would retire early on June 30, 9 months before he reached the mandatory retirement age of 70. The meeting with Chinamasa followed a January 22 conversation between Gubbay and Vice-President Muzenda during which Gubbay threatened to resign after Muzenda dismissed the Chief Justice's request for protection against threats by suspected war veterans and ZANU-PF supporters. Chinamasa subsequently informed Gubbay in their meeting that he had been sent to accept Gubbay's resignation. In May High Court Judge James Devittie unexpectedly announced his resignation shortly after ruling against ZANU-PF in three out of four election petitions submitted by the MDC. Judge Ismael Chatikobo, who in 2000 had ordered the Government to return seized equipment belonging to a fledgling independent radio station, resigned in June, and Judge Michael Gillespie resigned in August. On December 31, Judge David Bartlett also unexpectedly resigned from the High Court.

During the year, President Mugabe appointed three additional Supreme Court judges, bringing the total number to eight. The Government stated that the additional appointments were necessary to handle an increase in workload; however, some members of the legal community criticized the action as an attempt by Mugabe to pack the court. Magistrates, who are part of the civil service rather than the judiciary, hear the vast majority of cases and sometimes are subject to political pressure. Military courts deal with disciplinary or court-martial proceedings. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Trials in both these latter courts generally meet internationally accepted standards for fair trials. Defendants in these courts have the right to appeal to the Supreme Court. All levels of the judiciary often make rulings disliked by the Government.

The Constitution provides for the right to a fair trial, and the judiciary rigorously enforces this right. Every defendant has the right to a lawyer of his choosing; however, well over 90 percent of defendants in magistrates' courts do not have legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this is done rarely and granted rarely. However, in capital cases, the Government provides an attorney for all defendants unable to afford one. Litigants in civil cases can request legal assistance from the NGO Legal Resources Foundation. All litigants are represented in the High Court. The Supreme Court has instructed magistrates to ensure that unrepresented defendants fully understand their rights and to weigh any mitigating circumstances in criminal cases, whether or not the accused presents them as part of his defense.

The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials are open to the public except in certain security cases. Defendants enjoy a presumption of innocence, the right to present witnesses, and the right to question witnesses against them. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. The legal system generally does not discriminate against women or minorities. However, some High Court judges imposed lenient sentences in some cases of rape and child sexual abuse, and local women's and legal organizations challenged these decisions.

The Government continued routinely to delay payment of court costs or judgments awarded against it.

Members of the ruling party and the Government increasingly were dissatisfied with the judiciary, which often ruled against the ZANU-PF and the Government. On January 31, the Supreme Court overturned as unconstitutional President Mugabe's decree prohibiting the nullification of the election of any M.P. The ruling allows the High Court to hear challenges to the results in 38 constituencies—all but 2 of them submitted by the MDC—in the 2000 parliamentary elections (see Section 3).

In November 2000, the Supreme Court ruled unanimously that the Government's land resettlement policy violated constitutional rights to property and protection from arbitrary search and entry and ordered a halt to the occupations (see Section 1.f.). In November 2000, the Justice Minister warned the courts not to oppose the Government's land program (see Section 1.f.). In December 2000, the Supreme Court

ruled in a case filed by the Commercial Farmers Union that commercial farmers and their workers had been denied protection of the law and that the Government's fast-track land acquisition program infringed upon their rights and was unconstitutional. The ruling gave the Government until July 1 to establish a legal land reform program. War veterans raided the Supreme Court building to protest the Court's rulings against the Government's land resettlement policies. In December 2000, war veterans threatened to attack justices in their homes if they did not resign within 2 weeks; no such attacks occurred.

On October 2, a newly constituted Supreme Court, with justices considered more sympathetic to the ruling party, granted the Government an interim relief order that allowed it to proceed with its controversial land acquisition program. Between 85 and 90 percent of white-owned large-scale commercial farms were designated by the Government for compulsory acquisition, and approximately 1,250 farms of an estimated total of 4,000 remained occupied at year's end, with most of those facing serious work disruptions or stoppages. On December 2, in a widely criticized four to one ruling, the Supreme Court ruled that the Government's land acquisition and reform program was constitutional and was being implemented legally.

During the year, the Government and police again routinely failed to abide by court decisions ordering the removal of war veterans and other squatters residing on commercial farms. In April and May, the Government failed to abide by two High Court rulings requiring that police officials remove war veterans and other squatters trespassing on commercial farms. In May 2000, the High Court ordered an end to the occupation of 500 farms by war veterans and other ZANU-PF supporters; however, the order was not implemented. The High Court also brought contempt of court proceedings against National Liberation War Veterans Association leader Chenjerai Hunzvi for failing to remove his followers from occupied farm properties. Hunzvi, along with the Government, had been ordered to remove thousands of squatters from 1,000 occupied farms. Hunzvi was found guilty of contempt of court and received a commuted 3-month prison sentence. In August and September 2000, police removed approximately 100 squatters and war veterans from farms near Harare; however, the Government stopped the expulsions after the police actions were publicized.

In October 2000, President Mugabe issued a presidential decree granting a general amnesty for politically motivated crimes that occurred between January 1 and July 31, 2000. The pardon excluded the offenses of murder, robbery, rape, sexual assault, theft, and possession of arms, but did not exclude the charges of common assault and assault with the intent to commit grievous bodily harm. The pardon permitted the immediate release of prisoners convicted of the latter two offenses. The amnesty protects nearly all the agents of the political violence campaign that preceded the 2000 parliamentary elections and effectively prevents any criminal prosecutions against them. The amnesty was criticized widely by domestic and international human rights groups. Amnesty International expressed concern that it would encourage further violence in the run-up to the presidential elections in 2002.

The Government repeatedly has amended the Constitution in response to judicial rulings protective of human rights. Amendments to the Constitution are not ratified by the public but are subject only to the ZANU-PF-dominated Parliament's approval.

There were no reports of political prisoners held for sustained periods, although opposition leaders and supporters were detained frequently for several days at a time (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits these abuses; however, security forces searched homes and offices without warrants, and the Government is believed to monitor some private correspondence and telephones, particularly international communications. In 2000 Parliament passed the Postal and Telecommunications Act that permits the Government to monitor and intercept e-mails entering and leaving the country.

In February security force officers reportedly threatened British Broadcasting Corporation (BBC) correspondent Joseph Winter while they conducted a midnight search of his home (see Section 2.a.).

In early July, police entered a Harare office of the MDC without a warrant and detained several officials for 4 hours, but they did not disclose the purpose of their visit (see Section 1.d.).

On September 3, the MDC parliamentary candidate for the Bindura by-election, Elliot Pfebve, accused the CIO of repeatedly breaking into his business office and stealing documents related to the MDC's electoral strategies.

In 2000 police raided MDC party headquarters, detained some MDC officials, and removed documents (see Section 1.d.). The High Court ruled that the search of the

offices and seizure of documents was illegal, and the police returned the seized documents.

Police periodically conducted house-to-house searches in the suburbs of Harare and Bulawayo during the year.

Unlike in the previous year, police did not search the MDC party headquarters; however, war veterans attempted without success to enter forcibly the building on one occasion.

ZANU-PF supporters and war veterans also attacked and destroyed the homes of opposition supporters and commercial farmers. For example, in June William Madzimore, the MDC M.P. for the Harare suburb of Kambuzuma, was attacked in his home on two occasions. On June 21, a group of ZANU-PF youths threw stones at his house. On June 23, approximately 200 persons, many of them wearing ZANU-PF shirts, destroyed his house and its contents; several persons were injured (see Section 1.c.).

After fighting broke out on August 6 between commercial farmers and land occupiers near Chinhoyi, hundreds of ZANU-PF supporters embarked on a campaign of looting and burning farmhouses, destroying crops, livestock, and farming equipment, and forced 60 farmers and their families—approximately 300 persons—to flee the area. Many of the farmhouses were uninhabitable after the roofs were destroyed and door and window frames were removed. Many farmers who refused to assist the looters were beaten. There were credible reports of police involvement in the looting (see Section 2.d.). Most of the farmers returned to their homes, but some chose to remain in Harare.

The Government claims that white farmers occupy 70 percent of the country's most productive land. The Commercial Farmers Union disputes that figure, contending that members of the white minority own only 20 percent of the country's best farmland, while the Government owns most of the remainder. There is widespread public support for land reform; however, there are problems with implementation of the Land Acquisition Act (Land Act). Under the Land Act, farmers whose lands have been designated for acquisition and redistribution by the Government may appeal only the amount of compensation, not the initial decision to acquire their farms. Shortly after the 2000 referendum that defeated the proposed constitution that would have permitted land seizures, war veterans, with government support, began occupying commercial farms and assaulted and intimidated farm workers and the predominately white farm owners.

In April 2000, Parliament passed a constitutional amendment permitting the seizure of land without compensation. In May 2000, President Mugabe, using extraordinary presidential powers, amended the Land Act to bring it into conformity with this amendment. In June 2000, the Government designated 841 farms for compulsory acquisition, giving those farm owners 1 month to appeal. After the 2000 elections, the Government began a fast-track resettlement program in an ostensible effort to settle historical inequities in land ownership quickly. All or portions of 1,250 commercial farms remained occupied by war veterans, ZANU-PF supporters, and other squatters who built homes and planted crops on the land. Intimidation and work stoppages occurred daily for commercial farmers and farm workers. In November 2000, the Supreme Court ruled that the land occupations violated constitutional private property rights and protection from arbitrary search and entry and issued a consent decree whereby the Government and the CFU agreed that the Government would halt its land resettlement activities and evict squatters from occupied land; however, the Government had not complied with the agreement by year's end (see Section 1.e.).

On November 30, President Mugabe amended the Land Act by decree to permit the immediate government seizure of all commercial farming land. The decree requires all farm owners who have received government acquisition notices to halt farming activities immediately and leave their homes within 90 days. Approximately 1,000 of the 4,000 commercial farmers in the country had received such notices by year's end. The December 2 Supreme Court ruling effectively removed legal recourse available to commercial farmers (see Section 1.e.). In December there were reports that government ministers, ZANU-PF members, and civil servants, including the national Police Commissioner, forced families to leave their homes and seized their farming properties.

On December 28, the High Court ruled that Guy Watson-Smith, a farmer, was allowed to retrieve machinery, animals, and other personal property from his farm, which reportedly was seized in December by former army chief Solomon Mujuru and local civil servants.

ZANU-PF members forcibly evicted farm workers from their houses. For example, in July and August, war veterans and farm occupiers evicted 14 farmers and approximately 3,000 farm workers and their families in the Hwedza district of

Mashonaland East province; many of the evicted farm workers remained displaced at year's end (see Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression but legislation limits this freedom in the “interest of defense, public safety, public order, state economic interests, public morality, and public health,” and the Government restricted this right in practice. Security forces arbitrarily detained journalists and refused to investigate or punish security force members who tortured journalists and opposition members. Security forces and ZANU–PF supporters harassed, intimidated, and beat journalists. Journalists practiced self-censorship.

