

AFRICA

ANGOLA

Angola is a constitutional republic in transition after the end of its 27-year civil war in 2002. The Government is highly centralized and dominated by the Presidency. The Popular Movement for the Liberation of Angola (MPLA) has ruled the country since its independence from Portugal in 1975. President Jose Eduardo Dos Santos of the MPLA, who assumed power in 1979, won a plurality of the votes cast in a 1992 election that U.N. observers considered free and fair. The Government was formed in 1997 after the National Union for the Total Independence of Angola (UNITA) and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation. The National Assembly was weak; while opposition deputies held about 43 percent of National Assembly seats, few mechanisms exist to check the power of the MPLA majority or defeat legislation supported by the executive branch. Poor governance, including endemic corruption, continued to limit the provision of basic services to most citizens. The judiciary was subject to executive influence, functioned only in parts of the country, and did not ensure due process.

The most recent period of civil war ended after the Government and UNITA signed the Luena Agreement ceasefire in April 2002; the Luena Agreement provided for disarming and disbanding all UNITA military forces and implementation of the remaining provisions of the 1994 Lusaka Protocol under U.N. supervision. The official peace agreement concluding the war and completing the Lusaka Protocol was signed in November 2002. UNITA has transitioned into an opposition political party. Consultations among the MPLA, opposition parties, and civil society on a new constitution, electoral law, and a timetable for national elections were underway at year's end.

The Ministry of Interior, through the Angolan National Police (ANP), is responsible for internal security. The internal intelligence service is directly answerable to the Office of the Presidency. The Armed Forces of Angola (FAA) is responsible for external security but also has domestic responsibilities; the FAA conducted counterinsurgency operations against the Front for the Liberation of the Enclave of Cabinda-Armed Forces of Cabinda (FLEC-FAC). The civilian authorities maintained effective control of the security forces. Security forces continued to commit serious human rights abuses.

The mixed economy, dominated by oil exports, grew by 4 percent during the year, but most of the country's wealth remained concentrated in a few hands. Corruption, nontransparent contracting practices, and unfair enforcement of regulatory and tax regimes favored the wealthy and politically influential. Although commercial and agricultural activity in urban and rural areas increased with the end of the war, 80 percent of the population of approximately 13 million continued to live in poverty. Annual per capita income was \$865. Approximately 80 percent of the population were employed in agriculture, mostly on a subsistence level. The Government took some steps to improve its management of the economy, including increasing transparency of oil sector accounts and reducing the estimated 50 percent of state expenditures not reflected in the official budget, but its commitment to reform remained uncertain. The Government began to repair infrastructure damaged or destroyed during the war, but the poor state of roads, bridges, schools, hospitals, and other government facilities impeded economic recovery and development. In September, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) reported that 3.1 million citizens had returned. Although conditions were gradually improving in most parts of the country, OCHA estimated that 2.7 million citizens were still at risk of food insecurity and 10 percent of the population depended on humanitarian aid at year's end.

The Government's human rights record remained poor; although there were improvements in a few areas, serious problems remained. The right of citizens to

change their government remained restricted due to the postponement of elections. Members of the security forces committed unlawful killings, were responsible for disappearances, and tortured, beat, raped, and otherwise abused persons. Impunity remained a problem. Prison conditions were harsh and life threatening. The Government continued to use arbitrary arrest and detention, and lengthy pretrial detention was a problem. The Government at times infringed on citizens' privacy rights. The FAA employed forced movements of rural populations as part of its counterinsurgency operations against FLEC. Unlike in previous years, there were no reports of forced recruitment of military-age males. The Government at times restricted freedom of speech and of the press, and harassed, beat, and detained journalists. The Government restricted freedom of assembly, association, and movement; however, it allowed peaceful public protests and opposition party meetings. The number of persons displaced by the conflict decreased significantly during the year. In some instances, internally displaced persons (IDPs) were forced, or otherwise induced, to return home to unsafe conditions. Violence and discrimination against women, as well as adult and child prostitution, was common. Children and persons with disabilities continued to suffer as a result of poor economic conditions and limited protections against discrimination. The Government continued to dominate much of the labor movement and did not always respect worker rights. Child labor was a problem. There were reports of trafficking in persons.

Following the cessation of the war in 2002, there were no reports that UNITA committed human rights abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings by security forces during the year. After the end of the war with UNITA in April 2002, reports of extrajudicial killings by the FAA ceased in most of the country but continued primarily in Cabinda. Police were cited as the primary human rights abusers by local human rights organizations during the year, and were responsible for unlawful killings (see Section 1.c.). Impunity remained a serious problem. Since the April 2002 ceasefire provided for the amnesty of FAA and UNITA forces, there is unlikely to be any further investigation of killings related to the conflict during previous years.

In Cabinda province, periodic reports that security forces executed civilians for supporting FLEC continued.

Citizens widely believed that police resorted regularly to unlawful killings, especially of known criminal gang members, as an alternative to the country's ineffective judicial system. For example, according to independent media reports, on February 28, police killed four individuals stopped for questioning about a car theft.

In April, residents of the Boa Vista neighborhood of Luanda filed a complaint for the shooting death of a 4-year-old child killed when police fired on youths who refused to pay a bribe.

In August, independent media reported the existence of a site on the outskirts of Luanda reportedly used by police for unlawful killings. Residents confirmed reports that bodies were often dumped at the site. Authorities strongly denied the report, while human rights organizations launched investigations. No investigative findings had been reported by year's end.

On November 22, members of the Presidential Guard (UGP), a security unit under the authority of the Office of the Presidency, detained, tortured, and then drowned Arsenio Sebastiao, a car washer the guards overheard singing a popular song with lyrics critical of the Government. After widespread public outcry and coverage in the independent media, an investigation was launched into the killing, but no arrests had been made by year's end.

There were no developments, nor were any likely, in the November 2002 robbery and killing of 17 persons in Malange (or confirmation of alleged police involvement), or in the 2001 police killing of two residents of Boa Vista.

Prisoners died in official custody (see Section 1.c.).

With the cessation of hostilities with UNITA in April 2002, the Government intensified its military operations against separatists in Cabinda. Reports of civilians killed in the fighting in Cabinda continued during the year. There were reports that government forces shelled and burned civilian villages and were employing similar counterinsurgency tactics against FLEC-FAC as they used against UNITA. The failure of the Government to provide adequate protection for civilians contributed to the number of civilian casualties. The Government never responded to the detailed list of nine alleged arbitrary killings by government forces included in a December 2002 report from the Ad-Hoc Commission for Human Rights in Cabinda. The second re-

port by the Commission was released in November and detailed numerous alleged killings by government forces during the year.

Unlike in the previous year, there were no reports that undocumented workers in the diamond fields, including ex-UNITA soldiers and Congolese workers, were targeted in government efforts to retain control of alluvial diamond mining operations. There were no further developments in the September 2002 killing of undocumented diamond miners in Uige.

Eight provinces, which encompass approximately 50 percent of the country's land, contained areas that were heavily mined. The U.N. Development Program (UNDP) estimated that there were 2 million unexploded munitions in the country; however, international nongovernmental organizations (NGOs) conducting landmine clearance operations in the country estimated the number of landmines at 500,000. According to the National Institute for Demining, 44 persons were killed and 182 injured as a result of 95 mine-related incidents during the year. The U.N. Security Office registered 103 landmine incidents during the year, killing at least 36 persons (including 3 children) and injuring at least 142 persons (including 4 children). There were more than 80,000 disabled landmine victims.

Following the April 2002 ceasefire, killings attributed to UNITA ceased, and because the ceasefire provide for an amnesty, there is unlikely to be an investigation into killings from previous years.

FLEC-FAC forces reportedly tortured and killed civilians in Cabinda. For example, FLEC guerrillas executed one person in May for collaboration with the Government. There were no developments in the August 2002 case in which FLEC guerrillas decapitated a woman accused of collaborating with the Government.

b. Disappearance.—Persons taken into police custody disappeared in some cases, particularly in rural areas. Local human rights organizations in Cabinda reported several disappearances of persons detained by government forces during the year for alleged ties to FLEC insurgents.

In July, human rights activists reported that two young subsistence farmers in Huambo province disappeared after police took them into custody for protesting seizures of communal lands by large landowners. The status and whereabouts of the two men were unknown at year's end (see Section 1.f.).

There were no developments in the March 2002 disappearance, and subsequent death, of three teenagers in the municipality of Cazenga outside of Luanda; the December 2002 detention by government forces of seven Zambians; or in the 2001 disappearance of civilians abducted from Zambian territory.

There were no reports that UNITA abducted persons after the 2002 ceasefire, and there were no developments in the 2001 cases of kidnappings by UNITA rebels.

There were no developments in the September 2002 abduction by unidentified armed men of a traditional chief in Huambo province.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Penal Code prohibit all forms of mistreatment of suspects, detainees, or prisoners; however, security forces tortured, beat, raped, and otherwise abused persons. Local and international human rights organizations reported that these abuses were widespread.

FAA personnel were responsible for torture and other forms of cruel and degrading treatment, including rape, in Cabinda during the year. Police were frequently accused of using torture and coerced confessions during investigations and often beat and released suspects in lieu of trials. Persons suspected of ties to FLEC were allegedly subjected to brutal forms of interrogation. The Ad-Hoc Commission for Human Rights in Cabinda reported numerous such incidents in Cabinda. In one case reported by independent media, FAA soldiers beat up a family in Cabinda, near Zenze, because they were accused of collaborating with FLEC.

Police also frequently participated in acts of intimidation, robbery, harassment, and killings (see Section 1.a.). For example, in March, the police and Luanda provincial authorities raided a street market in Luanda, where they reportedly assaulted a number of vendors and arbitrarily confiscated large quantities of merchandise. In July, several subsistence farmers in Huambo and Kwanza Sul were illegally detained, beaten, and tortured by landowners with police complicity (see Section 1.f.).

During the year, police beat journalists (see Section 2.a.).

Police injured persons while forcibly dispersing demonstrations on at least one occasion (section 2.b.).

Police harassed NGO workers during the year, extorted money from travelers, and harassed and abused refugees (see Sections 2.d. and 4.).

There were no developments in the 2002 and 2001 cases of police torture and other cruel, inhuman, or degrading treatment by security forces.

The November report by the Ad-Hoc Commission on Human Rights in Cabinda alleged that individual government soldiers continued to rape women and girls and practice sexual slavery in areas of counterinsurgency operations. For example, on August 10, four soldiers raped a girl coming out of the Catholic Mission Parish School.

Landmines laid by both sides during the conflict resulted in a continued high number of fatalities and injuries (see Section 1.a.).

No action was taken against UNITA members that attacked a commercial convoy in May 2001 or tortured and mutilated a truck owner in June 2001.

FLEC-FAC forces tortured and killed civilians in the Cabinda region.

Prison conditions were harsh and life threatening. During the year, human rights activists reported that prison officials routinely beat and tortured detainees. The prison system held approximately 5 times the number of prisoners that it was built to hold and in some jails up to 10 inmates were held in cells built for 2 inmates. In August, there were approximately 1,750 inmates in the Luanda prison designed for 800. Warehouses in Bengo, Malange, and Lunda Norte provinces were used as prison facilities during the year. Many prisons, lacking financial support from the Government, were unable to supply prisoners with basic sanitary facilities, adequate food, and health care. Prisoners depended on families, friends, or international relief organizations for basic support, including food. There were credible reports from local NGOs that prisoners died of malnutrition and disease. At the Luanda prison, malnutrition and disease were pervasive problems.

Local human rights organizations reported that conditions were considerably worse outside the Luanda prison system. Many rural prisons, such as Chitato in Lunda Norte, were cited by local human rights organizations for not having toilets, beds, mattresses, water, or medicines.

Unlike in previous years, there were no reports that prisoners were used as laborers.

Prison officials, who chronically were unpaid, supported themselves by stealing from their prisoners and extorting money from family members. For example, prison guards continued to demand that prisoners pay for weekend passes that they were entitled to receive. In one case during the year, a prison official reportedly accepted a bribe to give one inmate's release order to another inmate.

Female prisoners were held separately from male prisoners; however, there were reports that prison guards sexually abused female prisoners. Juveniles, often incarcerated for petty theft, were housed with adults and suffered abuse by guards and inmates. Pretrial detainees frequently were housed directly with sentenced inmates, and prisoners serving short-term sentences often were held with inmates serving long-term and life sentences for violent crimes.

The Government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year; however, the Government did not consistently report the arrest of foreign nationals to the appropriate consular authorities. Local human rights observers were permitted to visit some individual prisoners. There were reports that NGO officials were temporarily denied access or limited access to some prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, security forces did not always respect these provisions in practice. Persons were denied due process. The National Police were the primary source of abuses during the year; however, reports of arbitrary detentions by the FAA continued in Cabinda.

Police are responsible for internal security and law enforcement. The National Police are under the Ministry of the Interior. Other than those personnel assigned to elite units, police were poorly paid, and the practice of supplementing their income through the extortion of the civilian population was widespread. Impunity remained a serious problem, but there were reports of security forces removed from their positions for alleged violations, but no reported prosecutions.

During the year, NGOs provided human rights and professional training to police. Police also participated in professional training with foreign law enforcement officials from several countries in the region. In March, the National Command of the ANP opened a complaints office for the public to report police conduct. In May, more than 200 police officers were separated from service as part of an administrative restructuring.

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; however, security forces did not always procure an arrest warrant before placing individuals under detention.

The Constitution provides for the right to prompt judicial determination of the legality of the detention. 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 were sometimes ignored in practice or made conditional upon payment of a bribe. There was a scarcity of personnel and resources and a lack of official determination to ensure these rights. Although the Ministry of Justice was nominally in charge of the prison system, the police continued to arrest and detain persons without bringing 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 investigative detention; however, in practice, these limits were commonly exceeded. Investigative detention is allowed when an individual is caught in the act of committing a crime punishable by a prison sentence.

The law permits detainees access to legal counsel; however, this right was not always respected in practice. Although bail is permitted under the law, there was no functioning bail system in practice.

Although illegal detention continued to be a problem, government and NGO attention to the problem increased. The Ministry of Justice instituted new case management procedures designed to decrease the delays in bringing detainees to trial; however, in September, the local human rights organization Association for Justice, Peace, and Democracy (AJPD) reported six cases of individuals being held illegally, including one individual who remained in detention 6 months after the completion of his sentence.

According to the independent media, the security forces continued to illegally detain individuals in Cabinda accused of collaborating with FLEC. On October 2, 3 young men were detained and held for 2 weeks, during which time they claimed to have met 17 other detainees at the same site in Necuto. In a separate case, three men, including one Congolese citizen, were detained in the village of Tandu-Macuco. There was no information on their status at year's end.

During the year, the Government temporarily detained human rights activists (see Section 4).

Police sometimes arrested persons holding demonstrations (see Section 2.b.).

An insufficient number of judges and poor communications between various authorities led to prolonged detention. During the year, approximately 300 new cases were added to the caseloads of each of the 5 judges in the Luanda court, in addition to the existing backlog. More than 60 percent of inmates were awaiting trial and inmates who have been awaiting trial for 2 or 3 years were common. In many cases, police beat and then released detainees rather than prepare a formal court case (see Section 1.e.). Local human rights organizations, such as Maos Livres and AJPD, were successful in securing the release of some detainees during the year.

All 35 ex-UNITA gathering areas set up under the April 2002 ceasefire to voluntarily quarter demobilized UNITA troops were closed by June. According to government figures, a total of 377,511 persons were housed in the camps, including 91,693 demobilized soldiers and 285,818 dependents. Unlike in the previous year, there were no reports that camps were forcibly emptied; however, Human Rights Watch (HRW) criticized the demobilization process for not adequately including women and child soldiers.

The Constitution prohibits forced exile, and the Government did not use forced exile as a form of punishment. Several prominent UNITA members returned to the country during the year following the transition of UNITA to solely a political party.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary, where it functions, was subject to executive influence. In practice, the court system lacked means, experience, training, and political backing to assert its independence. The judicial system largely was destroyed during the civil war and did not function in large areas of the country. The International Bar Association reported that only 23 of 168 municipal courts were operational. During the year, the Government continued to rebuild courts; however, where provincial courts existed, there was often only one judge to cover all cases, civil and criminal, in the province (see Section 1.d.).

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. The President has the power to appoint Supreme Court justices without confirmation by the National Assembly. The Constitution provides for judicial review of constitutional issues by the Supreme Court until the Constitutional Court provided for in the 1991 Constitution is established. There were 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 criminal courts, in particular, have a large backlog of cases that caused major delays in scheduling hearings. The legal code and rules of procedure remained outdated, although some steps toward modernization had begun.

The law provides defendants with the presumption of innocence, the right to a defense; the right to appeal; the right to public trials; a system of bail; and recognizes the accused's right to counsel; however, the Government did not always respect these rights in practice. 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 were often not licensed lawyers; however, the Ministry of Justice increased efforts during the year to recruit and train lawyers to serve as magistrates. The judge and two lay persons elected by the full court act as the jury.

During the year, the Human Rights Division of the U.N. Mission in Angola (UNMA) continued to support human rights training of municipal magistrates begun in 2002 by the Ministry of Justice. Approximately 100 magistrates to work in municipal police stations and intervene to protect the rights of individuals in police custody.