The Government restricted freedom of speech, particularly by opposition members and supporters and those making public comments critical of President Mugabe. Sections 44 and 50 of the LOMA criminalize and allow the Government to suppress the publication of any “subversive” statement or “a false story likely to cause alarm and despondency.” An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition antifamation laws criminalize libel of both public and private persons. In December several bills were introduced in Parliament that would place stringent government controls on journalists and the media. The revised POSB would criminalize “the publishing or communicating [of] false statements prejudicial to the State.” The Access to Information and Protection of Privacy Bill would give the Government broad powers over the media by creating a government-appointed Media and Information Commission, which would control the accreditation process for journalists, regulate registration, and restrict ownership of media outlets. The bills were scheduled for parliamentary debate in early 2002.

On February 15, MDC President Tsvangirai was charged under the LOMA with inciting violence for allegedly stating at a public rally in 2000 that President Mugabe would be removed violently if he did not choose to leave office peacefully. Tsvangirai filed a petition with the Supreme Court to challenge the constitutionality of the LOMA; Tsvangirai's attorney argued that the LOMA limits his freedom of political expression. On November 20, the Supreme Court struck down two sections of the LOMA in the case, effectively dismissing the charges.

On February 23, MDC M.P. Peter Nyoni and two other MDC officials were charged under the LOMA with making statements “likely to undermine the authority of the President.” Nyoni allegedly told MDC supporters at a political meeting that “Mugabe must go” and that security forces were being used to kill political opponents. Nyoni was released on bail, and his trial was pending at year's end.

On June 25, police arrested Dirk Wouter du Ploy, a garage manager, and charged him with breaching the LOMA after he allegedly made comments critical of President Mugabe. On August 2, Wouter du Ploy was granted bail, and his trial was pending at year's end.

In a number of rural areas, war veterans and other ZANU–PF supporters conducted *pungwes*, in which they forced villagers to chant ZANU–PF slogans or denounce the opposition (see Section 1.c.).

Several major daily newspapers and one local-language tabloid belong to the Mass Media Trust (MMT), a holding company heavily influenced by the ZANU–PF. The Government, through the MMT, controls two daily newspapers, *The Chronicle* and *The Herald*. The news coverage in these newspapers generally focused on the activities of government officials, neglected opposition parties and other antigovernment groups, and also downplayed events or information that reflected adversely on the Government. The government-controlled media often portrayed favorably President Mugabe and the Government. On November 10, Jonathan Moyo, Minister for Information and Publicity in the President's Office, announced the dissolution of the MMT board and its replacement by a new board, which reportedly was more sympathetic to ZANU–PF. The Minister also controls the Zimbabwe Inter-Africa News Agency wire service.

The independent press continued to operate despite frequent attacks and intense pressure from the Government. In addition to the *Daily News*, an independent newspaper, which has the nation's largest circulation, there are three major weeklies (*The Financial Gazette*, *The Independent*, and *The Standard*), and three monthlies. The major independent newspapers continued to monitor government policies and open their pages to opposition critics, but most of them also continued to exercise some self-censorship in reporting due to growing government intimidation of the press and the continuing prospect of prosecution under criminal libel and security laws.

The NCA accused the government-influenced newspaper *The Chronicle* and the Zimbabwe Broadcasting Corporation (ZBC) of refusing to publish previously accept-

ed advertising from the NCA about its proposed constitutional process due to government orders to ban the NCA from disseminating its alternative message on the constitutional process. After the NCA took the ZBC to court in 2000, the judge ordered ZBC to carry the NCA's advertisements; the ZBC responded by carrying the advertisements in late night timeslots that had few listeners.

The Government increasingly was intolerant, especially of reports perceived to be critical of the security forces. The Government tolerated private media criticism of official corruption; however, corruption was not a major focus of the private media during the year. The Government arrested and prosecuted editors and journalists who contributed to published stories critical of government policies or security force operations; however, the Government did not censor directly the independent media.

On January 28, an explosion destroyed the printing press facility of the Daily News. The Daily News continued to operate using a combination of private and government-owned printers; it was unable to replace its presses by year's end and continued to print using contract services. There was a police investigation, but no arrests were made by year's end. Most observers believe that the Government or ruling party was responsible due to the professional nature of the operation. Several days before the explosion, Minister Moyo told Sandra Nyaira, a political reporter for the Daily News, that "The Daily News is not going to survive as long as I am alive. You ain't seen nothing yet." In addition the government controlled The Herald printed an opinion piece by Minister Moyo shortly before the bombing in which he described The Daily News as a threat to the country.

On April 4, Geoff Nyarota, the editor-in-chief of the Daily News, and two Daily News reporters were charged with criminal defamation for publishing articles in 2000 that alleged that a private company bribed senior government officials. On November 16, the case was dismissed for lack of evidence; the judge ruled that the police made the arrest without reasonable cause. On August 15, police arrested and detained for 12 to 18 hours three editors, including Nyarota and one reporter from the Daily News; they were charged with criminal defamation for publishing a story the previous day that linked police vehicles to the looting of commercial farms in the Chinhoyi area (see Sections 1.d. and 1.f.). The four were released on bail, and no trial date was scheduled by year's end. On November 8, police again arrested, detained, and interrogated Nyarota and his former business partner, reportedly for violating investment and exchange control regulations relating to the operating license for the newspaper; they were released on bail on November 9, and there was no further action on the case by year's end. In 2000 Nyarota received a letter from an unknown organization threatening him if the newspaper did not desist from publishing articles critical of the Government and President Mugabe in particular.

On July 3, police arrested three journalists reportedly for photographing the police beating of workers who were participating in a 2-day national strike (see Section 6.a.). On July 4, the journalists were released because the Attorney General did not press charges.

On August 21, police detained and questioned two journalists from the weekly newspaper The Mirror about a report that alleged police complicity in the looting in the Chinhoyi area (see Section 1.f.); the journalists were charged with "publishing subversive statements." No further information was available on the case at year's end.

On August 22, police arrested and questioned Mark Chavunduka, editor of the independent weekly The Standard about an article that alleged that President Mugabe is haunted by the ghost of a former political opponent, which The Standard reprinted from a foreign newspaper. Chavunduka was released, and no charges were brought against him by year's end.

On September 8, during a mayoral election, police reportedly arrested and detained for 1 hour two journalists from the Daily News and Independent newspapers for "trespassing" at Bulawayo's central police station. The two had gone to the police station to inquire about three MDC bodyguards who were arrested earlier that day (see Section 1.d.).

On December 3, police arrested two Daily News reporters in Bulawayo in connection with the killing of Cain Nkala (see Section 1.a.); the two reporters later were released without charge.

In 2000 authorities arrested the publisher of the independent newspaper, The Standard, and two of its journalists on charges of criminal defamation after The Standard published an article accusing the Government of printing the draft constitution without incorporating all of the public's views before the final adoption. Authorities also arrested a former editor and a reporter in connection with the article from The Standard.

In 2000 Bernard Masara confessed to the editorial staff of The Daily News that he had been hired by the CIO to kill the editor. Masara had not been arrested or charged by year's end.

In 1999 military and civilian police detained, tortured, beat, and otherwise abused two journalists from The Standard, Mark Chavunduka and Ray Choto, who reported in a story that 23 army officers were arrested in connection with a planned military coup. In January 2000, the Government charged the two journalists under Section 50 of the LOMA with "publishing a false story likely to cause alarm or despondency." The two journalists subsequently filed suit against members of the security forces for damages to compensate them for the torture and illegal detention and challenged the constitutionality of the LOMA. In a landmark decision in April 2000, the Supreme Court ruled that the section of the LOMA under which the journalists were arrested was unconstitutional. However, the journalists' suit for their mistreatment remained pending at year's end.

In 1999 in Harare, an army sergeant based at Cranborne Barracks reportedly seized and publicly burned 16 copies of The Standard; the sergeant also reportedly threatened to kill the vendor if he continued to sell the newspaper. The lead story in the burned issue concerned the construction of a new mansion for President Mugabe. In February 2000, a police spokesperson stated that the police would charge the sergeant with malicious injury to property.

During the year, war veterans and other ZANU-PF supporters continued to harass, intimidate, and abuse journalists considered to be sympathetic to the opposition. On January 23, war veterans and other ZANU-PF supporters raided the Harare offices of the Daily News for several hours, harassing and assaulting Daily News reporters and staff who entered or exited the building, beating passers-by who failed to chant ZANU-PF slogans, and destroying property. They accused the newspaper of publishing articles demeaning former DRC President Laurent Kabila, who had been assassinated 1 week earlier. No action was taken in the case by year's end.

On May 12, ZANU-PF supporters beat a Daily News reporter after he attempted to report on a political meeting in Gweru. The assailants accused the reporter of working for a newspaper that criticized the Government. Although the police were present during the beating, no action was taken against those responsible.

On August 27, ruling party supporters beat Daily News reporter Mduduzi Mathuthu with wooden clubs when he visited a farm 31 miles from Bulawayo to report on its occupation by war veterans. The farm occupiers reportedly accused Mathuthu of reporting critically on the government-sponsored land resettlement program.

On September 17, in Hwedza, a town 87 miles south of Harare, war veterans and land occupiers severely beat with chains and other weapons three journalists and one driver from the Daily News. The journalists were reporting on the beatings of farm workers and the burning of their homes in the area; the attack resulted in injuries to the journalists' faces and limbs that required medical treatment. The Media Institute of Southern Africa criticized the attack as the "worst assault to date on journalists."

On December 3, ZANU-PF supporters attacked the Daily News office in Harare and beat a photographer who was trying to film the attack.

In 2000 a Daily News journalist, a photographer, and a driver, were detained, threatened, and forced to remove their clothes and chant ZANU-PF slogans. In 2000 Chengetai Zvauya, a reporter for The Standard, was detained and assaulted by war veterans at ZANU-PF headquarters. In 2000 war veterans reportedly singled out journalists for attack during a counter demonstration against a NCA peace march. No action was taken against the perpetrators by year's end.

In 2000 war veterans beat and abducted a journalist for The Independent newspaper, a foreign journalist, and her cameraman, in Mutoko district. The police rescued the kidnaped journalists within a few hours of the abduction; no charges had been filed or arrests made in the case by year's end.

In 2000 a bomb exploded in an art gallery directly below the offices of The Daily News. An Associated Press photographer was arrested in connection with the bombing. He later was released, and no charges were filed against him.

Radio remained the most important medium of public communication, especially for the majority of the population living in rural areas. The Government continued to control all domestic radio broadcasting stations through the state-owned ZBC, supervised by the Minister for Information and Publicity in the President's Office. There were credible reports that the Minister routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government, including antigovernment demonstrations and the ZCTU.

In 2000 the Supreme Court declared that the Government's broadcasting monopoly was unconstitutional. Capital Radio, a private radio station, began broadcasting after the Supreme Court decision. On October 4, 2000, police shut down Capital Radio and seized its equipment, despite the issuance of a High Court decision earlier in the day barring the seizure. On October 5, 2000, the High Court ordered the return of equipment and the cancellation of the arrest warrants and directed the Government to issue a license to Capital Radio within 10 days. The Government returned most of Capital Radio's equipment but did not issue a license. On the same day, President Mugabe issued temporary commercial broadcasting regulations that make the Minister of Information and Publicity the final authority in issuing and denying broadcasting licenses. The Government claimed that the new broadcasting regulations rendered the court order nonbinding. In October 2000, the legal committee of Parliament, in a nonbinding resolution, declared the new regulations unconstitutional. At year's end, Capital Radio was awaiting Parliament's final report on the regulations before proceeding with a planned appeal to the Supreme Court.

Early in the year, ZANU-PF sponsored the Broadcasting Services Bill to replace the temporary regulations. On March 7, Parliament's legal committee found the bill to be unconstitutional; however, the Government forced the bill through Parliament in April, and it became law in July. The Broadcasting Services Act allows for one independent radio broadcaster and one independent television broadcaster, but requires them to broadcast with a government-controlled signal carrier. Under the Act, the Minister of Information remains the final authority in issuing and revoking broadcasting licenses. Legal rights groups criticized the Act for: Restricting broadcasting employees to citizens who are resident in country; requiring 80 percent locally-produced content; setting aside free air time for the Government to "explain its policies;" and establishing a journalistic code of conduct that potentially limits free speech.

The Government effectively controlled, although the State no longer owned, all domestic television broadcasting stations. The ZBC, under the supervision of the Minister of Information and Publicity, owns and operates television broadcasting facilities. Following a Supreme Court ruling in 1999 that the Government's monopoly on telecommunications was unconstitutional because it interfered with the right to freedom of expression, the Government for the first time granted a broadcasting license to a private television station, Joy Television (Joy TV). President Mugabe's nephew, Leo Mugabe, reportedly has financial ties to Joy TV, and the ZBC reportedly exercises some editorial control over Joy TV's programming. Joy TV remained the only privately licensed television station, and it was restricted to broadcasting on an available channel that was leased from the ZBC because the Broadcasting Act restricts the creation of an independent transmission facility. Joy TV is not permitted to broadcast local news or current affairs programming; however, it does broadcast BBC news reports. International television broadcasts were available freely through private satellite firms, although the requirement that payment must be made exclusively in foreign currency made it increasingly unaffordable for most citizens.

On June 4, the Minister of Information reportedly ordered a call-in television show on ZBC to be banned after only 3 of 25 planned shows were broadcast. The Government did not provide a reason for the cancellation; however, many observers believe the primary reason was that callers to the show criticized the Government.

The Government imposed more stringent restrictions on foreign journalists by requiring them to apply for accreditation 1 month in advance of their arrival in the country. The Government expelled foreign journalists who it perceived to be portraying the country negatively. In February the Government deported two foreign journalists, BBC correspondent Joseph Winter and Mail and Guardian reporter Mercedes Sayagues. Security force officers reportedly threatened Winter while they conducted a midnight search of his home; he was given 24 hours to leave the country in violation of a court order that allowed him 1 week to depart. Two other foreign correspondents were forced to leave the country after the Government refused to renew their work permits. On July 31, Minister of Information Moyo suspended the press credentials of three BBC reporters on the grounds that the BBC allegedly "distorted" President Mugabe's July 24 opening speech to Parliament. The three reporters are citizens or permanent residents of the country and cannot be expelled; however, they were prohibited from reporting on events in the country. Foreign correspondents were denied visas during the year.

Books and films are subject to review by the Zimbabwe Board of Censors. The Board banned at least 10 films in recent years.

The Government does not restrict access to the Internet. During the year, there were many privately owned domestic Internet service providers (ISP's). However, the law permits the Government to monitor all international e-mail messages enter-

ing and leaving the country (see Section 1.f.). The security services reportedly have used this authority to monitor e-mail communication, although the extent of this monitoring was unknown.

The Government restricts academic freedom. The UZ Amendment Act and the National Council for Higher Education Act restricts the independence of universities, making them subject to government influence, and extends the disciplinary powers of the university authorities against staff and students. The Ministry of Higher Education and Technology controls the UZ and appoints its Chancellor and Vice Chancellors; the Ministry also appoints the Dean of Faculty, and most members of the University Council. During the year, a number of students were brought before a disciplinary committee for allegedly being MDC members, and faculty members reportedly were denied promotions allegedly for supporting the MDC.

In April police dispersed forcibly students during protests at the UZ, which resulted in numerous injuries and one death (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricted this right in practice. The Government enforced laws that restrict this right, including the LOMA, and repeatedly used force to break up nonviolent demonstrations by its critics. Permits are not required for meetings or processions; however, the police continued to require that groups obtain permits for marches or demonstrations. Although most groups that conducted marches did not seek permits, some groups informed the police of their planned demonstrations. In December the Government introduced in Parliament the POSB, which would give police broad powers to restrict or prohibit public gatherings (see Sections 1.d. and 2.a.). The bill was criticized widely by media and civil society groups.

On January 10, police dispersed a demonstration of local residents in Kadoma who were protesting against the town council's failure to consult them on the town budget (see Section 1.c.).

On February 2, police dispersed 100 MDC youths gathered in central Harare to protest government policies in the country. Police reportedly chased and beat fleeing protesters with batons and arrested several demonstrators.

On February 3, 250 riot police were deployed to prevent a demonstration by approximately 100 journalists who planned to protest government attacks against the media. Journalist leaders cancelled the demonstration after they observed the deployment of riot police (see Section 2.a.).

On February 4, in a bar in the Harare township of Guzha, soldiers beat Izabel Katuruza and accused her and other persons of holding an MDC meeting. She was injured above her right eye, and her left hand was fractured. Katuruza filed a complaint at a nearby police station, and a civil suit was pending at year's end.

On February 25, police dispersed a meeting of several dozen MDC supporters at a Chitungwiza shopping center. Police reportedly beat and used tear gas on the supporters and arrested one MDC supporter.

On March 4, riot police beat and dispersed hundreds of residents of Chitungwiza who had gathered to attend the official opening of a flea market. MDC President Tsvangirai, accompanied by an MDC M.P., was scheduled to address the gathering. Police reportedly followed fleeing persons into supermarkets to club them and beat commuters disembarking from a bus at a nearby bus stand. The police then issued a ban on all MDC meetings in Chitungwiza. The High Court overturned the ban as a violation of freedom of expression, and on March 25, Tsvangirai addressed a rescheduled ceremony in Chitungwiza. Police were deployed in large numbers, reportedly to discourage attendance; however, they did not break up the meeting.

During student protests at the UZ on April 8 and 9, police reportedly used tear gas and shot at students; one student was killed and numerous others were injured (see Section 1.a.). Twenty students were hospitalized for injuries. Police arrested and charged 44 students with inciting violence under the LOMA. There was no further information available on the case by year's end.

On April 18, riot police used tear gas to disperse forcibly persons who were gathered for a rally in Glen Norah. Police reportedly beat persons, which resulted in several injuries.

On May 1, war veterans and ZANU–PF supporters disrupted a May Day celebration by the ZCTU in Harare. Riot police interceded to prevent a violent clash between the two groups.

On November 20, police in Harare dispersed a small demonstration by the NCA while allowing a crowd of 150 war veterans to harass passers-by on the streets. On November 27, police forcibly dispersed a demonstration by the NCA to protest proposed changes in the Electoral Law; 36 persons were arrested, including the NCA chairman (see Section 1.c.).

No action reportedly was taken against the war veterans and riot police who violently disrupted a peace march in central Harare organized by the NCA in 2000. The war veterans and ZANU–PF youth supporters marched from ZANU–PF headquarters in a counter demonstration and attacked the NCA marchers while police fired tear gas into the crowd. At least 12 persons, including one British journalist and innocent bystanders, were injured seriously. The police ultimately disarmed the war veterans and other attackers, but did not arrest or charge them. Five NCA marchers were arrested for disobeying police orders to disperse. The Minister of Home Affairs blamed the NCA marchers for organizing a demonstration at the same time and place as the war veterans.

No action was taken against the members of the security forces who used excessive force to disperse demonstrations or rallies on the following dates in 2000: October 16 to 18; October 12; October 9; June 28; May 13; May 7; and in July.

The Constitution provides for freedom of association for political and nonpolitical organizations, including a broad spectrum of economic, social, and professional groups, and the Government generally respected this right in practice. However, ZANU–PF supporters, supplied with government vehicles and money, killed, tortured, beat, and otherwise abused persons perceived to be political opponents (see Sections 1.a., 1.c., and 1.f.).

The formation of unions and political parties is not restricted.

Organizations generally are free of governmental interference as long as their activities are viewed as nonpolitical. In the 1990's, the Supreme Court ruled unconstitutional sections of the PVO Act, which had allowed the Government to suspend the executive bodies of organizations (see Section 4).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, a law that criminalizes both purporting to practice witchcraft and accusing persons of practicing witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions.

The Government does not require religious institutions to be registered. However, religious organizations that run schools or medical facilities must register those specific institutions with the appropriate ministry involved in regulating those areas. Similarly, religious institutions may apply for tax-exempt status and duty-free privileges with the Customs Department, which generally grants such requests.

Witchcraft—widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons—traditionally has been a common explanation for diseases of which the causes were unknown. Although traditional indigenous religions generally include or accommodate belief in the efficacy of witchcraft, they generally approve of harmful witchcraft only for defensive or retaliatory purposes and purport to offer protection against it. In recent years, interest in healing through traditional religion and through prayer reportedly has increased as HIV/AIDS has infected approximately one-third of the adult population, and affordable science-based medicines effective in treating HIV/AIDS have remained very difficult to obtain.

The Witchcraft Suppression Act (WSA) criminalizes purporting to practice witchcraft, accusing persons of practicing witchcraft, hunting witches, and soliciting persons to name witches; penalties include imprisonment for up to 7 years. The law defines witchcraft as “the use of charms and any other means or devices adopted in the practice of sorcery,” and provides punishments for intending to cause disease or injury to any person or animal through the use of witchcraft. Since 1997 the Zimbabwe National African Traditional Healers' Association (ZINATHA) has proposed amendments to the 1989 revised law that would redefine witchcraft only as the practice of sorcery with the intent to cause harm, including illness, injury, or death; however, such legislation reportedly has been opposed by mainstream Christian churches. Human rights groups also generally supported the existing WSA, which has been used particularly to protect persons, primarily women, who have been accused falsely of causing harm to persons or crops in rural areas where traditional religious practices are strong.

There is some tension between the Government and some of the indigenous African churches because of the latter's preference for prayer over medical practices that result in the reduction of avoidable childhood diseases and deaths. Some members of the indigenous churches believe in healing through prayer only and refuse to have their children vaccinated or treated. The Ministry of Health has had limited success in vaccinating children in these religious communities against communicable childhood diseases. Human rights activists also have criticized these indigenous churches for their sanctioning of marriages for underage girls.

President Mugabe has expressed skepticism about the increasing membership in evangelical and indigenous churches and has indicated that he believes they could be subversive.