Government corruption was endemic, and accountability was limited. The Anti-Corruption Tribunal (Tribunal de Contas) was created in 2001 and was headed by a judge who also was a deputy in the National Assembly. The Tribunal claimed to be investigating senior members of the Government; however, it had still not tried any cases by 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 infringed on citizens' privacy rights. Citizens widely believed that the Government maintained surveillance, monitoring, and wiretapping of certain groups, including opposition party leaders and journalists. Legal requirements for search warrants routinely were disregarded, most often in police searches for illegal vendors and period sweeps of public markets.

There were reports by local human rights organizations that army units burned villages, destroyed crops, and terrorized civilians in Cabinda to suppress separatists (see Section 1.a.). Government forces in Cabinda reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes.

During the year, there continued to be reports that the Government forced or otherwise induced IDPs back to their places of origin before resettlement areas were declared free of mines and accessible to continued food deliveries or otherwise met standards adopted by the Government as preconditions to return (see Section 2.d.).

According to Amnesty International, persons from more than 5,000 households were evicted and their homes demolished in 3 mass evictions in Luanda between 2001 and year's end. Approximately 2 years after the Government evicted 4,200 families from their homes in the Boa Vista neighborhood in Luanda as a part of an urban renewal project, the Government had built only half of the promised replacement houses and replaced none of the demolished public buildings. Many of the houses the Government built lacked plumbing and electricity. Approximately 2,100 residents still were living in temporary shelters at an isolated camp outside Luanda without sanitation or public services. In September, authorities reportedly detained preemptively one community organizer for the displaced Boa Vista families before a high-level delegation, including foreign dignitaries, visited the area. Journalists were able to report on the camp.

During the year, there were reports that the Government continued to demolish housing used by the poor. Independent media reported that police carried out evictions and demolitions in the Luanda neighborhoods of Golfo II, Benfica, and Cambamba II during the year. Approximately 1,100 residents of Soba Kapassa neighborhood of Luanda were evicted from their homes and the buildings demolished between October 2001 and February; the evictions were carried out without due process and the Government offered no compensation to the former residents.

In July, there were reports that subsistence farmers in Huambo, Huila, and Kwanza Sul provinces were forcibly moved from traditional lands by large landowners, including senior government officials and military officers. Local human rights groups and government authorities were investigating allegations that landowners illegally detained at least 17 individuals at year's end (see Sections 1.b. and 1.c.).

Under the law, military service is obligatory. However, unlike in previous years, there were no reports of the armed forces and police conducting forced conscription drives.

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 at times restricted this right in practice. There were fewer restrictions on journalists during the year; however, the Government continued to harass, beat, and detain journalists. There were reports that the Government paid journalists to publish pro-government stories. During the year, there was increasing private media attention to corruption, economic mismanagement, and opposition politics, and there were reports that journalists were placed under investigation for reporting on sensitive issues. There were reports that the Government limited access by independent journalists to certain events and interviews, and journalists acknowledged that they exercised self-censorship when reporting on highly sensitive matters.

The largest media outlets were state-run and carried very little criticism of the Government. While the Government tolerated increasing criticism of its policies and actions in the independent media, prominent government officials sometimes criticized independent outlets for their coverage. Specific harassment of independent media diminished during the year in most areas of the country. There were seven private weekly publications with circulation in the low thousands. The Government owned and operated *Jornal de Angola*, the only daily newspaper.

There were five commercial radio stations, including the Catholic Radio Ecclesia and Radio Lac Luanda, which openly criticized government policies and highlighted poor socioeconomic conditions. In February, the Minister of Social Communication strongly criticized Radio Ecclesia for airing listeners' criticism of government policies and officials during call-in shows. During the year, the Government refused to approve nationwide FM broadcast authority for Radio Ecclesia despite the station's previous authorization for shortwave broadcasts and publicly criticized the international community's support for the independent media. Government owned and operated Angolan National Radio was the only radio station with the capacity to broadcast throughout the country. The only television station is the state-controlled Angola Public Television (TPA) that is limited to Luanda and a few provincial capitals.

The Government did not restrict the activities of foreign media, including the British Broadcasting Corporation (BBC) and Voice of America (VOA). Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. In September, the Government announced that foreign journalists are required to have work visas issued in their home countries to enter and report on the country. The Government did not restrict the topics foreign journalists could report.

In July, after more than a year of inaction, the Government created a new technical committee to draft a new press law to regulate press activities in the country. The committee included members from the Bar Association of Angola, the Presidency, representatives of the Union of Angolan Journalists, and independent experts on media issues. The committee had not published its findings by year's end.

Government authorities harassed, beat, and detained independent journalists on at least three occasions during the year. In February, police detained and beat a TPA journalist filming an angry crowd of local soccer fans. Also in February, the police beat and detained a journalist from the Angolan New Agency as he was investigating a homicide; despite showing his press credentials, the journalist was detained for 14 hours. In March, after an altercation between police and street vendors, police assaulted a cameraman and reporter on the scene for filming the incident.

There were no developments in the 2001 cases in which government authorities harassed journalists.

The state press often criticized independent journalists and opposition leaders, but limited access for these journalists to respond.

A committee composed of the Minister of Social Communication, the spokesman of the Presidency, and the directors of state-run media organizations controlled policy and censorship authority. The Government used its control of the state-owned media to influence local and international public opinion.

Defamation against the President or his representatives is a criminal offense, punishable by imprisonment or fines. Truth is not a defense to defamation charges; the only allowable defense is to show that the accused did not produce the actual material alleged to have caused harm.

The Government arrested journalists on charges of slander. On February 24, a journalist from *Folha 8* was detained in connection with a story on malfeasance in a government ministry and released after 5 weeks in jail.

In February, the police summoned a journalist for questioning and placed him under investigation after publishing an article in the independent weekly *Semanario Angolense* that detailed the fortunes of prominent government officials. In May, a formal complaint was lodged by at least one official identified in the article, and the case was still pending at year's end.

The 2002 Law on State Secrecy provides the executive branch broad authority to classify public information and impose criminal penalties on individuals who publicize information that the Government views as damaging. Under the law, the Government has authority to censor reports from international financial institutions or international press stories that criticize the Government or expose official corruption. The Government also can prosecute international oil companies under the law for releasing data on their transactions with the parastatal oil company; however, the law had not been used by year's end.

Internet access was available in Luanda and several other provincial capitals. The Government did not restrict access to the Internet.

The Government did not restrict academic freedom, and academics actively criticized government policy and participated in civil society-based advocacy campaigns. Academics did not practice self-censorship and frequently served as commentators for independent media and spoke at public forums in Luanda. Students were permitted to speak and read freely; however, the Government tightly controlled student and other protests or demonstrations (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government at times restricted this right in practice. There were fewer reports than in previous years that demonstrations were dispersed or applications for assemblies denied. The law requires a minimum of 3 days' prior notice before public or private assemblies are to be held, and makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for pro-government assemblies were granted routinely without delay; however, applications for protest assemblies were sometimes denied. In at least one case, a court subsequently sided with the protesters after they appealed the denial of permission to hold their event. During the year, official tolerance for public protest increased.

Police used excessive force to break up demonstrations during the year. For example, on March 17, police in Zaire province violently broke up a demonstration, in which bystanders were reportedly injured as well.

Opposition supporters were detained after holding demonstrations on at least one occasion. On June 3, five members of the opposition political party Democratic Aid and Progress Party of Angola, including party president Carlos Leitao, were arrested and detained for 3 days after holding a authorized, peaceful rally in a Luanda public area. All five individuals, who were held on charges of disturbing the peace, were released after a Luanda court determined that the demonstration had been legally organized and lawfully carried out.

The Constitution provides for the right of association; however, the Government sometimes restricted this right in practice. During the year, there were fewer reports than in previous years that groups were unable to operate without government interference. Legislation permits the Government to deny registration to private associations on security grounds. Although the Government approved most applications, including those for political parties, the Ministry of Justice continued to block the registration of the local human rights group AJPD by not taking action on its application originally filed in 2000. At year's end, AJPD was awaiting a Supreme Court decision on its suit against the Ministry of Justice for not processing the organization's registration application. In spite of this uncertain legal position, AJPD continued to function throughout the year without government interference.

The Government also arbitrarily restricted associations that it considered anti-government, by refusing to grant licenses for organized activities and through other means, such as police or other official harassment. Opposition parties were permitted to organize and hold meetings during the year; however, many reported facing harassment from local authorities outside Luanda (see Section 3). In August, UNITA members complained of a series of beatings by thugs in Huambo working in complicity with local authorities.

Independent labor activists reportedly also encountered difficulty with provincial government authorities in registering branch associations; however, vigils and demonstrations took place during the year (see Section 6.b.).

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

Religious groups must register with the Ministry of Justice and the Ministry of Culture. Colonial-era statutes ban all non-Christian religious groups from the country; while those statutes still exist, they no longer were enforced. In 2002, the colonial-era law granting civil registration authority to the churches was put back into effect. In May, the Council of Ministers sent a draft law to the National Assembly to establish stricter criteria for registering as a religious organization. Consideration was still underway at year's end.

A total of 17 religious groups remained banned during the year in Cabinda on charges of practicing medicine on the groups' members. In October, five ministers in Cabinda were sentenced to 35 days in jail for disobeying local authorities' orders to desist from holding services in private residences and places of business.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, and freedom of exit from and entry into the country; however, the Government sometimes restricted these rights in practice. There were fewer reports than in previous years that extortion and harassment at government security checkpoints in rural and border areas interfered with the right to travel. Police routinely harassed returning refugees at border checkpoints. The Government restricted access to areas of Cabinda that were deemed insecure or beyond the administrative authority of the Government. During the year, increasing stretches of previously inaccessible areas were opened to transit and a growing number of persons were able to travel around the country. Poor infrastructure and landmines were the principal obstacles to free movement of persons throughout the country.

Extortion at checkpoints was routine in Luanda and pervasive on major commercial routes and served as a principal source of income for many of the country's security service personnel. During the year, independent media reported that ANP officers systematically extorted money from truck and taxi drivers in Bengo province at checkpoints on roads linking surrounding municipalities with the provincial capital.

Police forcibly moved poor residents from central neighborhoods in Luanda to outlying areas as part of urban revitalization programs (see Section 1.f.).

Landmines remaining from the civil war were a major impediment to the freedom of movement (see Section 1.a.). There were no reports of new landmines planted during the year.

Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. In September, the Government announced that foreign journalists must receive a work visa before entry in the country (see Section 2.a.).

The Government did not place restrictions on emigration and repatriation; however, there were reports that immigration officials harassed and extorted money from travelers. The Ministry of Assistance and Social Re-Insertion (MINARS) reported that as of December, 3.8 million IDPs returned to their areas of origin. At year's end, more than 830,000 IDPs, including some ex-UNITA soldiers and their family members, were still waiting resettlement (see Section 1.d.). Approximately half were expected to remain in their current areas of residence. Many registered IDPs were located in Bie, Huambo, and Malange provinces in the interior of the country. A large number of IDPs remained in Lunda Norte province. There continued to be reports that police officers and soldiers harassed IDPs and stole donated supplies.

MINARS has primary responsibility for IDPs and implemented housing and resettlement programs; however, these efforts remained inadequate. Provincial governments have primary responsibility for IDP resettlement and set forth guidelines to ensure the safe, voluntary resettlement of IDPs to areas cleared of mines and with access to water, arable land, markets, and state administration; however, during the year there were reports of forced relocations of IDPs to resettlement sites that did not meet the published standards. There also were credible reports of government efforts to force IDPs to return home without respect to conditions at their places of origin or even to MINARS' own standards. In August, the U.N. estimated that more than 65 percent of returnees did not have access to primary health care, 65 percent had no potable water, and 75 percent had no basic sanitation. HRW reported that local authorities prevented IDPs from settling in Luanda.

During the process, many returnees were brought to provincial transit centers for onward transportation to their areas of origin. Conditions in several of the transit centers were life threatening at times due to overcrowding and inadequate sanita-

tion. In some cases, returnees were sent to provincial transit centers before local authorities were notified. In one case in August, the return of IDPs from Luanda to Malange was not coordinated with local authorities. Some of the returnees reportedly died due to a lack of adequate preparations at the reception site.

In 2002, the U.N. estimated that there were 435,000 Angolan refugees in neighboring countries as a result of the conflict. The largest number of them sought refuge in the Democratic Republic of the Congo (DRC), with smaller numbers in Namibia and Zambia. Spontaneous returns began after the April 2002 ceasefire and continued throughout the year. In March, independent media reported returning refugees were required to pay illegal taxes at border posts and alleged that officials had raped some refugee women. HRW reported that uniformed soldiers beat a man and raped a woman of a refugee couple returning to the country from Zambia. In light of the reports, U.N. High Commissioner for Refugees (UNHCR) officials urged Angolan refugees to delay their return until the initiation of the official repatriation process in June. The Government also took steps to address the problem, including transferring police accused of harassing refugees.

According to the UNHCR, by December more than 43,300 refugees had returned from DRC, Namibia, and Zambia as part of an organized repatriation program. The Government estimated that a total of 75,000 Angolan refugees returned home during the year.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government cooperated with the UNHCR. An eligibility committee to evaluate asylum claims, under the authority of the Ministry of Justice, met once a week to evaluate asylum requests if there were cases to consider, and approved the petitions of 13 asylum-seekers during the year. According to the UNHCR, the country had approximately 12,000 refugees, most of whom were from the DRC.

Refugees in the country were generally well-treated; however, the approximately 300 Congolese refugees resettled in May to the Sungui camp in Bengo province were harassed by local residents during the year. In October, uniformed armed men harassed the refugees and supplies were stolen from a local assistance program. There were two similar incidents between June and October.

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, this right remained restricted due to the delay in scheduling elections. Opposition parties complained of harassment and intimidation by the Government. In 1992, the first multiparty presidential elections were held. MPLA president Jose Eduardo Dos Santos won a plurality of votes cast (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 never was held. The Lusaka Protocol stated that it would take place following a U.N. determination that requisite conditions exist. Upon conclusion of the latest peace agreement in November 2002, all parties, including UNITA, agreed that the primary tasks outlined under the Lusaka Protocol had been completed and a runoff election would not be held.

Active civil society discussions and political party activity for elections were underway during the year. The Constitutional Committee of the National Assembly continued to work on a new constitution and a new electoral law, although the draft had not been made available for public consultation by year's end. No steps were taken during the year to prepare for elections. Most opposition parties agreed that elections should be held within the next 2 years, while the ruling MPLA had not adopted a public position by year's end. During the year, several of the final political tasks of the Lusaka Protocol, including the naming of UNITA officials to government ministries, provincial governorships, and ambassadorial posts, were completed.

The President is elected by an absolute majority. If no candidate wins 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, which means it can assume most functions normally associated with the legislative branch. Although the Constitution establishes the position of Prime Minister, it was filled by the President from 1998 to 2002. In December 2002, the President named former Interior Minister Fernando Dias dos Santos "Nando" as Prime Minister. Since its inception, the National Assembly has been subservient to the Council of Ministers. While opposition deputies held approximately 43 percent of National Assembly seats and substantive debates sometimes took place, few mechanisms existed to check the power of the MPLA majority or defeat legislation supported by the executive branch. Laws such as the Law on State Secrecy and the Law on National Security further strengthen executive authority and limited legislative oversight (see Section 2.a.).

There were more than 120 registered opposition parties, of which 11 received a public subsidy calculated based on their respective representation in the National Assembly. The majority of opposition parties have limited national coverage. The two historical opposition parties that date back to independence, UNITA and the National Liberation Front of Angola (FNLA), traditionally derived support from the Ovimbundu and Bakongo ethnic groups, respectively. Opposition parties complained of harassment and intimidation by the Government outside Luanda. On January 18, individuals dressed in MPLA shirts attacked and beat five UNITA members in Huambo province. The victims reported the incident to authorities; however, no arrests were made. In August, UNITA members from Huambo presented three cases in which local MPLA members allegedly beat UNITA party members with police complicity. In September, UNITA's national leadership complained of increased harassment by local MPLA members and municipal officials in several other provinces, including Lunda Sul. During the year, Social Renovation Party (PRS) members also complained of harassment by MPLA members and local officials in Lunda Norte, Lunda Sul, and Moxico provinces. In March, traditional leaders in Cuango municipality in Lunda Norte complained about MPLA members, with police support, cutting down PRS flags and threatening violence to those who display the flags.

During the year, UNITA progressed significantly in its internal reunification and transition to a demilitarized political organization and the largest opposition party. UNITA maintained a sporadic dialogue with the Government on the reintegration of its demobilized soldiers and disarmament of the civilian population. In June, the party elected a new president, Isaias Samakuva, to succeed Jonas Savimbi in a secret ballot election conducted by an independent commission and observed by members of the civil society and diplomatic community. The party's splinter wing, UNITA-Renovada, ceased to exist, and the Government transferred the party's official state subsidy to UNITA. In July, UNITA participated in multi-party consultations with the President on establishing a date for national elections. In September, the party announced its proposal for an electoral calendar to prepare the country for elections in 2005.

There are no legal barriers to the participation of women in the political process. There were 35 women in the 220-seat National Assembly, and there were 10 women in the 61-member Cabinet, including 3 ministers.

There were 7 members of minorities in the 220-seat National Assembly. There were 3 members of minorities in the 61-member Cabinet.

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

A variety of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. The Government does not prohibit independent investigations of its human rights abuses; however, it failed to cooperate and often used security conditions as a justification to deny access to Cabinda.

There were more than 100 international NGOs operating in the country and approximately 350 domestic NGOs, of which an estimated 100 worked on human rights activities. The Ad-Hoc Commission on Human Rights in Cabinda helped organize a conference in Cabinda in July to discuss a framework for peace and continued to report on human rights in the province. In November, the Commission released its second report detailing human rights violations in Cabinda; however, some independent observers questioned the objectivity of the Commission's work. The Government did not meet with the Commission during the year or issue an official response to the second report. Local NGOs actively promoted human rights during the year by documenting and exposing prison conditions and providing free legal counsel; however, the Government continued to be suspicious of local NGOs receiving

international support. During the year, the Ministry of Justice blocked the registration of AJPD by continuing not to respond to its application (see Section 2.b.).

In May, NGO workers in Bengo province were ordered out of their vehicle and detained while their vehicle and possessions were searched.

In August, police summoned for questioning prominent human rights lawyer and founder of the local NGO Maos Livres, David Mendes, from overseas medical treatment. When he appeared for questioning in Luanda, authorities refused to interview him or explain any charges against him (see Section 1.d.). Mendes was released after being held for 3 hours at the police station.

In October, there were reports of individuals dressed in FAA uniforms stealing humanitarian supplies from an NGO in Bengo.

Several international organizations have a permanent presence in the country, including the International Committee of the Red Cross (ICRC) and the U.N. Human Rights Division. HRW visited the country in August and released a report on the protection of human rights of the country's IDPs. The Government strongly disagreed with much of the substance of the HRW report.

Human rights organizations had increased access to the country following the April 2002 ceasefire. During the year, U.N. humanitarian activities maintained large-scale operations in response to an acute food security and IDP crisis. In February, the UNMA closed with the final implementation of the Lusaka Protocol, and oversight for U.N. operations was transferred to the UNDP.

The National Assembly has a Committee on Human Rights, which conducted visits to prisons and held hearings on human rights issues during the year.

Section 5. Discrimination Based on Race, Sex, 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, ideology, degree of education, or economic or social condition; however, the Government did not have the ability to enforce these provisions effectively.

Women.—Violence against women was widespread. Credible evidence indicated that a significant proportion of homicides were perpetrated against women, usually by spouses. The Ministry of Women and Family deals with violence against women and reported receiving an average of 40 domestic violence cases a month. The Government continued its project to reduce violence against women and improve the status of women. 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 8 years in prison. The law treats sex with a minor under the age of 12 as non-consensual; however, limited investigative resources and an inadequate judicial system prevented prosecution of most cases.

Due to poor economic conditions, an increasing number of women engaged in prostitution. Prostitution is illegal under the Constitution; however, the prohibition was not enforced and prostitutes were treated as victims, not offenders. During the year, independent media carried stories on the increasing prevalence of prostitution and complaints by prostitutes of police harassment.

There is no specific legal provision regarding sexual harassment; however, such cases may be prosecuted under assault and battery and defamation statutes. Sexual harassment was a problem, and the official media publicized cases during the year.

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 includes discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities. There were no effective mechanisms to enforce child support laws, and women carried the majority of responsibilities for raising children. The law provides for equal pay for equal work; however, in practice women rarely were compensated equally with men. Some women held senior positions in the armed forces (primarily in the medical field) and civil service, but women mostly were relegated to low-level positions in state-run industries and in the small private sector. 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. 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.

A series of national conferences on women's rights continued during the year and called 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.

In September, the Government submitted its first treaty report under the U.N. Convention to Eliminate Discrimination Against Women.

Children.—Approximately 50 percent of the population was believed to be under the age of 15; however, the Government continued to give little attention to children's rights and welfare. The Ministry of Education and Culture (MEC) barely functioned due to a lack of resources and poor administration. Nevertheless, the MEC, together with UNICEF, launched a program to provide informal learning and life skills for vulnerable children outside of the formal education system. The program intended to reach a total of 50,000 children by year's end. In addition, the MEC created a Back-to-School campaign in two of the poorest provinces to increase education access for all school-aged children. The National Institute for Children has daily responsibility for children's affairs, and in June, a Court for Children's Affairs, under the Ministry of Justice, was established as part of Luanda's provincial court system.

Although primary and secondary education was free and compulsory until the sixth grade, students often had to pay significant additional expenses. Teachers were chronically unpaid and often demanded unofficial payment or bribes from students. During the year, teachers engaged in strikes throughout the country (see Section 6.b.). Most of the educational infrastructure was damaged either partially or completely and lacked basic equipment and teaching materials. There were not enough schools, and many children had to work to support their families. The net enrollment rate of school-age children was 40 percent; however, while 55 percent of children 5 to 14 years of age were in school, only 30 percent of children remain in school after fifth grade. There was a significant gender gap in the enrollment rate, favoring boys over girls. More than 1 million children were estimated to be out of school, with no prospect of integrating them into the education system. Only 42 percent of the population was literate, and the illiteracy rate for women was almost twice that of men.

Some children reportedly continued to be recruited into the armed forces as a result of the absence of civil registration and the inability to prove dates of birth. According to Ministry of Justice, 2,182,902 children were registered between August 2001 and July; however, at least 1 million more remained unregistered. HRW criticized the Government for excluding children who served as soldiers and "wives" during the war from the demobilization process, and for not providing children adequate reintegration assistance and other benefits promised to former soldiers. Between January and October, the UNICEF-supported National Family Tracing and Reunification Program successfully reunited 1,479 separated children with their families and trained 539 tracing activists in 10 provinces.

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

Child prostitution is prohibited by a general criminal statute; however, an international NGO estimated in June that there were as many as 1,000 underage prostitutes in Luanda. The age of sexual consent is 12 years, and sexual relations with a child under 12 years of age is considered rape. Sexual relations with a child between the ages of 12 and 15 may be considered sexual abuse. Convicted offenders may be sentenced for up to 8 years in prison.

The Government provides free medical care for children at the pediatric hospital in Luanda, in addition to supporting child immunization programs and general medical care at public hospitals and clinics around the country; however, in practice, such care was limited at many facilities. According to UNICEF, the mortality rate for children under 5 years of age was 250 per 1,000 live births. Local NGOs estimated that 100,000 children were abandoned or orphaned as a result of the civil war, and malnutrition was a problem. During 2002, MINARS trained 1,070 child protection monitors who assisted 43,000 children that were separated from their families. Landmine explosions continued to kill and injure children (see Section 1.a.).

According to a government report released in June, there were approximately 3,000 street children in Luanda; other estimates were as high as 5,000. As many as another 30,000 children worked or begged on Luanda's streets and approximately 100,000 children throughout the country have been separated from their families. 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 were so poor that the majority of homeless children preferred to sleep on city streets. Street children shined shoes, washed cars, and carried water, but many resorted to petty crime, begging, and prostitution in order to survive. The government-sponsored National Institute for Children was responsible for child protection, but it lacked the capacity to work adequately with international NGOs. The Government publicized the problems of street and homeless children

during the year and held a conference in May on the plight of street children. No program had been implemented by year's end.

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

Persons with Disabilities.—The number of persons with physical disabilities included more than 80,000 landmine survivors. Handicap International estimated that up to 10 percent of the population have physical disabilities. 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 included 1 to 2 percent of Khoisan and other linguistically distinct hunter-gatherer tribes. At least 3,400 San people lived in 72 small dispersed communities in Huila, Cunene, and Kuando Kubango provinces. According to a July study commissioned by Trocaire Angola and the Working Group of Indigenous Minorities, many San communities suffered from social exclusion, discrimination, and economic exploitation. Greatly reduced access to land and natural resources and insecure and very limited land rights have eroded the San's former hunter-gatherer livelihoods and exacerbated ethnic tensions with neighboring groups. Hunter-gatherer communities as a whole did not participate actively in the political or economic life of the country, and they had no ability to influence government decisions concerning their interests.

There continued to be a lack of adequate protection for the property rights of traditional pastoral indigenous communities in general. While the Government's draft land tenure law was still pending at year's end, reports of illegal land grabs in Huila province by former and current government officials were increasing. In 2002, as part of a government project, 10 leases of 45-year duration were given to pastoral communities in Bengo and Huila provinces.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join trade unions and engage in union activities; however, the Government did not respect these rights consistently in practice. The Government dominated the National Union of Angolan Workers (UNTA), which claimed to have more than 400,000 members and was affiliated with the ruling MPLA party; however, there were two prominent independent unions, the General Center of Independent and Free Labor Unions of Angola (CGSILA), with approximately 50,000 members, and the small Independent Union of Maritime and Related Workers (SIMA). There continued to be division and pending legal suits between member unions of CGSILA over accusations of administrative malfeasance. Independent unions did not have a particular political affiliation. Restrictions on civil liberties potentially prevent any labor activities not approved by the Government; however, the major impediment to labor's ability to advocate on behalf of workers was the 60 percent formal sector unemployment rate. The Government dominated the economy through state-run enterprises.

The law requires that the Government recognize labor unions. Nevertheless, SIMA has encountered difficulty with provincial government authorities in registering branch associations and organizing dock and rig workers.

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 anti-union discrimination are required to reinstate workers who have been fired for union activities. In practice, neither the Labor Code nor the judicial system were capable of defending or enforcing these rights. For example, when train drivers from the Luanda Railways Company persuaded colleagues to leave the UNTA for the CGSILA, they were fired.

Unions have the right to affiliate internationally. CGSILA cooperated with the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and participated in the International Labor Organization (ILO). Individual trade unions maintained 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 did not respect these rights in practice. The Government did not facilitate a positive environment for constructive labor management negotiations. The Ministry of Public Administration, Employment, and Social Security set wages and benefits on a semi-annual basis (see Section 6.e.).

The Constitution provides for the right to strike, and the law strictly regulates such actions. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces personnel, police, prison workers, and fire fighters. The law does not effectively prohibit employer retribution against strikers; it permits the Government to force workers back to work for breaches of worker discipline and participation in strikes. During the year, numerous strikes over wages took place, including in the health, judicial, and public works sectors. Teachers also engaged in strikes during the year (see Section 5). The number of strikes over wages and working conditions increased during the year, including, for the first time, strikes in the judicial sector and walk-outs in the health sector.

SIMA continued an organized protest begun in 2000 to demand severance compensation from Angonave. Participants in the vigil reportedly were subject to government harassment during the year.

On June 12, the university professors' union, a member union of CGSILA, began a 45-day strike at Agostino Neto University over salaries and lack of compliance with previous agreements on pay and work conditions. After the MEC and university administration refused to agree to the terms set by the professors' union, the strike was called off in July. Union members complained of being threatened with dismissal and receiving physical threats during the strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, the Government was unable to enforce these provisions effectively. In addition, the law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes, and the ILO has cited it as an example of forced labor in violation of ILO conventions. Unlike in previous years, there were no reports that the FAA forcibly conscripted persons. There were independent media reports that a prison director in Huambo used prisoners as laborers in his house.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem during the year. 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 were not enforced. The Inspector General of the Ministry of Public Administration, Employment, and Social Security is responsible for enforcing labor laws, and child labor law enforcement is under the jurisdiction of the courts; however, in practice, the court system did not provide adequate protection for children. In June, a Court for Children's Affairs, under the Ministry of Justice, was established as part of Luanda's provincial court system. Child labor violations are 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 worked on family farms, as domestic servants, and in the informal sector as street vendors. Family-based child labor in subsistence agriculture was common. Children under 12 years of age worked 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.

e. Acceptable Conditions of Work.—In May, the minimum wage was held by the Ministry of Public Administration, Employment, and Social Security at the equivalent of \$50 (4,000 Kwanza) per month despite widespread calls for an increase. Many urban workers earned less than \$20 (1,600 Kwanza) per month. Neither the minimum wage nor the average monthly salary, which was estimated to be between \$40 and \$150 (3,200 to 12,000 Kwanza) per month, were sufficient to provide a decent standard of living for a worker and family. As a result, most wage earners held second jobs or depended on the informal sector, subsistence agriculture, corruption, or support from abroad to augment their incomes. The Government pegged the minimum wage to inflation but did not consistently adjust the rate quarterly. Employees receiving less than the legal minimum wage have the right to seek legal recourse; however, it was uncommon for workers to do so.

A government decree limits the legal workweek to 44 hours; however, the Ministry was unable to enforce this or 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 only if they work under contract; otherwise, they receive protection only against criminal acts.

f. Trafficking in Persons.—The Constitution prohibits human bondage; however, no laws exist to combat trafficking in persons, and there were reports of trafficking.

There were limited and conflicting reports that women and children were trafficked during the year, primarily to Europe and South Africa, for labor and sexual exploitation.

The Ministry of Justice continued its campaign to register children, provide them with identity papers, and protect them against potential trafficking. In June, the Ministry of Justice announced that more than 2.1 million children had been registered since August 2001—almost 70 percent of the initial goal. The Government operated facilities throughout the country for abandoned and abducted children. However, the facilities were underfunded, understaffed, and overcrowded in many cases. No special service was provided for victims of trafficking.

Unlike in previous years, there were no reports that the Government or UNITA forcibly recruited persons for military service (see Section 1.f.).

BENIN

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated in April 2001, after elections that observers generally viewed as free but not entirely fair. The March parliamentary elections, which were generally free, fair, and transparent, resulted in a loss of seats by the opposition. One opposition party joined the government coalition; as a result, the opposition holds 18 of 83 seats. The Government generally respected the constitutional provision for an independent judiciary; however, the executive has important powers in regard to the judiciary, and the judiciary was 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. Civilian authorities maintained effective control of the security forces. Members of the security forces committed some human rights abuses.

The country was extremely poor with average yearly per capita income below \$400; its population was approximately 6.5 million. The economy was mixed and some state enterprises were being privatized. The economy was based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The Government maintained the austerity program; continued to privatize state-owned enterprises; reduced fiscal expenditures; and deregulated trade. 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.

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. Police detained and allegedly beat some journalists. During the year, police forcibly dispersed demonstrations. 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; judicial corruption; violence and societal discrimination against women; and trafficking 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. Trafficking in persons was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

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

During the year, incidents of mob justice continued to occur nationwide. Most often these were cases of mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. For example, in August, a mob publicly set fire to a man who allegedly had killed a watchman during a dispute. 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, and police generally ignored vigilante attacks.

In August, vigilante leader "Colonel Devi" was released on bail; Devi was arrested in 2002 in connection with the killing of two persons at his home in 2001.

There was no known action taken against persons responsible for mob killings in 2002 and 2001.

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

During the year, hundreds of children were kidnapped from their families and trafficked to Nigeria, where they worked in mines, quarries, and farms (see Section 6.f.).

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 those in custody. Unlike in the previous year, there were no reports of torture.

The Government continued to make payments to victims of torture under the military regime, and some persons have received payment for property they lost under the regime.

Police also detained and allegedly beat journalists during the year (see Section 2.a.).

On January 2, in the district of Zogbodome, approximately 40 paratroopers attacked civilians with knives, bottles, machetes, and other types of weapons in retaliation for the injury to one of their colleagues the previous day in a bar fight; approximately 100 persons were injured. The paratroopers also destroyed mopeds and ransacked bars. Defense Minister Pierre Osho promised that guilty soldiers would be punished, medical expenses for civilians paid, and compensation to civilians made no later than February 11. The soldiers appeared before a disciplinary council, and some were imprisoned or removed from their units.

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

Prison conditions continued to be extremely harsh. Overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. The prison diet was inadequate; malnutrition and disease were common. Family members were expected to provide food for inmates to supplement prison rations. Prisoners were allowed to meet with visitors such as family members, lawyers, and others.

According to the Justice Ministry, the country's eight civil prisons at times were filled to more than three times their capacity; the prison in Natitingou in Atacora Province was the only one below full capacity. Funding problems delayed the completion of the new 1,000-person prison under construction in Akpro-Misserete in Oueme Department.

Women were housed separately from men; however, juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners; however, they were not held with the most violent convicts or those subject to the death penalty.

The Government permitted prison visits by human rights monitors, and non-governmental organizations (NGOs) and other agencies continued their prison visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, at times the authorities arbitrarily arrested and detained persons.

The police were criticized for corruption and ineffectiveness. The Government attempted to address these problems by changing the police leadership in October.

On February 7, police arrested student demonstrators at the University of Abomey-Calavi (see Section 2.b.).

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 were pretrial detainees.

The Constitution prohibits the forced exile of citizens, and it was not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the executive branch has important powers with regard to the judiciary, and the ju-

diciary remained inefficient in some respects and susceptible to corruption at all levels. On April 1, the Union of the Judiciary began a 72-hour strike to protest pay and personnel issues; tribunals throughout the country were closed as a result (see Section 6.b.).

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 delayed the administration of justice. Low salaries made magistrates and clerks susceptible to corruption. Inefficiency and corruption particularly affected the judiciary at the trial court and investigating magistrate levels. The arrest of numerous judges on corruption charges further strained the overburdened court infrastructure.

The trial of the approximately 80 judges charged in December 2002 with bribery and corruption had not started by year's end; 23 of the judges remained in prison at year's end.

A civilian court system operated on national and provincial levels. There was only one court of appeals. The Supreme Court was the court of last resort in all administrative and judicial matters. The Constitutional Court was charged with deciding on the constitutionality of laws, disputes between the President and the National Assembly, and disputes regarding presidential and legislative elections. Its rulings in past years against both the executive and legislative branches, which were respected by both branches, demonstrated the Court's independence; however, it was accused of bias in favor of the President during the 2001 presidential elections (see Section 3). A High Court of Justice, whose membership was renewed in August and is scheduled to be installed in 2004, deals with crimes committed by the President or government ministers against the state. 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 provided 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 were 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. Defendants who were awaiting a verdict may request release on bail; however, the courts granted such requests only on the advice of the Attorney General's office.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Police were required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice.