In March authorities ordered Paul Andrianatos, an Anglican priest with South African citizenship, to leave the country days after he had made antigovernment remarks at the funeral of white farmer Gloria Olds (see Section 1.a.). Andrianatos had presided over the funeral of Olds' son Martin, who also was killed by alleged ZANU-PF supporters in April 2000.

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

During the year, police routinely erected armed roadblocks in and around cities and rural districts scheduled to hold local elections. Police claimed that they were looking for criminals and illegal weapons, but legal rights groups asserted that it was a measure designed to discourage or limit opposition campaigning in the electoral areas. In March 1999, police instituted a system of roadblocks to apprehend suspected criminals, known as "Operation Hokoyo" that continued to be implemented periodically in 2000. During the year, the Government continued to set up roadblocks periodically within cities and in suburban areas, ostensibly to control criminal activities. In rural areas, police and ZANU-PF supporters set up roadblocks to screen vehicles for known opposition supporters and to turn away persons who did not have ZANU-PF party cards.

On February 15, the Minister of Information and Publicity threatened that the Government would revoke the passports of citizens whom it viewed as traveling overseas to promote sanctions or other interests allegedly harmful to the country; however, the Government did not take such action by year's end.

On July 6, President Mugabe signed an amendment to the Zimbabwe Citizenship Act, and the Home Affairs Ministry issued implementing regulations in July that require all dual national passport holders to renounce their foreign citizenship under the laws of the foreign country in order to retain their Zimbabwean citizenship. The amended Citizenship Act reduces the time to renounce foreign citizenship from 1 year to 6 months. According to the act, citizens who fail to abide by the regulations by January 7, 2002, will cease to be citizens, will be removed from the voter rolls, and will be unable to vote. The revised act also revokes the citizenship of persons who fail to return to the country in any 5-year period. Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens, because of their perceived opposition leanings, as well as the country's more than 500,000 commercial farm workers, many of whom have origins in neighboring countries, and the approximately 30,000 mostly white dual nationals. Many persons with dual citizenship experienced difficulty complying with the regulations because many other countries do not provide procedures for repudiating citizenship.

In 2000 the Government ordered 26,000 British nationals with dual citizenship to surrender their Zimbabwe passports after President Mugabe declared them "enemies of the state." There were no similar statements made during the year.

The Government expelled foreign journalists it perceived to be portraying the country negatively (see Section 2.a.). Foreign correspondents were denied visas during the year.

According to the Amani Trust, approximately 70,000 persons were displaced internally during the year, an increase from the 10,000 who were displaced in 2000; however, the number of unreported cases likely is higher. The majority of internally displaced persons (IDP's) were women and children. Many IDP's were farmers and farm workers who were forced to flee with their families because of threats and assaults by war veterans and other ZANU-PF supporters (see Section 1.c.). Displaced farm workers reportedly were living by the roadside, in the bush, or on other farms, and some were arrested (see Section 1.d.). At year's end, in a single district, 2,000 farm workers were reported to be roaming the countryside in search of food and shelter. In most cases, the ZANU-PF supporters were farm squatters who ordered the farm workers to leave so that they could plant their own crops on the property. Other IDP's were persons, often teachers and civil servants, suspected by local officials of supporting the opposition, who were forced to leave their homes by government supporters. Often war veterans in local government positions applied pressure on local chiefs to order the expulsions of certain individuals. Approximately 250 IDP's were persons who testified before the High Court in the MDC's 36 electoral challenges; nearly all of whom testified that they were threatened or beaten by ruling party supporters (see Section 3). Other persons were displaced. In the 2 months prior to the July 28 to 29 by-election in Bindura, ZANU-PF supporters beat and tortured hundreds of opposition supporters (see Section 1.c.). Some IDP's relocated to live with relatives or friends in urban areas; however, many remained in rural

areas without shelter or reliable sources of food. Since early 2000, the Government has condoned and even encouraged an environment of lawlessness that permits war veterans and other ruling party supporters to force opposition members and supporters from their homes without consequences for the perpetrators (see Sections 1.e. and 1.f.). In most cases, police are not permitted to intervene expeditiously. The Government does not provide assistance to IDPs, but it does allow humanitarian organizations to assist them. The Government does not attack or target IDPs, obstruct humanitarian assistance to them, or force their return to dangerous areas, but it generally does not promote their safety, safe return, or resettlement.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government generally provides first asylum; according to UNHCR, 8,706 asylum seekers were granted refugee status during the year; however, 18 persons were denied first asylum during the year. Asylum seekers from more than 20 countries were granted refugee status; the largest groups consisted of 4,182 Congolese (DRC), 2,777 Rwandans, and 852 Burundians.

Some employers reportedly take advantage of illegal refugees for inexpensive labor (see Section 6.e.).

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

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

Although citizens have the legal right to change their government democratically, in practice the political process continued to be tilted heavily in favor of President Mugabe and his ZANU–PF party, which have ruled continuously since independence in 1980. The Government amended laws, proposed new legislation, and manipulated the electoral process to effectively disenfranchise voters during the year. Presidential elections were scheduled for March 2002.

The 16 constitutional amendments enacted since 1980 have increased greatly Mugabe's power relative to the legislature. Originally a prime minister elected by the Parliament, he has become a president directly elected by the population. Constitutional Amendment 9 authorizes the President to declare unilaterally a state of public emergency for a period of up to 14 days. Amendment 10 grants the President sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister. Amendment 10 also allows the President to appoint 20 of the 150 M.P.'s, including 12 nonconstituency M.P.'s and 8 provincial governors who sit in Parliament. The President also exerts great influence on the process by which the country's chiefs (traditional rulers) select 10 of their number to sit as M.P.'s. All 30 of these M.P.'s have been consistent ZANU–PF members.

The legislature, which traditionally has been subordinate to the executive branch, has a viable opposition that called on the Government to be accountable and transparent. Parliamentary question time is used to force debate and disclosure. In October 2000, the MDC brought a motion to Parliament to impeach President Mugabe for violating the Constitution and for gross misconduct. In November 2000, the Speaker of Parliament appointed a special committee composed of eight ZANU–PF members and four MDC members to consider the charges outlined in the motion. Legal rights activists accused the Speaker of preventing the committee from meeting or holding hearings; the committee was inactive by year's end.

General parliamentary elections were held in June 2000 amid widespread voter intimidation and violence by the Government and ZANU–PF supporters and reports of vote-rigging and other irregularities. Although the election days generally were peaceful, the process leading up to it was neither free nor fair. The MDC captured 57 out of the 120 popularly elected seats. Thirty additional seats are reserved for presidential and tribal chief appointees, who are ZANU–PF supporters, which gave ZANU–PF a total of 92 seats; this total increased to 93 during the year.

In the period before the 2000 parliamentary elections, the Government, backed by security forces, implemented a systematic campaign of intimidation and physical violence against opposition supporters (see Sections 1.a. and 1.c.). The Government invoked the LOMA to bar the transportation of political supporters across constituencies, and police also used the LOMA to restrict public gatherings. In many districts, the campaign reportedly backfired, resulting in additional votes for the opposition, but in others voters stayed away from the polls due to fear of retribution. For example, there were reports that farm workers of non-Zimbabwean heritage were threatened with deportation if they voted against the ruling party.

In 2000 the Supreme Court nullified on procedural grounds approximately 6,000 absentee ballots sent by troops stationed in the DRC. The ruling followed widespread reports that the ballots had been distributed by ZANU–PF to districts where it faced narrow defeat by MDC candidates.

In 2000 the MDC filed petitions with the High Court challenging the electoral results in 36 parliamentary constituencies, stating that there was sufficient evidence of intimidation, vote-rigging, and other irregularities to warrant overturning the results of those constituencies. The ZANU–Ndonga opposition party initiated a case challenging the results in one constituency.

In 2000 President Mugabe amended the Electoral Act to prohibit the nullification of the election of any M.P. On January 31, the Supreme Court declared the President's decree unconstitutional, which allowed the High Court to hear parliamentary election challenges (see Section 1.e.). During the year, the High Court nullified the results in four constituencies, but upheld the results in four others. All eight cases were appealed to the Supreme Court by the respective parties; the cases still were under review at year's end. During the year, the MDC dropped 6 of its original 36 challenges. Witnesses who testified in the cases were threatened or beaten (see Section 1.c.). Police also frequently harassed individual MDC members after the 2000 elections (see Sections 1.c. and 2.d.).

In April 2000, Vice-President Msika announced that civil servants would not be permitted to act as election monitors in the parliamentary elections because they sympathized with the opposition. Civil servants have been the Government's traditional source for domestic election monitors. The MDC accused the Government of replacing the civil servants with its own supporters. In 2000 the Electoral Supervisory Commission (ESC) challenged in the High Court sections of the amended Electoral Act that reduces ESC authority to accredit international electoral monitors; the High Court took no action on the case by year's end.

International election observers repeatedly were denied accreditation by the Government, and most were not accredited until the last few days before the 2000 election as a result of frequent changes in the accreditation rules by the Government. The Government continued to erect obstacles to international observers during the year.

In September government officials refused to meet in the country with a two-person team from the International Foundation for Election Systems (IFES), an NGO, to lay the groundwork for an election observation effort in the run-up to the presidential election expected in 2002. The team was asked to leave early by the Government. In addition the Government denied permission for the visit of a team of election experts from the European Union in September, saying the group should wait until it was invited.

Government and ruling party supporters used tactics of intimidation and violence, with the aid of security forces, to manipulate the electoral process in four districts holding parliamentary by-elections and three cities holding mayoral elections during the year. ZANU–PF won all four by-elections, and the opposition MDC won the three mayoral elections. War veterans and security forces established base camps in Bikita West, Bindura, Makoni West, and Chikomba from which they reportedly beat and intimidated opposition supporters, in some cases reportedly with the assistance of security forces (see Section 1.c.). The ZANU–PF issued new party identification cards, and there were reports that war veterans targeted for abuse ZANU–PF members who were not carrying the new cards during the year. Observers also expressed general concern about a number of weaknesses and irregularities in the electoral process, including the lack of an independent electoral commission to oversee elections; the absence of a monitoring mechanism for the voter registration process; the consistent failure of election authorities to make the voters roll and supplementary rolls available for public inspection far enough in advance of the election; and the lack of voter education.

There are institutional problems with the management and supervision of elections, and the Electoral Supervisory Commission, the Elections Directorate, the Ministry of Justice, Legal and Parliamentary Affairs, and the Registrar-General's Office have overlapping mandates. Although the Ministry of Justice technically administers the Electoral Act, the Registrar General's Office falls under the Ministry of Home Affairs. With an insufficient budget and an overburdened staff seconded from the Ministry of Justice, the Electoral Supervisory Commission lacks the independence, institutional capacity, and resources to oversee all of the country's polling stations. Commissioners also lack authority to order the correction of irregularities. The voters' roll has been computerized, but it contains a large number of redundancies and errors, including misspellings, multiple entries, and names of deceased persons. These irregularities were highlighted during the 2000 parliamentary elections when deceased persons were recorded as casting votes for the ruling

party. International observers cited the need to establish an independent electoral commission. The Government invested immense powers in the presidency through the Electoral Act, which institutionalized gerrymandering and fraudulent voters' rolls. The Government invoked the act shortly before the 2000 elections to redraw constituent boundaries in its favor and raise bureaucratic barriers to voter registration. Although most election observers agreed that the voting process itself generally was peaceful, 15 percent of voters were prevented from voting on election day on technical grounds or due to incomplete or inaccurate voters' rolls. Electoral officers did not operate in a fully open and transparent manner.