Results from the National Assembly's 2001 investigation into alleged governmental wiretapping were not 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 generally respected these rights in practice; however, during the year, police allegedly beat and held for several hours four journalists who spoke out against the police inspector.

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. The law concerns threats to public order or calls to violence but is loosely worded and susceptible to abuse.

There was a large and active privately-owned press composed of more than 20 daily newspapers. These publications criticized the Government freely and frequently, but the effect on public opinion was limited because of their urban concentration. A nongovernmental media ethics commission (ODEM) continued to censure some journalists during the year for unethical conduct such as reporting falsehoods or inaccuracies or releasing information that was still under embargo. ODEM also commended some journalists for adherence to professional standards.

Privately owned radio and television stations were 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 various topics.

The Government continued to own and operate the media that were most influential in reaching the public because of broadcast range and infrastructure. The major-

ity of citizens were illiterate and lived in rural areas; they largely received their news via radio. The Benin Office of Radio and Television (ORTB) transmitted on the FM and AM frequencies and by short wave in French and local languages. Radio France International and the British Broadcasting Corporation broadcast in Cotonou. Fifteen rural radio stations, which were governed by local committees and received support from the ORTB, broadcast several hours a day exclusively in local languages.

The ORTB television station broadcast more than 12 hours per day on a signal that was easily received in urban areas. Approximately 80 percent of the ORTB's television programming was in French. Several private television stations broadcast, including TV5 and LC-2. Although neither television station broadcast partisan programs in support of, or unduly critical of, the Government, the vast majority of news programming centered on government officials' activities, government-sponsored conferences, and international stories provided by French television or other foreign sources.

On April 1, Cotonou police allegedly detained for several hours, beat, and interrogated Etienne Houessou, the director of the newspaper *Le Telegramme*; the editor, Blaise Fagnihoun; and journalists Norbert Houessou and Casimir Assogba for publishing an unsigned letter complaining of improper management of police at police headquarters. On April 10, 300 union leaders and journalists held a peaceful demonstration to protest police actions. The Director General of the police reportedly threatened other arrests if the newspaper published similar articles. *Le Telegramme* protested to the Supreme Court, and in October, the Government dismissed the Director of the National Police Raymond Fadonougbo.

The government entity with oversight responsibility for media operations was the High Authority for Audio-Visual Media and Communications, which required broadcasters to submit weekly lists of planned programs and required publishers to deposit copies of all publications with it; however, the media did not comply with these requirements in practice. The information was used for administrative purposes; however, journalists often complained that it was an attempt at censorship.

Internet service was available in cities, and there were no governmental restrictions on its use.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Unlike in the previous year, there were no reports that government officials refused to allow marches or demonstrations. The Government requires permits for use of public places for demonstrations and generally granted such permits.

In February, students from the University of Abomey-Calavi called a strike to demand that students expelled after the May 2002 demonstrations be reinstated. On February 7, police arrested students protesting poor living and working conditions and the lack of scholarships at the University of Abomey-Calavi and used tear gas to disperse the crowd. Some students were slightly injured during the arrests. The students were released after a short time without charge.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The Government requires associations to register and routinely granted registrations.

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

Persons who wish to form a religious group must register with the Ministry of the Interior. There were no reports that any group was refused permission to register or was subjected to unusual delays or obstacles in the registration process.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints served as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such corruption at roadblocks; however, they were not always effective and extortion occurred.

On August 9, Nigeria closed its western border with the country to protest the Government's lack of action against cross-border banditry and trafficking in drugs and persons. The border reopened 1 week later after a summit in which Presidents Kerekou and Obasanjo pledged cooperation in efforts to deter such practices (see Section 6.f.).

The Government maintained documentary requirements for minors traveling abroad as part of its continuing campaign against trafficking in persons (see Section 6.f.).

The Government's policy toward the seasonal movement of livestock allowed migratory Fulani herdsmen from other countries to enter freely; the Government did not enforce designated entry points. Disputes arose between the herdsmen and local landowners over grazing rights.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of temporary protection. The UNHCR estimated that, as of September, there were 5,068 refugees of various nationalities in the country and that approximately 958 persons residing in the country were requesting asylum. During the year, a number of citizens of Togo continued to enter the country and were granted refugee status or given temporary protection; however, many returned to Togo. As of September, there were 1,213 Togolese refugees in the country. Despite severe economic pressures that limited its ability to provide education for children, the Government allowed these Togolese to enroll their children in local schools and permitted their participation in some economic activities.

In contrast, the UNHCR estimated that 235 Ogoni refugees from Nigeria were at a disadvantage because they did not speak French and could not work nor could their children attend schools. UNHCR officials directed them to remain within the confines of the Kpomasse refugee camp to avoid potential confrontations with local inhabitants and maintained administrative control over their activities.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage. Observers viewed the March National Assembly and December 2002 municipal elections as generally free and fair; however, opposition parties charged that there were some irregularities. 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 Constitution limits candidates for the presidency to persons between the ages of 40 and 70 years. Municipal terms are for 4 years. There were 12 political parties and coalitions represented in the unicameral, 83-member National Assembly.

The March National Assembly elections resulted in the loss of seats by the opposition, notably the Rebirth of Benin (RB), the primary opposition party led by former president Nicéphore Soglo. A second opposition party, that of the former Prime Minister Adrien Houngbedji, joined the government coalition, leaving only Soglo's party and the minor Star Alliance (AE) party in the opposition. The RB held 15 of the National Assembly's 83 seats; AE held 3 seats. Although it took the Government several days to certify the results of the elections, only two seats were contested.

Opposition parties criticized the National Election Commission's handling of the country's first-ever municipal elections in December 2002 and charged that the pro-Kerekou coalition engaged in vote-buying, forged voter cards, and other types of fraud. Despite these charges, the opposition won the majority of seats on the municipal councils in the large cities.

President Kerekou was inaugurated in April 2001. Observers viewed the reelection of Kerekou as free but not entirely fair because of the apparent judicial manipulation of the presidential electoral counts, the intimidation of opposition deputies, and the unprecedented scope of the campaign expenditures made by the President's coalition. 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. No members of the opposition were in the President's cabinet or in the National Assembly's Executive Committee.

Women participated actively in political parties. Following a Cabinet reshuffle during the year, there were 4 women in the 21-member Cabinet. There were 6 women in the 83-member, unicameral National Assembly, including the leader of

the largest opposition party. The President of the Constitutional Court was a woman.

The major ethnic groups are well represented in government agencies, civil service, and 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 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, Disability, Language, or Social Status

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

Women.—Domestic violence against women, including wife beating, was common. The maximum penalty ranges from 6 to 36 months' imprisonment. NGO observers believed that women remained reluctant to report cases. Judges and police also were reluctant to intervene in domestic disputes; society and law enforcement considered such cases to be an internal family matter. In March, a local chapter of a regional NGO, Women in Law and Development-Benin, opened to offer social, legal, medical, and psychological assistance to victims of domestic violence.

FGM was practiced on females ranging from infancy through 30 years of age and generally took the form of excision. Surveys reliably estimated that the number of women who had undergone FGM at approximately 50 percent. FGM was outlawed in March, and the new law provides for penalties for performing the procedure, including jail sentences of up to 10 years in prison and \$10,000 (6 million CFA francs); however, the Government generally was unsuccessful in preventing the practice. There was a strong profit motive in the continued practice of FGM by those who performed the procedure, usually older women. The efforts of NGOs and others to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities continued during the year. A prominent NGO, the local chapter of the Inter-African Committee, made progress in raising awareness of the dangers of the practice, and the Government cooperated with its efforts. The press reported that the number of girls and women undergoing FGM decreased significantly each year since 1996. During the year, the Ministry of Family launched an education campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and banners. NGOs also addressed this issue in local languages on local radio stations.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive societal discrimination, especially in rural areas where they occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. In urban areas, women dominated the trading sector in the open-air markets. By law, women have equal inheritance and property rights; however, local custom in some areas prevented them from inheriting property.

In December 2002, the Constitutional Court ruled that some provisions of the 2002 Family Code were unconstitutional, including the request that the decision for monogamy or polygamy be clearly expressed at the time of marriage and the right for a woman to keep her maiden name after marriage. Critics charged that the Code, which strengthened inheritance, property, and other rights for women, would give women unfair advantages.

Children.—The Ministry of Family was 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 had oversight roles in the promotion of human rights issues with regard to children and their welfare.

Primary education was tuition-free but not compulsory. In some parts of the country, girls received no formal education. The Government implemented programs such as offering books at reduced prices to promote children's access to primary schools and to enhance the quality and relevance of schooling received. Primary school enrollment was approximately 90 percent of boys and approximately 60 percent of girls nationwide during the 2001–02 school year; only 26 percent of boys and 12 percent of girls were enrolled in secondary school. Girls did not have the same educational opportunities as boys, and female literacy was approximately 18 percent (compared with 50 percent for men). However, recent elementary school pass rates for girls have increased. Strikes by teachers in 2002 and during the year disrupted the school years (see Section 6.b.).

There was a tradition in which a groom abducts and rapes his prospective child bride (under 14 years of age). The practice was widespread in rural areas, but the Government worked to end it through information sessions on the rights of women and children.

Criminal courts meted out stiff sentences to criminals convicted of crimes against children; however, many such crimes never reached the courts due to lack of education and access to the courts or fear of police involvement in the problem.

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

The Constitution and the law prohibit child prostitution; however, enforcement was frequently lax. Child prostitution mainly involved young girls whose poor families urged them to become prostitutes to provide income. They were abused sexually by teachers who sought sex for better grades and lured to exchange sex for money by older men who acted as their "protectors." There were street children who became prostitutes to support themselves. There were reports of sexual tourism and reports that adult males preferred young girls because they were viewed as less demanding and less likely to have HIV/AIDS. The Government organized assistance to child prostitution victims and worked jointly with NGOs and international organizations on prevention programs.

Some traditional practices inflicted hardship and violence on children, including most prominently the custom of "vidomegon," whereby poor, often rural, families placed a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represented to the parental family. The children worked, but the arrangement was voluntary between the two families. There was a considerable amount of abuse in the practice, including one case where a girl was chained up and fed on the floor. The woman responsible was arrested and sentenced to 6 months in prison. In other cases, children were forced to work long hours without adequate food. There also were instances of sexual exploitation. Approximately 90 to 95 percent of the children in vidomegon were young girls. Children were sent from poorer families to Cotonou and then some of the children were sent to Gabon, Cote d'Ivoire, and the Central African Republic to help in markets and around the home. The child received living accommodations, while income generated from the child's activities was split between the child's parents in the rural area and the urban family that raised the child.

Trafficking in children for purposes of forced labor or prostitution in other countries remained a problem (see Section 6.f.).

Other traditional practices included the killing of deformed babies, breech babies, and one of two newborn twins (all of whom were thought to be sorcerers in some rural areas). There were numerous press reports of infanticide during the year, and some NGOs were combining their anti-infanticide efforts with programs to counter FGM.

Persons with Disabilities.—The Constitution provides that the State should care for persons with disabilities; however, there were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities.

The Government operated a number of social centers for persons with disabilities to assist their social integration. Nonetheless, many were unable to find employment and resorted 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.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers with the freedom to organize, join unions, and meet, and the Government generally respected these rights in practice. The labor force of approximately 2 million was 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 belonged to labor unions, a much smaller percentage of workers in the private sector were union members. There were several union confederations, and unions generally were independent of government and political parties. The Economic and Social Council, a constitutionally mandated body, included four union representatives.

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal; however, there were reports of individuals being dismissed for union activity. The Government levied substantial penalties against employers who refused to rehire workers dismissed for lawful union activities.

There were no developments in the cases of three labor leaders dismissed in 2001 for alleged theft and distribution of confidential accounting documents.

There were no known instances of efforts by the Government to retaliate against union activity; however, the International Confederation of Free Trade Unions alleged that hostility to trade unions persisted and that union members were intimidated.

Unlike in the previous year, there were no reports that the mayor of Cotonou prohibited labor demonstrations.

Unions may form freely or join federations or confederations and affiliate with international bodies. The two major labor confederations were affiliated with the Brussels-based International Confederation of Independent Unions.

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 were set in negotiations between unions and employers. The Government sets wages in the public sector by law and regulation.

Strikes were permitted, and workers must provide 3 days advance notice; however, the authorities can declare strikes illegal for stated causes, such as threatening to disrupt social peace and order, and can requisition striking workers to maintain minimum services. The Government may not prohibit any strike on the grounds that it threatens the economy or the national interest. A company may withhold part of a worker's pay following a strike. Laws prohibit employer retaliation against strikers, and the Government enforced them effectively.

There were numerous strikes during the year. Teachers demanding back pay and higher wages conducted strikes throughout the year, which disrupted schools from the primary through university levels. Teachers resumed work after the Government agreed to meet their demands.

On March 18, workers of the Water and Electricity public company (SBEE) observed a warning strike throughout the country to protest the SBEE's planned reorganization and the lack of modern working equipment. SBEE management negotiated an agreement with the workers.

On April 1, the Union of the Judiciary began a 72-hour strike to protest pay and personnel issues; tribunals throughout the country were closed as a result. The union demanded an adjustment of the judiciary's status as "temporary" and severely criticized the lack of dialogue between the Ministry of Justice and its workers. After the strike, the Government agreed to revise the status of the judiciary staff.

Labor unions continued to oppose the Government's merit-based promotion scheme.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred, and trafficking was a problem (see Sections 6.d. and 6.f.). 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.

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 remained a problem. The Ministry of Labor enforced 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 as street vendors, and as domestic servants under the practice of *vidomegon* (see Section 5). A majority of children working as apprentices were under the legal age of 14 for apprenticeship.

Some financially desperate parents indentured their children to "agents" recruiting farm hands or domestic workers, often on the understanding that wages for the children would be sent to the parents. According to press reports, in some cases, these agents took the children to neighboring countries for labor (see Sections 5 and 6.f.). Also, many rural children were 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. Host families did not always honor their part of the bargain, and the abuse of child domestic servants occurred.

The Government took steps to educate parents and to prevent such placing of children in bonded labor. The Government undertook media campaigns, regional workshops, and public pronouncements on child labor problems. The Government works with a network of both public and private journalists to educate the population on the issues of child labor and child trafficking.

The Labor Ministry organized a seminar for labor inspectors to ensure that businessmen complied with labor rights. The Ministry of Family, in conjunction with the Labor Ministry and the Justice Ministry, implemented a pilot program to fight child labor in major cities.

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 did 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 earned more than the minimum wage, although many domestics and other laborers in the informal sector earned 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 worked 70 hours or more per week. The authorities generally enforced 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 did not enforce them effectively. The law 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 did not enforce this authority effectively.

The law protects legal but not illegal foreign workers.

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, there were reports of trafficking in children. The Criminal Code prohibits kidnapping. The country was a source, transit, and destination for trafficked persons, primarily children.

The Government publicized various arrests of potential traffickers; however, there were no reports of subsequent legal action against the alleged traffickers.

On September 26, 116 boys, who had been kidnapped from their families to work in mines, quarries, and farms in Nigeria, were repatriated to the country; 3 other children reportedly died in transit. On October 15, 74 children, aged 4 to 13 years old, were repatriated to the country from Nigeria and reunited with their families. The Ministry of Family coordinated efforts with donors and NGOs to assist with emergency support and reintegration, and subsequently placed the children in educational and vocational programs. Nine persons were arrested in connection with the trafficked children, and they remained in prison awaiting trial at year's end. Several more small groups of children were repatriated from Nigeria during the year, and they continued to receive food, shelter, and medical treatment from the Government and NGOs before being reunited with their families.

None of the persons arrested in connection with the MV *Etireno*, a ship suspected of carrying trafficked children in 2001, have yet been brought to trial.

Internal trafficking of children within the country took place in connection with the forced servitude practice called “vidomegon.” The children worked, but the arrangement was voluntary between the two families (see Section 5).

Children were trafficked to Ghana, Nigeria, and Gabon for indentured or domestic servitude, farm labor, and prostitution. In addition, hundreds of children were taken across the border to Togo and Cote d'Ivoire to work on 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. The 2000 ILO-IPEC report “Combating Trafficking in Children for Labor Exploitation in West and Central Africa” noted 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.

According to UNICEF, four distinct forms of trafficking occur in the country. “Traffic-don” was when children were given to a migrant family member or stranger, who turned them over to another stranger for vocational training or education. “Traffic-gage” was a form of indentured servitude, in which a debt was incurred to transport the child, who was not allowed to return home until the debt was repaid. “Traffic-ouvrier” involved children aged 6 years to 12 years, and they worked as artisans, construction laborers, or agricultural or domestic workers. This was the most common variant, estimated to be 75 percent of the total traffic of the three provinces UNICEF surveyed in 2000. Finally, “traffic-vente” was the outright sale of children.

According to a survey of child labor conducted in 1999, 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 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 in this child labor study, 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.

On August 14, President Kerekou and Nigerian President Olusegun Obasanjo held an emergency summit and pledged to cooperate to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims. The two countries also established joint border patrols to crack down on smuggling and banditry. During the year, the Government implemented several measures to combat child labor and child trafficking.

The Brigade for the Protection of Minors, under the jurisdiction of the Interior Ministry, fought crimes against children. The Chief of the Minor Brigade noted that from January 1 to September 1, various security agencies, including gendarmes and police, intercepted 136 trafficked children in the country. The Ministry of the Family also opened centers in urban areas to provide education and vocational training to victims of *vidomegon*. The Government also worked with NGOs to combat trafficking in children, taking measures that included media campaigns and greater border surveillance; however, police complained that they lacked equipment to monitor trafficking adequately.