In December the MDC filed a High Court application challenging the Government's intention to require all voters to cast ballots in the 2002 presidential election in the constituency where they are registered. In previous presidential elections, voters were allowed to vote anywhere in the country. Legal rights groups argued that the new requirement would disenfranchise voters who were unable to travel to their home constituencies. On December 31, the High Court ordered the Registrar General to supply a copy of the entire voters' roll to the opposition for inspection; however, this did not occur by year's end.

In December the Government introduced the General Laws Amendment Bill in Parliament, which would substantially amend the Electoral Act. The bill would give the Registrar General the authority to amend the voters roll at will, repeal the provision for absentee ballots except for a limited exception, and effectively would prohibit mounting political posters in public areas. The bill was criticized widely by media and civil society groups and had not passed by year's end.

Since 1997 the NCA, an umbrella organization comprising most of the country's important civil society groups, has advocated the creation of a new constitution that would reduce the power of the presidency and offer greater protection for civil liberties. In May 1999, the President established the Constitutional Commission (CC), whose 400 members he appointed, to review the Constitution and prepare a new draft to be submitted to a national referendum. The NCA openly was critical of the CC, asserting that it was a government-controlled entity whose product would not reflect the will of the populace. In 1999 the CC released a draft constitution that would maintain a strong presidency. In a nationwide referendum in 2000, voters defeated the draft constitution. On March 31, the NCA sponsored a conference to revive the constitutional reform process. On several occasions, government representatives stated that redrafting a constitution would not be a priority before the presidential election. The NCA continued to work on a new draft at year's end.

The ruling party's candidates continued to benefit from the ZANU-PF control of the state-owned firms that dominate the country's economy, from its control of the state-monopolized broadcast media (see Section 2.a.), and from its control of granting state funds to political parties. Under the Political Parties Finance Act (PPFA), the Government is required to allocate \$300,000 (Z\$100 million) among political parties in proportion to the parties' seats in the Parliament, provided the party has at least 15 seats. After the MDC won 57 seats in 2000, the Government claimed that the MDC failed to submit its funding request by the deadline and that it was not entitled to state funds. In 2000 the High Court ruled that ZANU-PF could not spend the MDC share until the matter was resolved. During the year, the High Court ruled that the MDC was entitled to state funds under the PPFA, and the Government agreed to pay \$163,000 (Z\$49 million), which it later delivered. In April the Government amended the PPFA to prohibit foreign funding for political parties. Political rights groups declared that the amended act was designed to cut off funding for the opposition, although ZANU-PF routinely ignored the PPFA's prohibitions without consequences.

The percentage of women in government and politics does not correspond to their percentage of the population. Fifteen of the 150 M.P.'s are women, including the Deputy Speaker of Parliament, 3 ministers, 1 deputy minister, and 1 governor. Women participate in politics without legal restriction; however, according to local women's groups, husbands—particularly in rural areas—commonly direct their wives to vote for the husband's preferred candidates. In 1999 the ZANU-PF congress decided that women would be allotted one out of every three party positions. At the ZANU-PF congress in 2000, 50 new positions reserved for women were added to the party's 180-member Central Committee, which is one of the party's most powerful organs.

All major ethnic groups are represented in Parliament and in the Government; however, most members of the Government and the Parliament, as well as most ZANU-PF officials, belong to the Shona ethnic group, which makes up 82 percent of the population (see Section 5). Many members of the minority Ndebele and other groups, who were perceived as opposition supporters by the Government, were re-

moved from the civil service—and prohibited from joining the military—during the year.

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

Although the Government permits local civic and human rights groups to operate, it monitors their activities closely. The Government usually was unresponsive to the concerns of NGO's and rarely consulted with them during the year. National groups that promote human rights include: The Amani Trust; the Catholic Commission for Justice and Peace (CCJP); the Legal Resources Foundation; Zimbabwe Lawyers for Human Rights; the Bulawayo Legal Projects Centre (BLPC); the NCA; the Southern African Foundation of the Disabled; the Child and the Law Project; the Musasa Project; the Zimbabwe Women Lawyers Association; the Zimbabwe Union of Journalists; the Women's Action Group; Women and Law in Southern Africa; Women in Law and Development in Africa; Zimbabwe Women's Resource Centre and Network; Women and AIDS Support Network; the Media Institute of Southern Africa; Zimcet; ZimRights; Transparency International-Zimbabwe; and the Zimbabwe Liberators Platform.

Domestic NGO's worked on human rights and democracy issues, including lobbying for revision of the POSB, increasing poor women's access to the courts, raising awareness of the abuse of children, eliminating irregularities in voter rolls, conducting voter education, preserving the independence of the judiciary, and eliminating torture, arbitrary detention, and restrictions on freedom of the press and assembly. The Zimbabwe Human Rights NGO Forum has taken the lead in coordinating reports on human rights violations and abuses in the period prior to and following the 2000 elections.

During the year, tensions continued to increase between the Government and civil society. In various public statements throughout the year, the Government accused NGO's of supporting opposition political activity. Unlike in the previous year, there were no reports that the Government threatened to clamp down on NGO's under the Private Voluntary Organizations (PVO) Act, which was ruled unconstitutional in the 1990's. In December the Government introduced legislation that would prohibit NGO's not appointed by the ESC from conducting voter education and would prohibit NGO's from receiving foreign contributions for the purposes of voter education.

In May war veterans, reportedly at the direction of ruling party officials, abducted the local CARE director from his office in Harare and took him to the ZANU-PF provincial office in Harare, where they extorted an unknown amount of money for a dismissed worker who had lodged a complaint with ZANU-PF.

In a case brought by a women's NGO, the Supreme Court ruled unconstitutional those sections of the PVO Act—which had empowered the Minister of Social Welfare, Labor, and Public Service to suspend the executive body or “any member of the executive committee of an organization and to appoint persons to manage the affairs of the organization for a specified time.” Prior to the Supreme Court's ruling, several new NGO's set up their organizations as “associations” connected with established NGO's so that their executive bodies would not be subject to government interference.

Amnesty International, Transparency International, and the International Committee of the Red Cross operate in the country. The Government generally does not discourage representatives of international human rights groups from visiting the country; however, the Government asked representatives from one international election monitoring NGO to leave the country in September (see Section 3).

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

The Constitution provides that “every person in Zimbabwe” cannot be deprived of fundamental rights, such as right to life, liberty, and security of person, based on his race, tribe, place of origin, political opinions, color, creed, or sex; however, domestic violence and discrimination against women, abuse of children, and discrimination against persons with disabilities remained problems. The Government and ruling party discriminated against the white minority in areas of due process, foreign travel, and property ownership.

Women.—Domestic violence against women, especially wife beating, is common and crosses all racial and economic lines. It occurs throughout the country and sometimes results in death. The Musasa Project, a leading women's rights organization, reported that the number of incidents of domestic violence increased during the year due to the deteriorating economy and higher unemployment among men. The organization addressed approximately 2,400 cases during the year. Musasa reported

that 54 percent of the women counseled for domestic violence had sexually transmitted diseases, including many with HIV/AIDS.

There continued to be reports of rape, incest, and sexual abuse of women. Musasa handled 22 cases of rape in the first 8 months of the year; many cases were not reported because of the social stigma attached to the crime and wives' fear that husbands may disown them. Approximately 1,000 rapes were reported in Harare during the first 10 months of the year—a rate that reportedly was higher than the previous year. Six cases of politically motivated rape were documented during the year; human rights groups estimate that the actual number of politically motivated rapes may number in the hundreds (see Section 1.c.). There were instances of gang rapes of young girls and elderly women and rapes of female farm workers and health care workers during the preelection period in 2000. Women face many obstacles in filing reports of rape; for example, many police stations are not prepared to handle properly the investigation of such cases. In addition women are reluctant to file reports because of the social stigma of rape. When cases go to court, lengthy sentences for rape and wife beating generally are imposed. However, a “binding over” order (an order to appear in court to respond to an accusation of violent behavior) is issued based only on actual physical abuse and not on threats of violence. Courts also do not have the power to oust an abusive spouse from a couple's home. Systemic problems and lack of education often mean that police do not respond to women's reports or requests for assistance.

In August the Sexual Offenses Act was enacted, which improved the legal recourses available to women. The Act enhances the protection of women by making nonconsensual sex among married partners a crime. The Act provides penalties for up to 10 years in prison for sexual crimes. It also expanded the definition of sexual offenses to include rape, sodomy, incest, indecent assault, or an immoral or indecent act with a child or person with mental disabilities.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, rarely is performed in the country. However, according to press reports, the initiation rites practiced by the small Remba ethnic group in Midlands Province include infibulation, the most extreme form of FGM.

There were reports that women were trafficked from the country to South Africa for prostitution and forced labor (see Section 6.f.).

In April Save the Children Norway sponsored a conference in Harare to raise awareness about women's and children's issues, including how to combat child abuse and the trafficking of persons.

Since independence the Government has enacted laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women. However, women remain disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevent rural women in particular from combating societal discrimination. Despite legal prohibitions, women still are vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing and the custom of forcing a widow to marry her late husband's brother.

The law recognizes women's right to own property independently of their husbands or fathers. Although unmarried women may own property in their own names, women married under customary law are not allowed to own property jointly with their husbands. The Administration of Estates Amendment Act makes inheritance laws more favorable to widows. However, in 2000 the Supreme Court upheld a magistrate court decision that, under customary ethnic law, a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family. The Court cited Section 23 of the Constitution, which allows discrimination against women under customary law. Divorce and maintenance laws are favorable to women, but women generally lack awareness of their rights under the law.

Although labor legislation prohibits discrimination in employment on the basis of gender, women are concentrated in the lower echelons of the work force and commonly face sexual harassment in the workplace. One in three working women at all levels was subjected to sexual harassment in the workplace.

In 2000 the Government promised to grant a quota of 20 percent of resettled land to women, although they comprise nearly 80 percent of the rural population. During the year, very little land was granted to women under the fast-track resettlement scheme (see Section 1.f.).

During a 2000 cabinet restructuring, the cabinet level position of Minister of State for Gender Affairs in the Office of the President was eliminated. The Government created a new Ministry of Youth Development, Gender, and Employment, but it does little to advance the cause of women. The Government gives qualified women

access to training in the military and national service. Although there have been recent advances for women, they continue to occupy mainly administrative positions.