The Government has bilateral agreements with Togo, Gabon, and Nigeria, which focus on border control and repatriation of trafficking victims.

BOTSWANA

Botswana is a longstanding multiparty democracy. Constitutional power is shared between the President and a popularly elected National Assembly. 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. The 1999 elections generally were regarded as free and fair, despite initial restrictions on opposition access to radio and press reports of ruling party campaign finance improprieties. The Government generally respected the constitutional provisions for an independent judiciary.

The civilian Government maintained effective control of the security forces. The Botswana Defense Force, which is under the control of the Defense Council within the Office of the President, has primary responsibility for external security, although it assisted with domestic law enforcement on a case-by-case basis. The Botswana National Police has primary responsibility for internal security. Some members of the security forces, in particular the police, occasionally committed human rights abuses.

The economy of the country, which had a population of 1.7 million, was market-oriented with strong encouragement for private enterprise through tax benefits. Approximately 32 percent of the labor force worked in the informal sector, largely subsistence farming and animal husbandry. Rural poverty remained a serious problem, as did a widely skewed income distribution. Per capita gross domestic product decreased to \$3,523 from \$3,956 in 2001, according to the Bank of Botswana. Diamond exports provided approximately 80 percent of the export income and 50 percent of government revenues.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Police sometimes beat or otherwise mistreated criminal suspects to obtain evidence or coerce confessions. Authorities took action in some cases against officials responsible for such abuses. Prison conditions were poor and in some cases life-threatening. The judicial system did not provide timely fair trials due to a serious and increasing backlog of cases. The Government continued to dominate domestic broadcasting and limited freedom of the press. Some citizens, including groups not numbered among the eight ethnic groups of the majority Tswana nation, remained marginalized in the political process. Violence and discrimination against women remained serious problems. Societal discrimination against ethnic Basarwa was a problem. Trade unions continued to face some legal restrictions, including those against the right to strike, 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.

During the year, the Botswana Center for Human Rights (BCHR) protested the executions of four convicted murderers, whose families and attorneys had not received prior notice of the executions, and criticized the secrecy surrounding executions.

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 on occasion, police used beatings and other forms of intimidation to obtain evidence or elicit confessions. In some cases, the authorities took disciplinary or judicial action against persons responsible for abuses. Coerced confessions and evidence gathered through coercion or abuse are inadmissible in court.

Customary courts continued to impose corporal punishment in the form of lashings on the buttocks, generally against young offenders in villages for crimes such as vandalism, theft, and delinquency. Customary courts also administered corporal punishment to illegal immigrants from Zimbabwe.

There were unconfirmed reports that security forces used excessive force in repatriating illegal immigrants from Zimbabwe (see Section 2.d.).

Prison conditions remained poor, and in some cases life-threatening. The 24 prisons across the country had a capacity of 3,786 inmates, but held 6,120 at year's end. Overcrowding, which was worse in men's prisons, constituted a serious health threat because of the country's high incidence of HIV/AIDS and tuberculosis. The Government and prison authorities were aware of this health threat and cooperated fully with the Centers for Disease Control and Prevention in a 2002 study on the prevalence of tuberculosis in the prisons. HIV/AIDS testing and U.N. Development Program (UNDP) peer counseling were available to all prisoners. The Prison Commissioner has the authority to release terminally ill prisoners who were in the last 12 months of their sentences and to allow citizen prisoners with sentences of 12 months or less to perform "extramural" labor. From January through September, the Government released 1,392 prisoners under the extramural labor program. Foreign prisoners were required to serve their entire sentences.

The Prisons Act makes it illegal for prison officials to mistreat prisoners. The Department of Prisons is required to forward to police allegations of the mishandling of prisoners by prison officials.

Men were held separately from women, and juveniles were held separately from adults; however, pretrial detainees were held in the same facilities as convicted prisoners. A new prison for male juveniles was scheduled to open in 2004.

Prison violence was a problem. There were reports that prisoners were raped by other inmates, and some prisoners died in custody of HIV/AIDS-related illnesses. During the year, a violent incident between Botswana and Zimbabwean prisoners at a maximum security prison in Francistown resulted in the death of two inmates; two other inmates were seriously injured.

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 3-year terms, must visit their prison four times a year, and issue a report both to the Commissioner of Prisons and the Minister of Labor and Home Affairs. These reports normally were not released to the public. During the year, the committees visited each prison quarterly.

The Prisons Act grants relatives, lawyers, magistrates, and church organizations the right to visit prisoners for "rehabilitative purposes;" however, the Commissioner of Prisons has the authority to decide whether domestic and international human rights organizations may visit. Independent monitoring of prison conditions by human rights groups, the media, or the International Committee of the Red Cross (ICRC) generally was allowed if these organizations sought permission from the Commissioner of Prisons; however, sometimes permission was denied. The BCHR was denied access to visit Lehlohonolo Bernard Kobedi, a Lesotho national sentenced to death for the murder of a police officer, following the organization's criticism of the executions of four convicted murderers (see Section 1.a.). The ICRC visited some prisons in September.

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

There were 6,497 police officers in the country. National and local police do not carry firearms; only a small specially trained unit was armed. Corruption was not common. Impunity generally was not a problem. During the year, 45 police officers were dismissed for failure to adhere to the police code of conduct or for involvement in criminal activities, and 569 officers were reprimanded for various acts of indiscipline.

Suspects must be informed of their legal rights upon arrest, including the right to remain silent. Detainees must 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. Detainees have the right to contact a family member and to hire attorneys of their choice, but in practice, most were unable to afford legal counsel. Poor police training and poor communications in rural villages made it difficult for detainees to obtain legal assistance, and authorities did not always follow judicial safeguards. The Government did not provide counsel for the indigent, except in capital cases. Most citizens charged with noncapital offenses were released on their own recognizance; some were released with minimal bail. Detention without bail was highly unusual, except in murder cases, where it is mandatory. Incommunicado detention was rare, except for prisoners awaiting execution (see Section 1.c.). Constitutional protections were not applied to illegal immigrants, although the constitutionality of denying them due process has not been tested in court.

Pretrial detention was prolonged in numerous cases. In Gaborone Central Prison, the average wait in prison before trial was 1 year. The Government attempted to alleviate the backlog of cases by temporarily hiring more judges; however, the backlog of cases persisted.

Unlike in previous years, the Government did not hold newly arrived refugees and asylum seekers in local jails, but rather in the newly constructed Center for Illegal Immigrants in Francistown, a holding center administered by the Department of Prisons in the Ministry of Labor and Home Affairs (see Section 2.d.).

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, and the Government generally respected 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 timely, fair trials due to severe staffing shortages and a backlog of pending cases. Most trials in the regular courts were public, although trials under the National Security Act may be held in secret. There was no jury system. Those charged with noncapital crimes were tried without legal representation if they could not afford an attorney. As a result, many defendants were not informed of their rights in pretrial or trial proceedings. There is a presumption of innocence, and defendants have the right to appeal. The BCHR provided free legal services, but its capacity was limited. The University of Botswana Legal Assistance Center provided free legal services in civil, but not criminal, matters.

The two Basarwa (also known as San or Bushmen) convicted of a 1995 murder were still awaiting retrial at year's end.

Most civil cases were tried in customary courts, under the authority of a traditional leader. These courts handled minor offenses involving land, marital, and property disputes. During the year, the Government amended the law so that foreigners may be tried in customary courts. In customary courts, the defendant does not have legal counsel, and there were 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 customary courts varied considerably. In some cases, tribal judges may mete out sentences such as public lashings (see Section 1.c.). In communities where chiefs and their decisions were respected, plaintiffs tended to take their cases to the customary court; otherwise, persons sought justice in the civil courts.

There is a military court system; civilians are not tried in military 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 respected these prohibitions in practice; however, in 2002, the Government forcibly resettled the Basarwa out of the Central Kalahari Game Reserve (CKGR).

At year's end, ethnic Basarwa remained in resettlement camps after the Government forced them to abandon their ancestral communities within the CKGR in 2002 (see Section 5). Government officials maintained that the resettlement program was voluntary and necessary to reduce the cost of providing public services and to mini-

mize human impact on wildlife. During the year, the Government made no effort to relocate the few Basarwa who returned to the CKGR.

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 in practice; however, the Government attempted to limit freedom of the press and continued to dominate domestic broadcasting. The Government occasionally censored stories or news sources that it deemed undesirable.

The Botswana Press Agency, owned and operated by the Government, provided most of the information found in the media through the Daily News newspaper (distributed nationwide at no cost), Botswana Television (BTV), and two FM radio stations, Radio Botswana and Radio Botswana 2. News coverage in the state-owned media supported government policies and actions. The Daily News also published general coverage of current events and issues and included a second front page in Setswana, the most commonly spoken language.

The independent press was small but vigorous and had a long tradition of candid discourse. Reporters actively covered the political arena and frequently criticized the Government and the President without fear of closure. The circulation of privately owned print media continued to be limited primarily to the main cities and towns. By year's end, seven privately owned weekly newspapers were published in Gaborone and distributed to main cities and towns. One privately owned weekly newspaper was published in Francistown, the country's second-largest city. A total of 11 privately owned monthly magazines were published nationally.

Radio remained the most important medium of public communication. Two private radio stations, Yarona FM and Gabz FM, broadcast in 5 of the country's 10 largest towns; state-owned radio continued to be the only domestic radio service broadcasting to the rest of the country. Neither private radio station had a 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; the National Broadcast Board granted the licenses routinely.

BTV began broadcasting with technical and programming assistance from the British Broadcasting Corporation. Transmission extended south from Gaborone to Lobatse, north to Serowe and Francistown, and was scheduled to be available throughout the country within a few years.

The privately owned Gaborone Broadcasting Company (GBC) broadcast mostly foreign programming and was the only other television station operating in the country. GBC broadcasts reached viewers only in the capital area.

Independent radio and television broadcasts from neighboring South Africa were received easily in border areas. Satellite television from a South African-based company was available readily, although its cost prevented many persons from subscribing to the service.

In November, Minister of Communications, Science, and Industry Boyce Sebetela objected to the content and use of profanity during a call-in program called "Masa-a-sele" on the government-owned radio station and suspended the program indefinitely. Other government ministers criticized the independent media for failure to observe "sound journalistic practices."

The Court was unlikely to render a decision on whether the Government's 2001 ban on advertising in the Botswana Guardian and Midweek Sun constituted an unconstitutional suppression of speech and of the press.

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.

Internet access continued to spread, and there were 13 Internet service providers (ISPs). The Government did not restrict Internet usage. Private ISPs were at a competitive disadvantage due to the larger bandwidths dedicated to Botsnet, the commercial arm of the parastatal Botswana Telecommunications Corporation.

The Government did not restrict academic freedom.

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

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

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

In 2002, the Government required the Basarwa to relocate from the CKGR to one of three designated settlements outside of the reserve (see Sections 1.f. and 5.). The Government did not allow Basarwa who relocated to enter the CKGR without a permit, which was required of all visitors to enter the reserve; however, roadblocks around the CKGR were ineffective, and during the year, a few Basarwa reoccupied the territory.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and also provides protection to certain individuals who fall outside the definition of the Convention. In practice, the Government generally provided protection against refoulement and granted refugee status or asylum. The Government held newly arrived refugees and asylum seekers in the Center for Illegal Immigrants in Francistown until the Refugee Advisory Committee, a governmental body whose Chairperson is the District Commissioner of Francistown, interviewed them. The United Nations High Commissioner for Refugees (UNHCR) is present with observer status at such interviews. Once persons were granted refugee status, the Government transferred them to the Dukwe Refugee Camp until their resettlement or voluntary repatriation. Refugee applicants who were unsuccessful in obtaining asylum also were allowed to remain at Dukwe until the Government referred their cases to the UNHCR for resettlement.

The Center for Illegal Immigrants, which has a capacity of 504, held approximately 200 illegal immigrants at year's end. The UNHCR opposed the detention of asylum seekers at the Center on the grounds that asylum seekers should not be held in detention facilities. During the year, approximately 1,500 to 1,700 illegal immigrants from Zimbabwe were repatriated to Zimbabwe each week. There were unconfirmed allegations that security forces used excessive force in repatriating Zimbabweans; however, the Zimbabwean High Commissioner and the local Police Service refuted the allegations. The small number of Zimbabweans who requested asylum or refugee status were allowed to apply for official status.

There were approximately 3,800 refugees at Dukwe by year's end, primarily from Namibia, Angola, and Somalia. Refugees are permitted to reside outside Dukwe Refugee Camp with a permit from the Office of the President. An estimated 500 refugees, including a number of students, were living elsewhere in the country.

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. During the year, 13 Namibian refugees were voluntarily repatriated; approximately 1,000 were repatriated in 2002. The decrease in repatriations resulted in part from flooding in the Caprivi region and refugees' fear to return. A total of 1,235 Namibian refugees remained at the Dukwe refugee camp at year's end.

In July, the Namibian Government applied to appeal the 2002 High Court decision to reject Namibia's request to have 13 alleged Caprivi secessionists extradited to face charges of murder and high treason. There were no further developments by year's end.

In December, the Government forcibly returned a separate group of eight Namibian refugees to Namibia, where seven of the eight were arrested on charges of high treason for their alleged role in the 1999 Caprivi uprising. Human rights groups protested the repatriations.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal adult (18 years of age) suffrage. The President is elected by the National Assembly and is limited to two 5-year terms in office. The BDP has held a majority of seats in the National Assembly and has controlled the presidency continuously since independence. Membership in the dominant BDP confers some advantages, mostly in the form of government employment or provision of government services, such as water and utilities.

The House of Chiefs, an advisory body with limited powers, was restricted constitutionally to the eight principal ethnic groups of the majority Tswana ethnic group and four elected chiefs representing smaller ethnic groups, including the Bakalanga, Balozi, Hambukushu, and Bakgalagadi; other groups such as the Basarwa, Ovaherero, or Bayei consequently were not represented. Given the limited authority of the House of Chiefs, the impact of excluding other groups of citizens

largely was symbolic, but some non-ethnic Tswana viewed it as important in principle. No action to change this policy had been taken by year's end.

The 1999 National Assembly elections generally were regarded as free and fair by domestic and international observers; however, BDP candidates had preferential access 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 there were press reports of large anonymous campaign contributions to the ruling party, reportedly 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 incumbent presidential candidate, President Mogae. Of the seven seats won by opposition parties in 1999, the Botswana National Front won six, and the Botswana Congress Party won one.

There were 406 district governments with elected councilors, but they had no fiscal autonomy and relied on the central Government for revenue.

There were 8 women in the 44-seat National Assembly, 6 women in the 20-seat Cabinet, and 3 female justices in the 13-seat High Court. In 2002, Mosadi Seboko became the first female paramount chief in the country's history. In August, Seboko was elected chairperson of the House of Chiefs, the first woman to serve in this position. Another woman, Keatile Moremi, became regent of the Batawana tribe during the year.

The Constitution recognizes only the eight principal ethnic groups of the Tswana nation; however, members of ethnic groups not recognized in the Constitution participated actively in the Government, particularly members of the Kalanga and Bakalagadi ethnic groups. During the year, 13 members of minority ethnic groups held seats in the National Assembly, and 7 held seats in the Cabinet. Members of minority groups such as the Basarwa (San, Bushmen), Ovaherero, or Bayei were not represented in the Parliament.

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 operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and responsive to their views; however, some groups complained that the Government's cooperation was designed mainly to mute criticism and did not result in improved human rights conditions.

The Government cooperated with the UNHCR and UNICEF, as well as other international organizations.

There is an independent, autonomous ombudsman who handles human rights and other issues; the Government generally cooperated with the ombudsman.

Section 5. Discrimination Based on Race, Sex, 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 generally respected these provisions in practice. However, neither the Constitution nor the law prohibits discrimination by private persons or entities. Women faced societal discrimination, and there was societal discrimination against minority ethnic groups, particularly the Basarwa, who live in remote locations, where access to education, public services, employment, and land is extremely limited.

There is strong societal discrimination against persons with HIV/AIDS. Some employers fired HIV-positive employees after learning of their status, according to the Botswana Confederation of Commerce, Industry and Manpower. In October, an employee of the Botswana Building Society sued her employer for terminating her services after she refused to undergo an HIV test; the case was ongoing at year's end.

The Government funded community organizations that ran programs to reduce the stigma of HIV/AIDS. President Mogae, who has repeatedly encouraged senior government officials to speak out about HIV/AIDS, announced publicly in May that he tested negative for HIV.

Women.—Domestic violence against women remained a serious problem. Under customary law and in common rural practice, men have the right to "chastise" their wives. Greater public awareness and improved legal protection have resulted in increased reporting of domestic violence and sexual assault; however, police rarely were called to intervene in such cases. Half of the murders of women were linked to histories of domestic violence. Human rights activists estimated that 60 percent of women were victims of domestic violence at some time in their lives. The Police Service expressed concern that many women declined to prosecute their abusers, but there is no legal provision that empowers police and prosecutors to take action. National police officers were trained to handle domestic violence cases.

Rape was another serious problem, especially given the high incidence of HIV/AIDS. During the year, 1,184 incidents of rape were reported. By law, the minimum sentence for rape is 10 years increasing to 15 years with corporal punishment if the offender is HIV-positive, and to 20 years with corporal punishment if the offender knew his or her HIV-positive status. A person convicted of rape is required to undergo an HIV test before being sentenced; however, the test did not determine if the person was HIV positive at the time of the crime. Police lacked basic investigative techniques in rape cases. The law does not address marital rape; however, in August, a magistrate dismissed a case of alleged marital rape on the grounds that the marriage contract implies consent, making rape impossible unless a husband and wife were legally separated. The plaintiff, who had sought refuge in a women's shelter, had been abducted and raped repeatedly by her husband.