Several active women's rights groups, including Women in Law and Development in Africa (WILDAF), the Musasa Project, the Zimbabwe Women Lawyers' Association, the Women's Action Group, and the Zimbabwe Women's Resource Center and Network concentrate on improving women's knowledge of their legal rights, increasing their economic power, and combating domestic violence. Groups that focus on the problems of protection of women against domestic violence and sexual transmission of HIV/AIDS included the Women and AIDS Support Network and the Musasa Project.

Children.—The Government continued to demonstrate a commitment to children's rights and welfare through a system of primary health care and education overseen by the Ministry of Health and Child Welfare. The Children's Protection and Adoption Act, the Guardianship of Minors Act, the Deceased Person's Maintenance Act, and Sexual Offenses Act were passed in August (see Section 6.f.), to protect the legal rights of minor children, and the Government increasingly enforced these acts. While there is no compulsory education and schooling is not free, the country has made considerable progress in providing education for children, and overall primary school attendance has increased by more than 4,000 percent since independence. Approximately 93 percent of children reached grade 5. However, because of increased school fees in urban schools and rural secondary schools, enrollment has declined. School fees have risen sharply due to high inflation, resulting in the inability of many families to afford to send all of their children to school. In most regions of the country, fewer girls than boys attend secondary schools. If a family is unable to pay tuition costs, it is most often female children who leave school. The literacy rate for women and girls over the age of 15 is estimated to be 80 percent, while the male rate is approximately 90 percent. However, budget cuts and the lack of adequate attention to HIV/AIDS prevention eroded the Government's capacity to address children's needs in these areas.

International experts estimated that HIV/AIDS infects nearly one-third of the adult population and kills approximately 2,000 persons every week. Deaths from HIV/AIDS have created hundreds of thousands of orphans, a number expected to rise to 1 million by 2005. This rapidly growing problem is expected to put a tremendous strain on both formal and traditional social systems. At the household level, there is an increased burden on the extended family, which has traditional responsibility for caring for orphans. Many grandparents are left to care for the young, and in some cases, children or adolescents are heading families. Many orphans are sent to foster homes, where they often become victims of sexual abuse. At the provincial and national levels, the governments are saddled with increasing demands for community orphan projects, orphanages, health care, and school fees.

The number of street children, and the related problems of theft, street violence, drug use, and violent death, increased significantly. There were an estimated 12,000 homeless street children in the country in 1999, and the number was estimated to be at least twice that number during the year. The number of incidents of child abuse, including incest (long a taboo), infanticide, child abandonment, and rape increased during the year. It is not known whether the statistics reflect the fact that more cases are occurring or only that more are being reported. The Parents and Family Support Network, a local NGO, reported that one in three children in the country is at risk of physical or emotional abuse. There was a large volume of rape cases in the Harare victim-friendly courts (VFC), which consist of individual magistrates designated to try family cases. The large volume led to calls by children's rights' advocates to establish additional courts in surrounding areas. Children are at increasing risk of HIV/AIDS infection as a result of the rising rate of sexual abuse cases. However, the Sexual Offenses Act makes it a crime to knowingly infect anyone, including children, with HIV/AIDS. The criminal justice system has special provisions for dealing with juvenile offenders.

In April a gardener sodomized his employers' 4-year-old son and reportedly infected him with HIV/AIDS. The case had not reached the courts by year's end.

The 2000 case in which war veterans abducted and sexually abused 10 schoolchildren reportedly was under investigation; however, there was no further information available at year's end.

FGM is performed rarely on girls (see Section 5, Women).

The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued during the year.

Indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion generally accept polygyny and the marriage of girls at young ages; they also generally approve

of healing only through prayer and oppose science-based medicine including the vaccination of children.

There were continuing reports that children were killed for body parts by persons practicing healing rituals associated with traditional religions. Body parts from children and teenagers reportedly were considered the most efficacious for some such purposes. In January the High Court sentenced Naison Ndlovu to death for killing a 3-year-old girl in 1999 and draining her blood into a bottle for ritual purposes.

There are reports of child labor, including reports of an increasing number of girls engaged in prostitution (see Section 6.d.). In April Save the Children Norway sponsored a conference in Harare to raise awareness about women's and children's issues, including how to combat child abuse and the trafficking of persons (see Section 6.f.).

There were reports that children were trafficked from the country to South Africa for prostitution and forced labor (see Section 6.f.).

Persons with Disabilities.—President Mugabe appointed a disability activist to Parliament in 1995 to represent the needs of persons with disabilities. The law specifically prohibits discrimination against persons with disabilities in employment, admission to public places, or provision of services and is viewed by advocates of persons with disabilities as model legislation. However, in practice the lack of resources for training and education severely hampers the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings should be accessible to persons with disabilities; however, implementation of this policy has been slow. A local NGO was working on auditing and implementing the law during the year. NGO's continued to lobby to include albinos in the definition of "disabled" under the law. Persons with disabilities face particularly harsh customary discrimination. According to traditional belief, persons with disabilities are considered bewitched, and reports of children with disabilities being hidden when visitors arrive are common.

The Sexual Offenses Act, enacted in August, expanded the definition of sexual offenses to include an immoral or indecent act with a person with mental disabilities.

Religious Minorities.—There are generally amicable relations among the various religious communities. The Muslim, Jewish, Hindu, and Buddhist religious communities are relatively small and generally not in competition with Christian denominations for converts. Catholic Church officials say they welcome interfaith dialog with Muslims but believe some of the evangelical churches are hostile to Islam.

There are at least four umbrella religious organizations primarily focused on interdenominational dialog among Christians and some intrareligious activities. However, Muslims are not represented in any of these organizations, and there is no vehicle for formal Christian-Muslim dialog. Muslims have complained of discrimination by private employers who refuse to allow them sufficient time to worship at their mosques on Fridays.

During the 2000 constitutional referendum, more than 150 priests and ministers under the Evangelical Fellowship of Zimbabwe (EFZ) lobbied for Christianity to be enshrined in the new constitution as the country's sole national religion. That position was rejected, primarily because its opponents argued that Christianity had brought about colonization in Africa.

There were continuing reports of tensions between mainline Christian churches and practitioners of traditional indigenous religions. Leaders of the Christian churches reportedly opposed the repeal or modification of the Witchcraft Suppression Act sought by practitioners of traditional indigenous religions (see Section 2.c.). In previous years, several leaders of Christian churches reportedly denounced the practice of "Satanism" in the country; acts of Satanism allegedly included drinking human blood and eating human flesh.

There were continuing reports of ritual murders associated with traditional religious practices, although the Government actively enforces the law against ritual murders. Gordon Chavanduka, chairman of ZINATHA, the national association of traditional healers, reportedly stated that black-market demand for human body parts used in making potions has increased greatly in recent years. Some observers suggested that this development may be associated with the spread of HIV/AIDS in the country and the lack of affordable science-based medicines for treating infected persons. There were no reports that persons killed children for body parts for use in healing rituals associated with traditional religions during the year. In 1999 Faber Chidarikire, a ZANU-PF official and mayor of the northern town of Chinhoyi, was charged with murdering a 13-year-old girl in 1987, but he was released on bail after intervention by the Attorney General. In June Chidarikire was tried for murder; however, after the trial, a judgment in the case was deferred indefinitely. In 1999 the Chitungwiza police arrested, detained for 6 months, and allegedly tortured a married couple, Joyce and Shupikai Karimazondo, and another person, John Mita,

in response to allegations by a neighbor that they had killed their young domestic worker for ritual purposes. In 2000 the Karimazondos and Mita were released, and the murder charge was dropped after the domestic worker was located alive and unharmed (see Section 1.c.).

National/Racial/Ethnic Minorities.—According to Government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 15 percent, whites less than 1 percent, and other ethnic groups 2 percent. There were tensions between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

During the 1960's and 1970's, elements of the white minority rebelled against British rule and established and maintained a racially discriminatory apartheid regime, which was dismantled in 1980 only after insurgencies by the armed wings of ZANU and the Zimbabwe African People's Union (ZAPU), and economic sanctions by the international community. The white community remains economically privileged despite government efforts to confiscate most of their land (see Section 1.f.).

Government services are provided on a nondiscriminatory basis. The Government has sought to expand and improve the previously "whites only" infrastructure in urban areas to provide health and social services to all citizens, and all schools and churches are integrated legally. However, social interaction between Africans and whites remained uncommon. Racial tensions have subsided since independence and remain low despite the Government's ongoing attempts to blame whites for the country's economic and political problems. On many occasions, President Mugabe, members of his Government, and the state-controlled media attempted to reignite resentment of the white minority. President Mugabe accused the white minority of having too close ties to their ancestral countries, and criticized other governments for trying to interfere with the "continuing liberation struggle." During the year, the Government embarked on a far-reaching fast-track resettlement program whereby 85 to 90 percent of large-scale, white-owned commercial farms were designated for seizure with no clear means for providing compensation. Government supporters and war veterans assaulted commercial farmers in their homes and forced hundreds from their property (see Sections 1.a., 1.c., and 1.f.). Members of the white minority were singled out for arrest and denied due process for more than a week in Chinhoyi following brawls between farmers and farm occupiers (see Sections 1.d. and 1.f.). Ruling party supporters seldom are arrested or charged for infringing upon minority rights. In a nationally televised address before the 2000 elections, Mugabe called white farmers "enemies of the state." In 2000 Matabeleland North Governor Obert Mpofu accused whites of using black citizens in an attempt to remove Mugabe's Government and warned of violence if whites continued to frustrate the fast-track resettlement effort (see Section 1.f.). In 2000 President Mugabe also threatened to revoke his Government's policy of reconciliation with whites that was adopted in 1980 after the MDC tabled a motion in Parliament to impeach him. The President threatened to arrest white M.P.'s for drafting the impeachment motion.

During the 1980's, the Shona-dominated Government suppressed what it called a brief Ndebele insurgency with a 5-year pacification campaign that killed an estimated 10,000 to 20,000 Ndebele civilians in Matabeleland, the region in which the Ndebele are concentrated. However, the Breaking the Silence report prepared by CCJP and the Legal Resources Foundation characterized the government campaign as an effort to impose a one-party state by eliminating support for ZAPU, ZANU's only significant political rival. Although relations between the Shona and the Ndebele subsequently have improved, the disproportionate number of Shona speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. Members of the Ndebele community continued to criticize the Government's unequal distribution of national resources and the Government's failure to compensate victims of the 1980's Matabeleland killings.

Section 6. Worker Rights

a. The Right of Association.—The Labor Relations Act (LRA) provides private sector workers with freedom of association and the right to elect their own representatives, publish newsletters, set programs and policies that reflect the political and economic interests of labor, and form or join unions without prior authorization. The LRA allows for the existence of multiple unions per industry, provided that each is registered with the Ministry of Public Service, Labor, and Social Welfare (MPSLSW). While the Government can deregister individual unions, the High Court has ruled that the LRA does not give the Minister the power to suspend or deregister the national umbrella labor confederation, the Zimbabwe Congress of Trade Unions (ZCTU). During the year, ZANU-PF brought the Labor Relations Amendment Bill (LRAB) before Parliament, but it had not passed by year's end. The

parliamentary legal committee issued an adverse report on the bill, calling many of its provisions unconstitutional.

Approximately 25 percent of the formal sector work force (approximately 400,000 workers) belong to the 31 unions that form the ZCTU. Although the Government encouraged the ZCTU's formation, anticipating that it would form the labor arm of ZANU-PF, it no longer controls the ZCTU; most of the leadership of the opposition MDC party comes from the ZCTU. ZCTU officers are elected by delegates of affiliated trade unions at congresses held every 5 years; the ZCTU elected a new leadership at its congress in February. ZANU-PF reportedly tried to influence the election of its preferred candidates at the congress by paying the back dues of affiliated unions and bribing congress delegates; however, candidates independent of ZANU-PF were elected. The Government and the ZCTU clashed sharply on economic policy, particularly on a 70 percent increase in the price of fuel in June. The Government often does not consult either the ZCTU or employers before implementing policy decisions that affect the workplace. This lack of consultation often has resulted in reactions that disrupted labor relations, thereby promoting uncertainty and some strikes.

Public servants and their associations, the Public Service Association (PSA), and its branch associations, the Zimbabwe Teachers Association (ZIMTA), the Zimbabwe Nurses Association (ZINA), and the Civil Service Employees Association (CSEA), are not covered by provisions of the LRA. Instead, their conditions of employment are provided for under the Constitution. Although civil servants constitutionally are barred from forming unions, the PSA, and its affiliated associations, have become members of the ZCTU.

The Labor Relations Amendment Act (LRAA) specifies that workers may establish independent worker committees, which exist side by side with unions in each plant. Worker committees also must be registered with the MPSSLW, which is free to refuse registration. ZCTU officials believe that the formation of worker committees was an attempt to dilute union authority, because the worker committees are comprised of union and non-union workers. However, the ineffectiveness of worker committees demonstrated the need for the experienced worker representation of the established trade unions.

It is very difficult to conduct legal collective job action. There is no right to strike in the Constitution. The LRA and the LRAA do not mention this issue. "Essential" employees are prohibited by law from striking, and the Government defines all public sector workers as essential. Managers also are prohibited from striking, and in some industries, the Government defines most employees as managers; the Government also considers some private sector workers, such as those in the health sector, as essential workers. For the remaining nonessential employees legally to conduct a strike, more than 50 percent of the company's employees must vote in favor of the action. Many employees are afraid to do so, for fear of management reprisals. However, if a majority vote is obtained, the dispute is referred to the concerned government agency for resolution. Only if the government-appointed arbitrator determines that a resolution is not possible is the right to strike granted. These government-imposed delays prevent most employees and their unions from ever declaring legal strikes. However, illegal strikes or work stoppages have occurred within individual companies and occasionally, in entire industries.

There were a number of labor actions, such as strikes and stayaways, during the year. Unlike in the previous year, the ZCTU did not instruct workers to engage in labor actions to protest political violence or farm invasions during the year. In May workers at Willowvale Motor Industries who were demanding payment of severance packages engaged in a sit-in on company premises and held a number of company managers hostage. The action reportedly was in conjunction with or at the instruction of war veterans who were sent to settle worker complaints on behalf of ZANU-PF.

On July 3 and 4, the ZCTU sponsored a national strike after the Government ignored its demands to curtail or eliminate a 70 percent fuel price increase implemented in June, or implement wage increases to offset the price increase. An estimated 85 percent of workers in the major cities participated in the strike. The strike generally was peaceful, although there were reports that police beat residents in Harare's high-density suburbs. After the strike concluded, the ZCTU threatened an indefinite strike if the Government did not meet its demands. On July 11, police arrested and questioned Wellington Chibebe, the ZCTU's Secretary-General, over the ZCTU-planned stayaway and its association with foreign labor organizations; he was released later that day (see Section 1.d.). Negotiations between the ZCTU and the Government resumed later in July, and in August the Government reportedly agreed in principle to reduce fuel prices, although the amount was not determined. On September 3, the Cabinet reportedly accepted recommendations by the Tri-

partite Negotiating Forum, a body comprised of government, labor, and business representatives, to rescind a 10 percent fuel surcharge and to establish independent minimum wages in the industry, commerce, and agricultural sectors (see Section 6.e.). In October before negotiations with the Tripartite Negotiating Forum had concluded, the Government decreed the new minimum wages for the industrial, commercial, and agricultural sectors (see Section 6.e.).

On July 11, milling industry workers went on strike for several days after negotiations for higher wages between the Milling Industry Union and company management broke down. The strike caused serious disruption to the milling industry. There was no subsequent action in the strike by year's end.

There were no further efforts to organize nationwide strikes by security guards during the year.

In late July, junior doctors and nurses in state hospitals went on strike to protest low pay scales and poor working conditions, despite legal prohibitions against strikes by essential workers. The Ministry of Health reported that the lack of personnel available to treat patients during the strike resulted in the deaths of 500 persons at state hospitals. Many state hospitals accepted only emergency cases during the strike. On September 6, the doctors and nurses returned to work; however, there was no resolution of their demands. At year's end, the Government continued negotiations with the Public Service Commission, which represents the doctors and nurses.

On August 7, workers at the ZISCO plant in Redcliff went on strike after the management refused to consider workers' requests for wage increases. ZISCO management called for the security services to end the strike even before the workers received an initial response from the Ministry of Labor. On August 8, members of the security forces forcibly dispersed the workers, which resulted in several deaths and injuries (see Sections 1.a. and 1.c.). Workers at the plant resumed work several days after the security forces intervened. The Ministry of Labor later ordered a 15 percent salary increase for the workers.

During the year, workers from individual companies seeking pay increases continued to call spot strikes because of the decrease in the value of their salaries due to inflation and currency devaluation; however, these strikes were sporadic and not formally sanctioned by either individual unions or the ZCTU.

In May individuals and groups identifying themselves as war veterans, in collusion with the ruling party's regional organizations, began a wave of invasions and intimidation of commercial and nonprofit business entities. In a program reminiscent of the commercial farm invasions, these at times violent confrontations were aimed at wresting away from the trade unions the political support of the formally-employed wage-earning sector of the populace, by representing workers in their claims against employers. Operating from party headquarters in the urban centers, war veterans and ZANU-PF supporters, who often were armed, invaded businesses and demanded on-the-spot cash payments and reinstatement of dismissed employees. In Harare and Norton, approximately 550 workers lost their jobs after the factories in which they worked were forced to close in response to war veterans interference. In May in Harare, war veterans invaded the offices of an NGO that operates orphanages and forced the offices to close; the war veterans claimed to be resolving a labor dispute between management and a former employee. After both local and international observers criticized the tactics as extortion, the Government arrested two local war veteran leaders, who quickly were released on bail. No further action on the cases was reported by year's end.

The International Confederation of Free Trade Unions (ICFTU) has criticized the labor laws for giving "wide scope to the authorities to declare that a given enterprise or industry constitutes an essential service, and then impose a ban (on strikes) on it." The authority to reclassify a previously nonessential service as essential was not used during the year. In previous years, President Mugabe issued blanket bans on strikes in the country in both the public and private sectors; however, he did not issue any such bans during the year. Government officials stressed that the Government reserves the right to reimpose these bans at its discretion.

During the year, the ZCTU was critical of violence directed at agricultural workers who live and work on commercial farms, many of whom are members of the General Agricultural and Plantation Workers Union of Zimbabwe (GAPWUZ), which is affiliated with the ZCTU (see Sections 1.a., 1.c., 1.e., 1.f., and 2.d.). On November 7, ZANU-PF supporters beat dozens of farm workers and their families near Marondera (see Section 1.c.). There were numerous reports of violence and widespread incidents of war veterans threatening workers for alleged MDC support.

On January 24, in Masvingo, approximately 100 war veterans reportedly forced striking civil servants, the majority of them teachers, to return to work; the war veterans warned the teachers that they would lose their jobs if they did not return to

work. War veterans also reportedly placed three of the teachers under citizen's arrest and took them to a police station, where the police quickly released them. The majority of the striking teachers reported to work after the threats. In May there was a report that ZANU-PF supporters chased teachers and civil servants from their jobs in Matabeleland North because of their suspected support of the MDC.

No further action was reported on pending ILO cases during the year.

The LRA allows for the formation of multiple national federations. On June 4, a second umbrella labor organization, the Zimbabwe Federation of Trade Unions (ZFTU), began to function after a long period of inactivity. Joseph Chinotimba, a prominent war veteran leader, appeared to lead the organization. Most observers noted that the ZFTU was reformed by ZANU-PF to spearhead its campaign to force mostly white-owned businesses to resolve individual wage and employment disputes and grant higher wages to their workers. The ZFTU has criticized the ZCTU for failing to resolve longstanding labor disputes, but the ZCTU maintains that it is the responsibility of individual labor unions to negotiate with employers. The ZFTU attempted to coerce some ZCTU-affiliated union members into joining its own nascent unions.

The ZCTU and its officials are free to associate with international labor organizations and do so actively. The ZCTU is affiliated with the ICFTU and the Southern African Trade Union Coordinating Council. The ZFTU has no known international affiliations.

b. The Right to Organize and Bargain Collectively.—The LRA provides workers with the right to organize. As originally written, this act was silent on the right to bargain collectively. However, the LRAA permits unions to bargain collectively over wages. Worker committees, which by law are not organizationally part of the unions or the ZCTU, are empowered to negotiate with the management of a particular plant on the conditions of labor and codes of conduct in the workplace, except for wages. Unions, employers, and individual workers have the right to take their grievances to the Government's Labor Relations Tribunal (LRT) for final adjudication. The LRT has continued to maintain a 5-year backlog of 3,000 cases; however, in May the Government appointed 3 new LRT judges, who helped eliminate 2 years of the backlog by year's end.

Collective bargaining wage negotiations take place on an industry-wide basis between the relevant union and employer organizations sitting on joint employment boards or councils. Collective bargaining agreements apply to all workers in an industry, not just union members. More than 80 percent of all industries are unionized (see Section 6.a.). Between April and July each year, workers and employees negotiate salary increases and other benefits in their respective National Employment Councils (NEC's). These bodies submit their agreements to the Registrar in the MPSSLW for approval. The Government retains the power to veto agreements that it believes would harm the economy. However, it does not involve itself directly in labor negotiations unless requested to do so by one of the parties. When no trade union represents a specific sector, representatives of the organized workers, such as the professional associations, meet with the employer associations, under the mediation of labor officers from the MPSSLW. Although companies offered wage increases that did not keep up with inflation during the year, workers and unions accepted the increases offered because of the economic crisis.

Employees in positions designated as managerial are excluded from union membership and thus from the collective bargaining process. The ZCTU stated that the definition of manager in the LRAA was overly broad and criticized the Government and private sector for using it to exclude managers from the collective bargaining process.