Prostitution is illegal, but was widespread throughout the country.

Sexual exploitation and harassment continued to be problems with men in positions of authority, including teachers, supervisors, and older male relatives who pressured women and girls to provide sexual favors.

Women legally enjoyed the same civil rights as men; however, in practice, societal discrimination persisted. A number of traditional laws enforced by tribal structures and customary courts restricted women's property rights and economic opportunities. A woman married under traditional law or in "common property" was held to be a legal minor and required 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," were permitted to own immovable property in their own names; however, their husbands still retained 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 increasingly exercised the right to marriage "out of common property," in which case they retained their full legal rights as adults. Polygyny was legal under traditional law with the consent of the first wife, but it rarely was practiced.

The Government and local nongovernmental organizations (NGOs) focused on constructive methods to address discrimination against women in the areas of marital power, legal disabilities, and proprietary consequences of marriage under common law, customary law, and the Married Persons Property Act. Marriage laws, which set the marriage age for both men and women at 18 with parental consent and 21 without such consent, were generally respected.

Well-trained urban women enjoyed growing entry-level access to the white collar job market, but the number of opportunities decreased sharply as they rose in seniority. Discrimination against women was most acute in rural areas, where women engaged primarily in subsistence agriculture had few property rights.

Young women did not have access to military or national service training.

The Government and NGOs met regularly to implement the long-term plan of action described in the National Policy on Women. The Women's Affairs Department of the Ministry of Labor and Home Affairs, in conjunction with the UNDP, developed the Program Support Document in 1997, which provides a framework for implementation of the national policy on women. The Women's Affairs Department helped support a number of NGOs during the year, and the Department provided financial assistance for legal aid in cases of domestic violence and defilement.

Children.—The rights of children are addressed in the Constitution and the Children's Act, and the Government remained committed to the protection of these rights. Under the law, the country has a court system and social service apparatus designed solely for juveniles.

The Government provided 7 years of free primary education for children, although attendance was not compulsory. Government estimates of the proportion of children who never attended school ranged from 10 to 17 percent, and fewer than 20 percent of children completed secondary school. Girls and boys attended school at similar rates. School attendance and completion rates were highest in urban areas, and lowest in remote rural areas, especially those inhabited chiefly by Basarwa. 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, which distributed books, food, and materials for primary education. The literacy rate was 80 percent: 82 percent for females and 77 percent for males. There were no credible reports during the year that girls were denied schooling.

UNAIDS estimated that 39 percent of persons between the ages of 15 and 49 were infected with HIV/AIDS; UNICEF reported there were 78,000 orphans in the country, due largely to deaths from HIV/AIDS. However, 28 percent of babies born from HIV positive mothers were protected from the virus, largely as a result of the Prevention of Mother to Child Transmission Program. The Government has registered

approximately 41,000 orphans. Once registered, orphans may receive food baskets and school uniforms. Many children, mostly believed to be orphans, became beggars in urban areas, and some became prostitutes. Relatives increasingly denied inheritance rights to orphans.

Sexual abuse of students by teachers was a problem. Reports of rape and sexual assault of young women, and cases of incest and defilement of young girls appeared with greater frequency in the news. The age of sexual consent was 16. Child prostitution and pornography were criminal offenses, and the law stipulates a 10-year minimum sentence for defilement of persons under 16 years of age. In view of the belief held by some persons in southern Africa that intercourse with a virgin is a cure for HIV/AIDS, intergenerational sex (sexual relations between older men and girls) and the problems of teenage pregnancy caused by older men continued to receive extensive media attention during the year.

Persons with Disabilities.—There was some discrimination against persons with disabilities, and employment opportunities remained limited. The Government has a national policy that provides for integrating the needs of persons with disabilities into all aspects of government policymaking; however, the Government did not mandate access to public buildings or transportation for persons with disabilities. The Government funded NGOs that provided rehabilitation services and supported small-scale work projects by workers with disabilities.

Indigenous People.—The Basarwa, who now chiefly inhabit the Kalahari Desert, are the earliest known inhabitants of the country. They were linguistically, culturally, and often morphologically distinct from the rest of the population; however, they were not a homogenous group. The Basarwa remained economically and politically marginalized, have lost access to their traditional land in fertile regions of the country, and were 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 65,000 Basarwa represented approximately 3 percent of the country's population. Although the Basarwa traditionally were hunter-gatherers, most employed Basarwa worked as agricultural laborers on cattle ranches that belonged to other ethnic groups. During the year, a substantial proportion of the Basarwa resided in government-created Remote Area Dweller settlements and subsisted on government social welfare benefits.

The colonial government established the 20,000 square mile CKGR in 1961 to protect the food supply of some Basarwa groups still pursuing a subsistence hunter-gatherer livelihood; however, in 1995, the Government began to relocate the Basarwa to two settlements just outside the CKGR. In 2001, the Government delivered an ultimatum declaring that all current residents of the CKGR would be removed and relocated. The Government continued to provide the Basarwa with water, healthcare services, and old age, orphan, and destitute benefits until January 2002, when all public services were terminated, and subsistence hunting licenses were revoked. In April 2002, the Government forcibly resettled all Basarwa from the CKGR to the government-created settlement areas of Kaudwane, New Xade, and Xere, where the facilities had to cope with a doubling of population without an increase in resources. During the year, the Basarwa continued to struggle with the lack of services and opportunities in the relocation areas. Basarwa groups have called for the Government to recognize their land use system and to grant them land rights.

A number of NGOs have made efforts to promote the rights of indigenous people; however, the programs have had limited impact. In September, an international conference was held to address the needs of the Basarwa, particularly the educational needs of the children.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers' association, and in practice, all workers except government employees were free to join or organize unions of their own choosing. The industrial or wage economy was small, and unions were concentrated largely in mineral extraction and to a lesser extent in the railway and banking sectors. There was only one major confederation, the Botswana Federation of Trade Unions (BFTU), but there were no obstacles to the formation of other labor federations. Some labor laws were not yet compliant with the International Labor Organization. In August, the Employer's (Amendment) Act, which protects wage claims in the event of employer insolvency, became law.

Unions were independent of the Government and were 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 limited union leaders' professionalism and effectiveness and was criticized by the International Confederation of Free Trade

Unions (ICFTU). In July, Parliament passed a law eliminating this requirement; the law was awaiting signature by the President at year's end.

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

Unions may join international organizations, and the BFTU was affiliated with the ICFTU. The Minister of Labor must approve any affiliation with an outside labor movement; however, 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; however, only the mineworker and diamond sorter unions had the organizational strength to engage in collective bargaining.

The law severely restricts the right to strike. Legal strikes theoretically are possible only after an exhaustive arbitration process. Sympathy strikes are prohibited.

The Government did not establish a separate pay structure for teachers, reversing a pledge made in 2001. Unlike in the previous year, there were no strikes by University of Botswana staff and students or by the Botswana Unified Local Government Service Association.

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

c. Prohibition of Forced or Bonded Labor.—The Government does not prohibit forced and bonded labor, including by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is addressed in the Children's Act; however, some child labor occurred. 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 without permission from the Commissioner of Labor. No organization has petitioned the Commissioner for such permission. 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 had child welfare divisions, which were responsible for enforcing child labor laws; however, no systematic investigation has occurred. The Labor Commissioner; officials of the Ministry of Local Government, Lands, and Housing; and UNICEF generally agreed that child labor was limited to young children in remote areas who worked as cattle tenders, domestic laborers, and child care providers.

The law provides that adopted children may not be exploited for labor and protects orphans from exploitation or coercion into prostitution; however, HIV/AIDS has resulted in numerous orphans who were forced to leave school to care for sick relatives and who were vulnerable to such exploitation.

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 calculated as necessary to provide a decent standard of living for a worker and family. The Cabinet determined wage policy based on recommendations made by the National Economic, Manpower, and Incomes Committee, which consists of government, BFTU, and private sector representatives. The Ministry of Labor was responsible for enforcing the minimum wage, and each of the country's districts had at least one labor inspector. Civil service disputes were referred to an ombudsman for resolution. Private labor disputes were mediated by labor commissioners; however, an insufficient number of commissioners resulted in 1 to 2 year backlogs in resolving such disputes.

Formal sector jobs generally paid well above minimum wage levels. Informal sector employment, particularly in the agricultural and domestic service sectors, where housing and food were included, frequently paid below the minimum wage. There was no mandatory minimum wage for domestic workers, and the Ministry of Labor did not recommend 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 had a 40-hour workweek; however, the public sector had 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 remained limited by inadequate staffing and unclear jurisdictions among different ministries. Nevertheless, employers generally provided for worker safety, with an occasional exception in the construction industry.

Illegal immigrants from poorer neighboring countries, primarily Zambians and Zimbabweans, were 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 kidnapping, slave trafficking, compulsory labor, and procuring women and girls for the purpose of prostitution; however, there were unconfirmed reports that women were trafficked through the country to other destinations. There were reports that some children who were orphaned by HIV/AIDS became prostitutes in urban areas (see Section 5).

In December, police, in cooperation with South African police, launched an intensive program to increase control at certain border points, including efforts against trafficking.

BURKINA FASO

Burkina Faso is a parliamentary republic. 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 gains made by the opposition in the May 2002 legislative elections. In 1998, President Compaore was reelected to a second 7-year term with 88 percent of the vote. International observers considered the May 2002 legislative elections to have been substantially free and fair, although a collective of 14 local nongovernmental organizations (NGOs) cited voter list irregularities and cases of fraud. The judiciary was subject to executive influence.

The security apparatus consists of the armed forces and the gendarmerie, which are controlled by the Ministry of Defense; the national police, 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 technically it is subject to the jurisdiction of the armed forces and part of the army. Civilian authorities, under the direct control of the President, effectively controlled the military. Some members of the security forces committed serious human rights abuses.

The economy was market-based; an estimated 80 percent of the population of approximately 12.2 million engaged in subsistence agriculture. Frequent drought, limited communication and transportation infrastructures, and a 77 percent illiteracy rate were longstanding problems. The Government's antipoverty strategy to open the economy to market forces while shifting resources to the education and health sectors continued during the year. The September 2002 military rebellion in Cote d'Ivoire and the subsequent closing of the border until September negatively affected the economy. Gross national product per capita was \$350.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The continued dominance of President Compaore and his ruling party limited citizens' right to change their government. Security forces were responsible for numerous killings of criminal suspects; however, there were fewer reports of such killings than in previous years. Security forces continued to abuse detainees, which at times resulted in death. Prison conditions remained harsh. Arbitrary arrest and detention were problems, and authorities on occasion did not provide detainees with due process. Impunity remained a problem. At times authorities restricted media activity, and the media practiced some self-censorship, although less than in previous years. Unlike in previous years, the Government did not restrict freedom of assembly. Violence and discrimination against women, including female genital mutilation (FGM); violence against children; child labor; and child trafficking continued to be problems. The Government took steps to combat FGM, child labor, and trafficking in persons. Social discrimination against persons with disabilities was widespread. Trafficking was a problem. Unlike in previous years, there were no reports that vigilante mobs killed or beat criminal suspects.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces were responsible for numerous killings during the year. Four persons died under suspicious circumstances following incarceration or contact with security forces, and 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 18 killings of criminal suspects during the year. The Security Minister denied that security forces were responsible for any such killings. In May, the National Assembly passed a national internal security law that provides security forces with wide latitude in fighting criminality; human rights groups charged that the new law would give public and some private security organizations an uncontrolled role in maintaining public order.

During the year, there were reports of executions. For example, according to MBDHP and the Collective against Impunity, in March, in the village of Godin, Boulkiemde Province, the bodies of six young men were found with their hands tied behind their backs. In June the MBDHP reported that the bodies of 12 men with their hands tied behind their backs were found in the eastern city of Fada N'Gourma. Human rights organizations claimed that security forces were responsible for the killings, and MBDHP demanded an investigation; however, no action had been taken by year's end.

Several persons died after being in police custody. For example, on March 9, MBDHP reported that 14-year-old Sylvain Ilboudo died at the Ouagadougou central police station after being arrested for theft.

On April 24, gendarmes of Baskuy Gendarmerie in Ouagadougou arrested Jean-Baptiste Balima on charges of petty theft; Balima died the same day of injuries inflicted while he was in custody. Police subsequently discovered that Balima was not responsible for the theft; however, no action was taken against the gendarmes responsible for his death. On April 29, another person reportedly died after being detained for 5 days by gendarmes in Sequenega. One of the gendarmes in charge was transferred to another district, and an investigation was being conducted at year's end.

On June 19, police arrested self-proclaimed clairvoyant and minor television personality Mor Alim Kabore on charges of trying to defraud President Compaore; Kabore subsequently died in police custody. The police claimed that Kabore had "some sort of fit" and died after being taken to the hospital in Ouagadougou. Human rights groups and Kabore's family demanded an autopsy; however, the autopsy, which police reportedly cleared, had not been released publicly by year's end.

There were no developments in the following 2002 cases: The March discovery of the bodies of four persons believed to be criminals killed by security forces, the May death of a prisoner in police custody, or the August killing by unknown assailants of former Cote d'Ivoire Minister of Higher Education Balla Keita.

There was no action in the 2001 killings by security forces.

On November 27, retainers of the Naaba Kiiba of Yatenga, a traditional chieftain, allegedly beat to death Assami Tonde, who reportedly was trespassing on sacred ground prior to a traditional ceremony. No arrests had been made in connection with the incident, which was being investigated at year's end.

On August 26, the King of Po and his retainers were tried for the 2001 death of petty theft suspect Jules Nankouly. The King received a 3-year suspended sentence; 11 of his retainers were sentenced to from 8 to 20 years imprisonment. They also were required to compensate the family of the victim for approximately \$176,000 (10 million CFA francs).

There were no further developments reported in the investigation of the 1998 death of respected journalist Norbert Zongo.

Unlike in previous years, there were no reports that vigilante mobs and self-styled militias committed killings 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 law prohibits such practices; however, members of the security forces continued to abuse persons, and suspects often were subjected to beatings, rough handling, and threats, frequently to extract confessions. The Government was 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 remained the largest obstacle to ending abuses.

Security forces commonly beat suspected criminals; some died from such abuse (see Section 1.a.).

Unlike in the previous year, there were no reports that gendarmes forcibly dispersed student demonstrations.

There were no developments in the December 2002 case in which soldiers beat police and civilians in the town of Kaya.

No action was taken against security forces responsible for beating or otherwise abusing persons in 2001.

Prison conditions were harsh and could be life threatening. The federal prison in Bobo-Dioulasso, built in 1947, housed approximately 1,000 prisoners, although it was designed to hold less than half that number. The prison diet was poor, and inmates often relied on supplemental food from relatives. There were separate facilities for men, women, children, and high-profile persons; however, these facilities typically were crowded, common rooms rather than individual cells. Pretrial detainees usually were not held separately from convicted prisoners.

Prison visits were granted at the discretion of prison authorities; however, permission generally was granted, and advance permission was not required. Prison observers visited prisons during the year, and numerous human rights organizations and the International Committee of the Red Cross (ICRC) were permitted to visit the 16 detainees accused of participating in an alleged coup plot in October (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government did not observe these prohibitions in practice.

The national police, under the Ministry of Security, and the municipal police, under the Ministry of Territorial Administration, are responsible for public security; gendarmes reporting to the Ministry of Defense also are responsible for some aspects of public security. Corruption was widespread, particularly among lower levels of the police. In March, the national police created a Committee Against Corruption to address corrupt practices within the police.

The Constitution provides for the right to expeditious arraignment and access to legal counsel after a detainee has been charged before a judge; however, 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, police rarely observed these provisions in practice. The average time of detention without charge was 1 week, and the law allows judges to impose an unlimited number of 6-month preventive detention periods. It was not unusual for defendants without access to legal counsel to be detained 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 was a pretrial release system; however, it was unknown how often it was used.

In early October, security forces arrested 17 military and civilian persons in connection with an alleged October coup plot; one detainee hung himself in his cell shortly after his arrest. Charges against the detainees, who were held in separate facilities at a gendarme station in Ouagadougou, were not filed for 4 weeks, which delayed access to legal counsel; the detainees also were denied access to their families. During the year, numerous human rights groups and the ICRC were allowed to visit the detainees and reported that detention conditions were better than in the country's prisons. The 16 detainees were awaiting trial at year's end.

During the year, police detained a journalist (see Section 2.a.).

Unlike in the previous year, there were no reports that gendarmes arrested students during the year;

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 was 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 high-ranked magistrates and can examine the performance of individual magistrates.

Systemic weaknesses in the justice system include removability of judges, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

There are four operational higher courts: The Supreme Court of Appeal, the Council of State, the Audit Court and Office, and the Constitutional Council. Beneath these higher courts were 2 Courts of Appeal and 10 provincial courts. There also was a High Court of Justice, with jurisdiction to try the president and senior government officials for treason and other serious crimes. The military court system, which tried only military cases, was subject to executive influence.

No further action was taken in the wrongful death case of former Chief Executive Captain Thomas Sankara.

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 were respected, the ability of citizens to obtain a fair trial remained restricted by their ignorance of the law and by a continuing shortage of magistrates.

In addition to the formal judiciary, customary or traditional courts presided over by village chiefs handled many neighborhood and village problems, such as divorce and inheritance disputes. Citizens generally respected these decisions, but also could take a case to a formal court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. 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. There were fewer such cases than in previous years. The President and his Government remained 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.