Public sector wages are determined by the Salary Service Department of the MPSSLW, subject to the approval of an independent Public Service Commission (PSC) (see Section 6.e.). Each year PSC officials meet with PSA representatives to review wages and benefits. These reviews result in a recommendation that is forwarded to the MPSSLW. The Minister is not required by law to accept the recommendation and usually proposes a wages and benefits package that is less than the recommendation, resulting in yearly industrial protest actions by civil servants.

The LRA prohibits antiunion discrimination by employers against union members. Complaints of such discrimination are referred to labor relations officers and may subsequently be adjudicated by the LRT. Such complaints are handled under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to antiunion discrimination should be reinstated, although this has yet to be utilized in practice.

The LRAA streamlined the procedure for adjudicating disputes by strengthening the LRT. Labor relations officers hear a dispute; their decision may be appealed to regional labor relations officers, after which the LRT may hear the case. Ultimately,

it may be appealed to the Supreme Court. However, cases from as early as 1997 remained pending with the LRT at year's end.

In April and May, international and domestic labor organizations strongly criticized war veterans for conducting a campaign of threats and violence against urban business managers who had outstanding disputes with workers, some as far as back as 7 years. In one case, a private hospital was forced, under threat of violence, to pay \$16,000 (Z\$5 million) in back wages to 30 former employees. Approximately 200 businesses in and around Harare and Bulawayo were coerced into producing payments.

The Export Processing Zones Act states the LRA shall not apply to workers in export processing zones (EPZ's). The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remain low.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced, compulsory, or bonded labor, including by children; however, the law is not enforced in practice. The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued in rural areas (see Section 5), and reportedly persons, particularly women and children, were trafficked from the country to South Africa for prostitution and forced labor (see Section 6.f.). The Sexual Offenses Act, passed in August, provides fines and imprisonment for those convicted of prostituting children or procuring prostitutes inside or outside the country (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law bans the employment of children under the age of 15 and restricts employment of those between the ages of 12 and 17 to light work during school holidays for periods not exceeding 6 hours per day. Light work is defined as work not likely to prejudice a child's education, health, safety, rest, or social, physical, or mental development. All hazardous employment, overtime, and night shift work is banned for those under the age of 18. However, there is little to no enforcement of these laws.

Child labor is common. According to the 2000 National Child Labor Survey, approximately 25 percent of children between the ages of 5 and 17 were involved in some form of child labor. Children work in the agricultural sector, and there were reports that children worked as domestics and as car-watchers. Child labor in the formal agricultural sector, such as on tea and coffee plantations, reportedly involves children working in the fields after school during the planting and harvesting seasons and full-time during school holidays. Long hours are common. Children often work alongside their parents, and their working conditions approximate those of adults. While some form of child labor on large commercial farms is widespread, agricultural organizations maintain that the labor performed is not exploitative, involuntary, contrary to law, or outside of cultural norms that allow children to engage in field work with their families. On some farms where children attend boarding schools, school schedules and calendars are tailored to allow children to work in the fields during busy farming periods. These children work in "earn and learn" schools, where a percentage of their wages is applied to their school fees and books. Economic hardship makes this arrangement a necessity for children from very poor families.

Approximately 35 percent of the adult population are infected with HIV/AIDS. As a result, more children worked in the informal sector to fill the income gap left by ill or deceased relatives. The number of children in adoptive homes or living on the streets increased rapidly.

The unemployment rate continues to grow, decreasing the number of children employed in the formal sector. However, the incidence of children working in the informal sector has increased as families, often headed by children, need a source of income. Many children sell simple wares on the streets. In addition police have reported an increasing number of girls under 17 years of age that are engaged in prostitution. The police frequently enforced laws against child prostitution.

The deteriorating economy, family breakdown, and HIV/AIDS are forcing more children to work. Although child labor in the agricultural, domestic, and informal sectors increasingly is discussed, the Government and NGO's have been unable to gather concrete data on the number of cases.

In October Parliament passed the Child Adoption and Protection Amendment Act, which incorporates ILO Convention 182 on the worst forms of child labor; however, the law was not implemented by year's end.

The law prohibits forced and bonded labor by children; however, the traditional practice of offering a young girl as compensatory payment in interfamily disputes continued (see Section 5), and there were reports that children were trafficked from the country to South Africa for prostitution and forced labor (see Section 6.f.). The Sexual Offenses Act, which was signed into law in August, provides for a maximum

fine of \$115 (Z\$35,000) or imprisonment of up to 7 years for those convicted of prostituting children under 12 years of age. It also provides for a maximum fine of \$167 (Z\$50,000) and a maximum prison sentence of 10 years for "procuring another person to become a prostitute and have sex whether inside or outside Zimbabwe."

e. Acceptable Conditions of Work.—The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. Working conditions are regulated by the Government on an industry-specific basis. The Constitution empowers the PSC to set conditions of employment in the public sector. The Government eliminated a national minimum wage as part of the Economic Structural Adjustment Program of 1990, with the exception of agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continue to specify minimum wages, hours, holidays, and required safety measures. In recent years, in an effort to remove itself from the wage bargaining system, the Government mandated wage parameters for industries. Due to an ineffective monitoring system, many agricultural and domestic workers are remunerated below the minimum wage. In October the Government established new monthly wages of \$14 (Z\$4,181) for agricultural workers, \$26 (Z\$7,903) for agro-industrial workers, and \$30 (Z\$8,926) for industrial workers.

Minimum wages in the formal sector changed continuously as a result of multiple increases in salaries to offset the high inflation rate. However, in almost all cases, wage increases did not keep pace with inflation, the spiraling exchange rate, and the increases in the prices of petroleum products and basic food staples. In recent years, the ZCTU pressed the Government to reestablish a national minimum wage, but Government had not done so by year's end. The minimum wage does not provide a decent standard of living for a worker and family, and at least 70 percent of the population lives below the Government's own poverty line.

In 2000 civil servants were granted 60 to 90 percent pay raises, with the lowest paid positions receiving the largest percentage raises. While criticized by some as an effort by the Government to buy the votes of the civil servants before the June 2000 parliamentary elections, these raises were viewed as necessary by the ZCTU because of the traditionally low level of civil servant salaries. In October 2000, the MPSSLW announced a new regulation prohibiting civil servants from engaging in any for-profit enterprises. The Government stated that many workers were operating their own for-profit businesses instead of attending to official duties during the workday; however, many civil servants contested that they needed to do so to earn a livable wage.

Many of the basic legal protections do not apply to the vast majority of farm, mine, and domestic workers. Health and safety standards are determined on an industry-specific basis. Despite the lack of general standards, the National Social Security Authority's (NSSA) statistics from 1999 show a decrease in the number of occupational injuries and deaths. There were 139 fatal job accidents reported and 12,000 occupational injuries in 1999. In theory labor relations officers from the MPSSLW are assigned to monitor developments in each plant to ensure that government minimum wage policy and occupational health and safety regulations are observed. In practice these offices are understaffed, cannot afford to inspect routinely workplaces, and must rely on voluntary compliance and reporting by employers.

On July 23, Amos Murungweni, a factory worker in Harare, reportedly was "minced" to death by a machine used to mix chemicals. Murungweni reportedly had been operating the machine alone. An investigation reportedly was made in the case; however, the results were not released by year's end.

The Government designated the Zimbabwe Occupational Safety Council (ZOSHC) to regulate safe work conditions. The ZOSHC is a quasi-governmental, advisory body comprised of six representatives each from the Government, employers, and trade unions. The National Director of the ZOSHC is responsible for enforcing worker safety regulations. The director reports weekly to the MPSSLW on actions taken. Budgetary constraints and staffing shortages, as well as its status as an advisory council, have made the council ineffective. The NSSA continues to experience difficulty monitoring the thousands of work sites across the country; however, it has begun to enforce safety standards more vigorously, by closing down shops and factories in noncompliance. Although workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment, in practice they risk the loss of their livelihood if they do so, and this situation worsened during the year. Foreign workers are covered by ZOSHC's safety standards, but domestic workers are excluded because of the "impracticality" of enforcing standards in private homes. Government workers are excluded also.

According to the ZCTU, some employers take advantage of illegal refugees for expensive labor. Because the job market is worse in neighboring countries such as

Malawi and Mozambique, the refugees are willing to risk arrest and work for wages below the legal minimums (see Section 2.d.).

f. Trafficking in Persons.—Although there are no laws that specifically address trafficking in persons, common law prohibits abduction and forced labor, and the Sexual Offenses Act makes it a crime to transport persons across the border for sex. Trafficking of persons was a growing problem in the country. There continued to be reports that persons were trafficked, particularly women and children, from the country to South Africa for prostitution and forced labor. The Government took no actions to address the problem of trafficking in persons.

The country is primarily a source for the trafficking of men, women, and children to South Africa, but it also is a transit point for the trafficking of persons from Asia, Mozambique, and Malawi to South Africa. Most persons who are trafficked through the country to South Africa entered the country via its border with Botswana, which is more porous than its other borders. In a smaller number of cases, it is a destination point for trafficked persons from Mozambique, Malawi, and other poorer countries in southern and central Africa. There are no figures available from the Government or NGO's on the numbers trafficked to, from, or through the country. Although both men and women of every age group were trafficked, young women under 25 years of age appeared to be targeted specifically for trafficking to South Africa.

Most trafficking victims in the country appear to be targeted because they are young, unemployed, or dispossessed. Traffickers were known to enter nightclubs or other youth gathering places to look for recruits. Most trafficking victims were promised higher paying jobs in industry or commerce, few of which exist in South Africa. Some were forced to sign fraudulent contracts. Other persons, such as the unemployed and homeless, were recruited off the streets. Many young women were forced into the sex trade, and victims often were held against their wills and denied pay. Nearly all victims were transported by truck, especially in containerized cargo trucks. Typically, truck drivers would leave the trafficked persons near border posts, where they would cross the border on foot and be met on the other side.

There were reports that Taiwanese crime syndicates were involved in trafficking Chinese through Mozambique and Zimbabwe to South Africa. However, most trafficking from or through the country appeared to involve loose organizations of independent truck drivers and recruiters, most of whom did not have connections to overseas crime groups.

Trafficked persons in the country were denied access to food, water, and sanitation facilities while being transported. In some cases, victims were beaten.

In August Parliament passed and signed into law the Sexual Offenses Act, which makes it a crime to transport persons across the country's borders for the sex industry (see Section 6.d.). Traffickers also can be prosecuted under other legislation, such as immigration and abduction laws, but the specified punishments generally are minor. The ZRP is the primary government authority involved in combating trafficking.

The Government generally does not acknowledge the problem of trafficking in persons. In cases where trafficking is discovered, the ZRP usually focused on the illegal immigration status of the victims rather than the activities of the traffickers. Most discovered victims of foreign nationality were detained and then deported. For citizens who were victims of trafficking, the Government does not provide medical or financial assistance. A trafficked person has the option to take his or her case before the VFC, but no cases were filed during the year.

In April members of the ZRP, government officials, and NGO's attended a regional conference on women's and children's issues in Harare on the problem of trafficking in southern Africa. The conference recommended that all regional governments pass legislation outlawing the trafficking of persons; however, the Government did not take any action by year's end.