The official media, including the daily newspaper Sidwaya, and the national radio and television, displayed pro-government bias. The independent press included three daily and approximately a dozen weekly newspapers; some newspapers appeared only occasionally. There were numerous independent radio stations and a religious television station. These media outlets included stations that were critical of the Government. Voice of America, Radio France International, Africa Number 1, and the British Broadcasting Corporation broadcast without government interference.

All media were under the administrative and technical supervision of the Ministry of Information. The audiovisual media were regulated further by the Superior Council of Information.

Despite some self-censorship, independent newspapers and radio stations often criticized the Government, reported allegations of corruption and mismanagement by authorities, and accused the Government of human rights violations. 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.

On February 18, gendarmes in Bobo-Dioulasso detained for several hours Mountamou Kani, Chief Editor of the independent daily paper, L'Express Du Faso for refusing to give the source of a story he wrote about gendarmes of that city. Bobo-Dioulasso was released without any formal charges after other publications protested.

There are regulations for private and independent radio and television. Radio stations were held responsible if their call-in programs threatened the public order or the rights of any third party.

In late November, the Minister of Information reportedly ordered the cancellation of Presse Dimanche, a popular television talk show on the government-owned Burkina National Television network; the show went off the air immediately. No official reason was given by the Government or the national television network for the cancellation; however, human rights groups alleged it was in response to the show's coverage of controversial issues, such as discussions of the interest-free loans granted to members of the Government earlier in the year.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom, and the Government generally tolerated peaceful student strikes to protest government education policy or demand better school conditions. Unlike in the previous year, security forces did not disrupt meetings of striking students by threatening violence or arrest, detain, or abuse student leaders and protesters.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; unlike in previous years, the Government did not restrict this right in practice.

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 advance 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; however, no

such denials were reported during the year. Denials or modifications may be appealed before the courts.

Unlike in the previous year, police did not forcibly disperse student demonstrations.

On January 3, the students who had been arrested and sentenced in connection with the November 2002 demonstrations were released. Appeals of the sentences, which had been filed by the students' attorneys, were pending at year's end.

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

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

The Government required that religious groups register with the Ministry of Territorial Administration. There were no penalties for failure to register. All groups were given equal access to licenses, and the Government approved registrations in a routine fashion.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Gendarmes and police agents routinely stopped travelers for identity checks and the levying of road taxes on turnpikes. Customs agents stopped travelers for customs checks. There were no restrictions on foreign travel; however, the border with Cote d'Ivoire, which was closed following the 2002 military unrest in Cote d'Ivoire, did not reopen until September 10.

Unlike in previous years, there were no reports that human rights activists were forced to flee from cities.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee or asylum status. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol. There were 449 persons with refugee status and 488 persons who had requested refugee status residing in the country. Most were nationals of Rwanda, Burundi, the Democratic Republic of the Congo, and the Republic of the Congo; others were from Chad, Liberia, and Sierra Leone. Almost all the refugees and applicants lived in Ouagadougou.

During the year, the UNHCR continued its efforts to respond to the needs of the refugees. The refugees continued to receive some assistance for fees. Some refugees asked the UNHCR to send them to third countries; these requests were still being evaluated at year's end.

There was a surge in voluntary repatriation of Burkinabe nationals from Cote d'Ivoire in 2002 and during the year as a result of the ongoing crisis in Cote d'Ivoire. Burkinabe returnees reported harassment from Ivoirian police officials, usually in the form of demands for money but also in the form of physical abuse.

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 were 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 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. 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 one-chamber (formerly two-chamber) National Assembly, and the judiciary. The legislature was independent, but it remained susceptible to influence from the executive branch. The cabinet includes four members from small opposition parties; however, the major opposition bloc, the Group of 14 February (G-14), refused to participate.

In 2001, the Constitution was amended to provide that the presidential term of office be 5 years, renewable once, starting in 2005. The provision was 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 government-funded Independent National Electoral Commission (CENI) has full responsibility for managing its budget and was the only organization responsible for monitoring elections and referendums. Five representatives of opposition parties, including the G-14 coalition, served on the CENI, in addition to five representatives of pro-government parties (including the CDP) and five representatives of civil society.

In May 2002, the Government held parliamentary elections. For the first time in the country's history, multiple political parties, including opposition parties, participated in the elections. The ruling CDP won 57 out of the 111 parliamentary seats. The opposition parties unified to compete in the elections and won 54 seats. Domestic observers characterized the elections as generally free and fair. Independent observers characterized CENI's conduct during the elections as generally fair.

Following the May 2002 legislative elections, the Government was reorganized, and the 2000 protocol, which ceded one-third of cabinet posts to the opposition and which the Prime Minister and opposition had signed, was voided by the ruling party. Of the 30 cabinet members, there were 6 ministers from parties other than the ruling CDP.

There were no restrictions in law or practice on the participation of women or minority group members in politics. There were 12 women in the 111-seat National Assembly, and there were 3 female ministers in the 30-member Cabinet.

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

A number of human rights groups, including the MBDHP, the Association of Christians for the Group for Study and Research on Democracy and Economic and Social Development in Burkina Faso, the Burkina Movement for the Emergence of Social Justice, and Christian Action for the Abolition of Torture generally operated without government restriction, and the Government was responsive to their views. Unlike in previous years, there were no reports that government-paid informers infiltrated groups that were critical of the Government.

The Government permitted international human rights groups to visit and operate in the country. The MBDHP was affiliated with the Inter-African Human Rights Union UIDH.

The Government failed to honor repeated requests for information from the African Union about alleged human rights abuses that occurred between 1983 and 1997. The Government did not prosecute the perpetrators of these offenses; however, in 2002, it established a \$9 million fund to compensate families of the victims of political violence. By year's end, the Government had distributed over \$5 million (approximately 3 billion CFA francs) of the fund.

The National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns. Commission members included representatives of human rights NGOs, union representatives, government officials, and representatives from professional associations. In 2001, the Commission adopted a plan of action to promote human rights. From August 12 to 14, the Ministry for the Promotion of Human Rights held a workshop on its programs and identified six priorities: Informal education in human rights; strengthening the human rights legal framework; humanizing prisons and other detention centers; strengthening political and civil rights; strengthening cultural, social, and economic rights; and promoting and strengthening differential/category rights.

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

The Constitution prohibits discrimination on the basis of race or ethnic origin, and the Government enforced this prohibition. Various ethnic groups were represented in the inner circles of the Government, and government decisions did not favor one group over another.

Women.—Domestic violence against women, especially wife beating, occurred frequently. Cases of wife beating usually were handled through customary law and practice. There were no statistics on rape, although it was recognized as a crime. Spousal rape was not discussed. There were organizations that counseled rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the MPDHP, the Association of Women, and Promofemmes—a regional network that works to combat violence against women. The Government has attempted to change attitudes toward women, using education through the media. The

Penal Code explicitly prohibits sexual harassment; however, there are no special laws protecting women against violence other than general laws dealing with violence.

FGM was practiced widely, especially in many rural areas, and usually was performed at an early age. Up to 70 percent girls and women have undergone this procedure. The Government has made a strong commitment to eradicate FGM through educational efforts, and the National Committee for the Fight Against Excision campaigned against the practice. FGM is a crime, with strict punishments for those involved in its practice. Perpetrators were subject to imprisonment of 6 months to 3 years and a significant fine. The Government continued its sensitization campaign regarding the deleterious effects of this practice.

The Government prosecuted those who performed FGM during the year. For example, on March 8, gendarmes arrested Tongdo Sonde and five accomplices for practicing FGM on seven young girls in Kaya; those arrested were sentenced to 4 to 10 months' imprisonment. On September 19, gendarmes in Boulsa arrested six women for practicing FGM on eight young girls; those arrested were placed in investigative detention and subsequently were sentenced to between 2 and 6 months' imprisonment.

Scarification of the faces of both boys and girls of certain ethnic groups, gradually was disappearing.

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

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

Although the law provides equal property rights for 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 belonged to the family of the man whom a woman married. Women still did 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 were no specific constitutional provisions or laws protecting women, who faced extensive discrimination. In general, women continued to occupy a subordinate position and experienced discrimination in such areas as education, jobs, property, and family rights. Overall, women represented 45 percent of the workforce. In the modern sector, women comprised one-fourth of the government workforce, although usually they were found in lower paying positions. The Ministry of Women's Affairs actively promoted women's rights during the year; the Minister was a woman.

Children.—The Constitution nominally protects children's rights. The Government demonstrated its commitment to improve 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.

The Government allotted approximately 25 percent of the national budget to education, and the law provides for free compulsory education; however, the Government lacked the means to provide universal, free primary education. If a child qualified on the basis of grades and social condition (that is, the family was "poor"), tuition-free education could continue through junior high and high school. In practice the family condition requirement often was ignored, giving many children a tuition-free education through high school. Children still were responsible for paying for school supplies, and many parents could not afford to lose a child's labor in the fields or at other remunerative jobs; as a result, overall school enrollment was only 42 percent, and 37 percent for girls. The Government has taken steps to promote primary education for girls through encouragement of donor scholarships, school feeding programs, and information campaigns to change societal attitudes toward educating girls. Girls made up slightly more than one-third of the total student population in the primary school system. Schools in rural areas had even lower percentages of female students than schools in urban areas, and illiteracy for girls in the rural areas ran as high as 95 percent. The rate of male literacy was approximately 30 percent, and female literacy was 9 percent.

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

Trafficking of children was a problem (see Section 6.f.).

Persons with Disabilities.—There was no legislation to protect persons with disabilities from discrimination. There was no government mandate or legislation con-

cerning accessibility for persons with disabilities. Programs to aid persons with disabilities were limited, and their advocates reported that such persons often faced social and economical discrimination. Persons with disabilities who were willing and able to work frequently found it difficult to find employment, including in government service, because of deeply entrenched societal attitudes 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 Constitution and the Labor Code provide workers, including civil servants, the right of association, and workers exercised this right. Essential workers, such as police, could not join unions. Approximately 85 percent of the workforce was engaged in subsistence agriculture. Of the remainder, approximately 50 percent of private sector employees and 60 percent of public sector employees were union members. There were 4 major labor confederations and 12 autonomous trade unions linked by a national confederate committee. They represented a wide ideological spectrum; the largest and most vocal member espoused a socialist doctrine.

The Labor Code prohibits antiunion discrimination. The Labor Ministry handled 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 believed that this system functioned adequately.

Labor unions may affiliate freely with international trade unions. Both the National Confederation of Burkinabe Workers and the National Organization of Free Trade Unions were affiliated with the International Confederation of Free Trade Unions.

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. Collective bargaining was extensive in the modern wage sector, but it encompassed only a small percentage of workers. These negotiations are governed by minimums on wages and other benefits contained in the Inter-professional Collective Convention and the Commercial Sector Collective Convention, which were established with government participation. If no agreement is reached, employees can exercise their right to strike. Either labor or management can refer an impasse in negotiations to labor tribunals. Appeals can be pursued through the Court of Appeal to the Supreme Court, whose decision is binding on both parties.

The Constitution provides for the right to strike, and workers used strike actions to achieve labor goals. On May 27, all the major trade union federations and autonomous unions called a strike to protest the privatization of parastatal organizations and the Government's decision to grant \$27,235 (15 million CFA francs) free of charge and interest to cabinet members; and to demand an increase in salaries and pensions and a decrease in taxes. None of these demands were met by year's end. Some public institutions and private enterprises were closed. Labor organizations called many strikes in 2002 and one during the year to advance worker objectives, such as opposing the privatization of state-owned enterprises and demanding salary and pension increases. During the year, the collective of Mass Organizations and Political Parties called rallies to press for justice in the 1998 Zongo Killings. There was no governmental interference in these demonstrations and strikes.

The International Labor Organization (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 ILO has been critical of the law for defining essential services too broadly and allowing for abuse by the authorities.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports of household employment of children outside their own families without any status or formal remuneration as well as the procurement of young girls (see Sections 5 and 6.d.). Trafficking of women and girls was a problem (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 was 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 worked longer hours. According to a pamphlet published by the Ministry of Labor in 2000, more than 50 percent of children worked, largely as domestic servants or in the agricultural or mining sectors. Children commonly worked with their parents in rural areas or in family-

owned small businesses in villages and cities. Most children actually began working at an earlier age on small, family subsistence farms, in the traditional apprenticeship system, and in the informal sector. There were no reports of children under the age of 14 employed in either state or large private companies.

The Ministry of Employment, Labor, and Youth, which oversees labor standards, lacked the means to enforce work safety and age limit legislation adequately, even in the small business sector. In cooperation with UNICEF, the ILO, and local NGOs, the Government developed a national plan of action on child labor, which awaited National Assembly approval at year's end. The Coalition in Burkina Faso for Children's Rights conducted, in conjunction with IPEC, a sensitizing campaign on child labor to develop and strengthen children's rights. The campaign targeted at least 30,000 working children in various sectors, 3,000 employers, 5,000 business and social leaders, and 250 associations. The Government also has organized workshops and produced films and a television series on the problem of child labor. In cooperation with donors, the Government has undertaken many sensitization programs to inform children and parents of the dangers of sending children away from home to work.

e. Acceptable Conditions of Work.—The Labor Code mandates a minimum monthly wage of approximately \$40 (28,811 CFA francs) in the formal sector, unchanged since 1996, that did not apply to subsistence agriculture. The minimum wage did not provide a decent standard of living for an urban worker and family. Wage earners usually supplemented 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 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 Youth and the labor tribunals was responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards did not apply in the subsistence agricultural sector. The Government paid social security benefits on a sliding scale according to an employee's length of service and pay, up to a ceiling established by presidential decree in January of \$1,051 per month (580,000 CFA francs). The Government's Labor Inspector Corps did not have sufficient resources to fulfill its duties adequately. Every company was required to have a work safety committee. If a workplace was declared unsafe by the Government's Labor Inspection Office for any reason, workers had the right to remove themselves from the dangerous work without jeopardy to continued employment. In practice there were indications that this right was respected, but such declarations by the Labor Inspection Office were relatively rare.

Foreign workers, both legal and illegal, were protected by the law governing working conditions in the formal sector.

f. Trafficking in Persons.—The Constitution specifically prohibits slavery, inhumane treatment, and mistreatment of children and adults, and the Penal Code prohibits kidnapping, violence, and mistreatment of children; however, trafficking of children and women was a problem. On May 27, the National Assembly adopted an anti-trafficking law that punishes child traffickers with 1 to 10 years' imprisonment and fines of \$525 (300,000 CFA francs) to \$2,600 (1.5 million CFA francs). The new law had not yet been applied by year's end. The country was a source, transit, and destination country for internationally trafficked persons, including children. The sexual exploitation of children was a problem (see Section 5).

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; however, the Government only has limited resources to combat trafficking in women and children.

The country was an occasional source country for women who traveled to Europe to work as domestics but upon their arrival were exploited sexually. The country was a transit point for trafficked children, notably from Mali, who often were trafficked to Cote d'Ivoire. Malian children also were trafficked into the country. Destinations for trafficked Burkinabe children included Cote d'Ivoire, Ghana, and Nigeria.

Trafficked children were subject to violence, sexual abuse, forced prostitution, and deprivation of food, shelter, schooling and medical care. Organized child trafficking networks existed throughout the country. One study identified eight networks in Ouagadougou and seven in Bobo-Dioulasso. Child trafficking networks cooperated with regional smuggling rings.

In the past, some children voluntarily traveled to Cote d'Ivoire to work as agricultural laborers to escape poverty at home. In other cases, children were 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 were 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.

However, according to Lutrena, a local NGO that collaborates with both the International Program for Elimination of Child Labor (IPEC) and ILO to fight against child trafficking, the flow of Burkinabe working children going to Cote d'Ivoire for work purposes declined significantly because of the closing of the border following the September 2002 military rebellion in Cote d'Ivoire. Many of these working children reportedly headed for Mali either to work in rice plantations or study in Islamic schools or for coast countries like Benin. There were no statistics available about the magnitude of child trafficking by year's end.

The Government worked with international donors and the ILO to address child trafficking, in part by organizing seminars against child trafficking for customs officers. During the year, similar workshops and seminars were organized for gendarmes and civil society. The Government also started establishing watch committees in certain provinces in which child trafficking and labor were problems. The watch committees included representatives of industries usually implicated in child labor (cotton growers, for example), the police, NGOs, and social welfare agencies. These committees continued their work during the year. An IPEC program of action to prevent child trafficking for work purposes on cotton plantations continued during the year.

BURUNDI

Burundi is a republic ruled by a Transitional Government established under the Arusha Peace and Reconciliation Accord (Arusha Accord) in November 2001. On April 30, the second half of the 3-year Transitional Government began as Domitien Ndayizeye, a member of the Hutu ethnic group, succeeded Pierre Buyoya, a member of the Tutsi ethnic group, as President. In 2001, a Transitional Constitution was adopted, providing for power to be shared between the Tutsi minority, which has traditionally ruled the country, and the Hutu majority. A presidential decree suspended elections in 1998; however, the Transitional Constitution provides for elections following the completion of the 3-year Transitional Government. The country remained engaged in a low-intensity civil conflict, and for most of the year, the conflict involved two armed opposition groups, the National Council for Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) faction led by Pierre Nkurunziza, and the Palipehutu/National Liberation Front (FNL) faction led by Agathon Rwasa. Smaller factions of both groups had signed and implemented ceasefire agreements with the Transitional Government in October 2002. In December 2002, the largest armed opposition group, the Nkurunziza faction of the CNDD-FDD, also signed a ceasefire with the Transitional Government. In October, the Transitional Government and the CNDD-FDD faction led by Nkurunziza signed a protocol on power-sharing, and in November, the CNDD-FDD entered the Transitional Government, assuming four cabinet positions and other posts. However, the FNL remained outside the peace process and launched attacks on Bujumbura and its environs throughout the year. Although the security situation in most parts of the country improved, in Bujumbura Rural province, which surrounds the capital, fighting continued throughout the year. Human rights violations resulting from the conflict continued to occur primarily in the countryside, although fighting reached the capital city of Bujumbura in April, July, and November. The Transitional Constitution provides for an independent judiciary; however, the judiciary was subject to political manipulation and was inefficient in practice.

The security forces were controlled by the Transitional Vice President in consultation with the Transitional President, and consisted of the Burundian Armed Forces (FAB) and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. The Guardians of the Peace, armed paramilitary civil defense units, served in the Bujumbura area and the provinces of Bujumbura Rural, Ruyigi, Rutana, and Bururi. In June, pursuant to the Arusha Accord, a South African-led African Union Mission to Burundi (AMIB) was deployed. Civilian authorities did not maintain effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

Following the signing of the November power-sharing protocol, the Transitional Government allowed the CNDD-FDD to conduct military operations against the FNL. In December, outside of Bujumbura, the Transitional Government reportedly

also allowed CNDD–FDD forces to operate an armed police force parallel to that of the Transitional Government.

The country, which has a population of 6.7 million, was extremely poor, and approximately 90 percent of the population was dependent on subsistence agriculture. The Transitional Government controlled the price of commodities and rates of exchange; government-owned enterprises were predominate in the economy. The civil conflict caused severe economic disruption, and internally displaced persons (IDPs) were dependent on international humanitarian assistance. The country's gross domestic product dropped from \$4.1 billion in 1998 to \$695.3 million in 2002. Wages did not keep pace with inflation.

The Transitional Government's human rights record remained poor, and it continued to commit numerous serious human rights abuses. Citizens did not have the right to change their government. Security forces continued to commit numerous arbitrary and unlawful killings, including unarmed civilians, many of whom were killed during reprisal attacks on those suspected of cooperating with the insurgents. There were credible reports of disappearances, and the security forces continued to torture, beat, rape, and otherwise abuse persons. Despite some improvements, prison conditions remained very poor in general and sometimes life threatening. Impunity and the continuing lack of accountability for those who committed past abuses remained serious problems. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system did not ensure due process or provide citizens with fair trials. The Transitional Government infringed on citizens' privacy rights. The Transitional Government controlled the media and restricted freedoms of speech, the press, assembly, association, and 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 security conditions. Violence and discrimination against women continued. Commercial sexual exploitation of children and the use of child soldiers were problems. Discrimination against persons with disabilities, indigenous Twa populations, and state discrimination against Hutus remained serious problems. Societal discrimination between the Hutus and Tutsis continued. Incidents of ethnically motivated property destruction and killing occurred throughout the country. Child labor, including forced labor, was a problem. Trafficking in persons was a problem.

Rebels also continued to commit numerous serious human rights abuses against civilians, including killings, kidnappings, rapes, theft, extortion, the forcible recruitment and employment of children as child soldiers, 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.—There were reports that security forces committed political killings during the year, although no exact figures were available. On October 24, police arrested senior police officials suspected of the 2001 killing of Kassi Manlan, the local representative of the World Health Organization. By year's end, no trial had been scheduled.

The FAB regularly committed unlawful killings, often with impunity, of Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels (see Section 1.g.).

On February 9, in the Kinama suburb of Bujumbura, approximately 30 FAB soldiers broke into Abraham Nshimirimana's house and looted it. His corpse, along with the body of a neighbor, was found the next morning in a nearby field. There were no reports of any investigation or prosecutions in these cases, and the motive was unknown.

No actions were taken against government soldiers responsible for the 2001 killings of 11 civilians in Kiriri, Bujumbura Rural Province; the 2001 case in which police in Gitega tortured to death Methode Nkurunziza; and the 2001 beating to death of Emmanuel Ntikarahera in Bweru Commune, Ruyigi Province.

Unlike in the previous year, there were no reports that security forces killed demonstrators.

On June 28, in Bweru Commune, Ruyigi Province, FAB soldier Mathias Nkurunziza was tortured by his commander following an argument with colleagues. He died as a result of being beaten, bound, denied food and water, and imprisoned. The military was investigating the case at year's end, according to a local NGO.

There were no new developments in the July 2002 killing by the FAB of one of its soldiers.

Civilians were killed during fighting between government and rebel forces, and women died as a result of being raped (see Section 1.g.).

There were reports of deaths and injuries caused by landmines laid by both government and rebel forces (see Section 1.g.).

Although no exact figures were available, there were numerous political killings by unidentified assailants during the year.

On February 28, armed men in military uniforms entered the home of Leonard Masengo, an employee of the Social Security Administration in charge of real estate management, and shot and killed him. The killers reportedly told Masengo's wife that killing her was not their mission. Colleagues of Masengo told investigators in the case that Masengo had refused to approve the overvalued purchase of a building owned by a prominent politician. The case remained under investigation.

On May 17, unidentified assailants killed Sangwe Pader political party committee member Jean Nkurikiye while he was at home in Gatumba, Bujumbura Rural Province. On September 20, Raphael Nzinahora, Mayor of Giheta, Gitega Province, was killed by unidentified assailants. There were no developments in either case by year's end.

On November 7, unidentified assailants shot and killed Philbert Nsengiyumva, a World Food Program employee, at his home in Ngozi. There were no developments in the case by year's end.

There were no new developments in connection with the following killings by year's end: the January 2002 killing of Elvis Makhado, a civilian member of the South African Protection Force; and the September 2002 killing of Samuel Nimubona, leader of World Outreach Initiatives.

Members of the Guardians of the Peace killed some civilians during the year. For example, on August 26, in Murwi Commune, Cibitoke Province, a member of the Guardians of the Peace shot and killed a civilian after persons disregarded an order to stop. No action was taken against those responsible for the killing.

Rebels killed numerous persons during the year and committed serious abuses against the civilian population (see Section 1.g.).

Unlike in the previous year, there were no reports of mob violence or lynchings. No actions were taken against perpetrators of lynchings that occurred in 2002.

During the year, the local press reported numerous incidents in which individuals threw hand-grenades into pubs or other public gathering places, resulting in deaths and injuries (see Section 1.c.). For example, on October 11, in Ngozi Province, a woman and her 14-year-old daughter were killed after an unidentified assailant threw a grenade into their home.

b. Disappearance.—Although precise numbers were unavailable, there were frequent reports of kidnappings during the year. Rebels were responsible for many of the disappearances.

In June, rebels kidnapped and held for ransom Etienne Bigirimana, the Rusaka Commune administrator in Mwaro Province. Bigirimana was released shortly afterward, although no ransom had been paid.

On June 29, CNDD-FDD rebels kidnapped three members of parliament (M.P.s) and seven citizens in the eastern province of Ruyigi. The rebels released the citizens shortly following the abduction, and the M.P.s on July 26.

On July 10, bandits kidnapped an employee of the International Rescue Committee (IRC) and demanded a ransom of \$20,000 (21.5 million francs). The victim was released on July 18, although the ransom reportedly had not been paid.

There were no developments in the May 2002 case in Buhonga, Bujumbura Rural Province, where two persons disappeared during a rebel ambush, or the 2001 case of two persons abducted by rebels in Rumonge commune.

In November 2002, Human Rights Watch (HRW) reported that numerous children between 14 and 16 years of age had been kidnapped and were serving as soldiers with the CNDD-FDD.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional Constitution prohibits such practices; however, members of the security forces continued to torture and otherwise abuse persons. There were reported deaths resulting from torture during the year (see Section 1.a.).

During the year, League Iteka, a local human rights group, reported that torture continued to be a problem. Between January and May, the League documented 30 cases of torture by government agents, the FAB, and rebels. Noting that human rights observers did not have access to illegal detention centers, state intelligence services, and rebel camps, the League estimated that the actual number of torture victims was much higher.

Amnesty International (AI) has reported that the torture of children in prisons was widespread. Based upon interviews conducted in 2002, the report detailed beatings using electric flexes, sticks and other weapons, beatings on the soles of feet and joints, and being tied in excruciating positions for long periods of time.

In 2001, the Burundian Association for the Defense of the Rights of Prisoners, a local NGO, reported that prison officials and security forces used beatings with batons and pipes, electrocution, burning, bayonets, and needles to torture prisoners.

AI reported that in July, security forces tortured and mistreated two men after they arrested the men on suspicion of involvement in attacks by the FNL on Bujumbura. On July 11, the Public Security Police arrested Emmanuel Niyongabo and reportedly handcuffed him to an iron gate and prevented him from sitting for at least 8 days in a cell. Members of the security forces reportedly tortured Ezechiel Ncitiyinisalaba in military barracks in Kamenge before he was transferred to the PSP.

In August, at a detention center in Makamba province, an international human rights observer reported that guards tortured three prisoners. No action was taken against those responsible.

AI reported that on December 26, members of CNDD–FDD forces detained and severely beat four women suspected of witchcraft in Ndava Zone, Cibitoke Province; the women were beaten on their legs, arms, and feet and were fined between \$2 and \$10 (2,000 and 10,000 francs) after their release.

No action was taken in the June 2002 torture of two persons by soldiers in the town of Buhiga, Karuzi Province.

Unlike in the previous year, there were no reports that security forces beat journalists (see Section 2.a.).

Unlike in the previous year, security forces did not use excessive force to disperse demonstrations during the year (see Section 2.b.).

There were credible reports that members of the Guardians of the Peace beat, raped, harassed, and extorted money from civilians.

Although precise figures remain unavailable, there were frequent reports that members of the FAB raped women with impunity (see Section 1.g.).

No action was taken by year's end against the soldiers responsible for several cases of rape during 2001.

There were frequent reports that both FNL and CNDD–FDD rebels raped women (see Section 1.g.).

Government troops used excessive force in areas where there were civilians and often targeted Hutu civilians (see Section 1.g.).

Several persons were injured during the year by landmines laid by government and rebel forces (see Section 1.g.).

Rebels beat and stole from civilians, and raped women (see Sections 1.g.).

In September, in the Ngagara neighborhood of northern Bujumbura, three persons were injured, one seriously, after a grenade was thrown into a pub. By year's end, there were no developments in this case.

Prison conditions remained harsh and sometimes life threatening. Severe overcrowding persisted. According to government officials and human rights observers, prisoners suffered from digestive illnesses, dysentery, and malaria, and diseases resulted in deaths, although the Government rarely, if ever, recorded the cause of death as disease. The Transitional Government provided sufficient food, and families were permitted to supplement prisoner rations. Unlike in the previous year, there were no reports that prisoners died from malnutrition.

According to the Ministry of Justice, 7,914 inmates were held in facilities built to accommodate a maximum of 3,650 persons during the year. Of this number, 3,433 were serving sentences, and 4,481 were pretrial detainees. Human rights nongovernmental organizations (NGOs) lobbied the Transitional Government during the year for the release of prisoners who were held for long periods of time without charge. The Transitional Government agreed in principle to release some of these prisoners; however, in practice, few were released.

According to the Ministry of Justice, women were detained separately from men. There were 153 children in prisons during the year: 106 serving sentences and 47 accompanying their convicted mothers. Juvenile prisoners were held with and often treated as adults. Unlike in the previous year, there were no reports that children in prisons were subjected to torture or sexual exploitation. Political prisoners often were held with convicted prisoners. Pretrial detainees were held in communal lock-ups, but some were also incarcerated with convicted prisoners.

During the year, the Government permitted visits by international and local human rights monitors, and there were no reports that groups were denied access during the year. NGOs continued their efforts to monitor and improve sanitation, hygiene, medical care, food, and water.

The ICRC was allowed access to prisoners and detained persons, including persons detained for "reasons relating to the conflict," and conducted visits regularly during the year.

d. Arbitrary Arrest, Detention, or Exile.—The criminal code prohibits arbitrary arrest, arbitrary detention, and exile; however, security forces arbitrarily arrested and detained persons.

Impunity for those who committed 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 always cooperate with civilian prosecutors or magistrates, including in investigations involving their members. Members of the Guardians of the Peace were unpaid and poorly trained; some were coercively recruited. A representative of the police force said in December that corruption, abuse of the criminal code's standards on the duration of detentions, and mistreatment of prisoners remained problems.

The law requires arrest warrants, and presiding magistrates were authorized to issue them. Police and gendarmes could make arrests without a warrant but were required to submit a written report to a magistrate within 48 hours. Few aspects of the code were respected, and the section that requires that detainees be charged and appear in court within 7 days of their arrest was violated often. A magistrate could 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 were required to follow the same procedures as magistrates; however, the police have regularly detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Human rights organizations, the U.N., the press, and lawyers of the detained reported that incommunicado detention existed, although the law prohibits it. Bail was permitted in some cases. Limits on the length of pre-trial detention were not respected, and a magistrate's strike seeking judicial independence, more resources, and increased pay brought the already dysfunctional justice system to a standstill from September 1 through October 20 (see Sections 1.e. and 6.b.).

There were numerous arbitrary or politically motivated arrests, including the arrest of several opposition politicians, some demonstrators, and one journalist (see Sections 2.a. and 2.b.). There were no reports that union members were arrested during the year.

On October 17, security officers arrested Charles Mukasi, leader of the pro-Tutsi Union for the National Progress (UPRONA) political party, 1 day after he was placed under house arrest and following his receipt of a warrant accusing him of sedition. Police had arrested Mukasi on at least two previous occasions during the year (see Sections 2.a. and 2.b.). In the past, Mukasi had criticized the Transitional Government for creating a culture of impunity and negotiating with rebel groups. On October 24, Mukasi was released.

On April 30, the November 2002 house arrest imposed on former president Jean-Baptiste Bagaza, leader of the PARENA political party, was lifted.

Many of the persons arrested on criminal charges since 1993 remained in pretrial custody. According to the Ministry of Justice, 4,481 prisoners were awaiting trial. There were 400 communal lockups where those who were arrested were supposed to be held no longer than 1 week; however, in practice, detainees were regularly kept in these facilities for much longer periods of time. Family members were required to provide all food for these detainees. Once detainees were transferred to larger detention facilities, the Government provided food.

The law does not provide for forced exile, and the Transitional Government did not use it as a means of political control; however, many persons remained in self-imposed exile in Belgium, Kenya, Tanzania, the Democratic Republic of the Congo (DRC), and elsewhere.

e. Denial of Fair Public Trial.—The Transitional Constitution provides for an independent judiciary; however, in practice the judiciary was not independent of the executive and was dominated by members of the minority Tutsi community. The judicial system was inefficient and subject to bribes and other forms of corruption; many citizens had no confidence in its ability to provide even basic protection. Judicial reform was a priority of the Arusha Accord, and some progress was made. According to the Ministry of Justice, 70 percent of the reforms provided for in the Arusha Accord had been implemented by year's end.

During the year, the Transitional Government instituted three major judicial and administrative reforms that were provided for in the Arusha Accord, including efforts to reduce the President's influence over the judiciary and to correct ethnic imbalances in it. First, on September 22, the Transitional Government began decentralizing the judiciary to allow citizens wider access to the appeals process and prevent citizens from having to travel more than 30 miles to reach a court of law. Second, the Transitional Government ended the practice by which members of the High Council of Magistrates were named by the President and allowed the members to

be elected by judges, the National Assembly, and the President; in addition, the High Council's seats must be ethnically and regionally balanced. Finally, the seven judges of the Constitutional Court must be nominated by the President and confirmed by the Senate in consultations with the National Assembly. The Constitutional Court must also be ethnically balanced. By year's end, the judiciary had not been fully decentralized or ethnically balanced. The lack of Hutu judges and lawyers remained a problem.

The judicial system consisted of civil and criminal courts with the Supreme Court at the apex. In all cases, the Constitutional Court has the ultimate appellate authority; however, in practice few cases of lower-ranking offenders reached this level.

Citizens generally did not have regular access to court proceedings and often had to travel more than 30 miles to reach a court of law. All trials were conducted before a jury. Defendants, in theory, are presumed innocent and have a right to counsel and to defend themselves; however, in practice, few had legal representation. Authorities sometimes were unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources and poor security conditions. According to the law, all defendants, except those in military courts, have the right to appeal their cases up to the Supreme Court, and in capital cases, to the President for clemency; however, in practice, the inefficiency of the court system extended the duration of the appeals process, effectively limiting the possibility of appeals, even by defendants accused of the most serious crimes.

The traditional system of communal arbitration under the guidance of elders, the "Bashingantahe," stressed settlement and reconciliation of disputes and was officially recognized by the Transitional Government. A Bashingantahe opinion often was necessary before access was granted to the formal civil court system. The Bashingantahe was limited to civil and minor criminal matters and had no jurisdiction over serious criminal matters. Community elders presided over deliberations under this system.

The law provides for an independent military court system, which in practice was influenced by the executive and higher ranking military forces. Courts of original jurisdiction for lower ranking military offenders were called "War Councils," and one existed in each of the five military districts. A court martial tribunal of appeals heard appeals of War Council decisions and also had trial jurisdiction for mid-ranking military offenders up to the rank of colonel. Military courts had jurisdiction over military offenders and civilians accused of offenses implicating members of the military. Defendants were not provided attorneys to assist in their defense, although NGOs have provided some defendants with attorneys in cases involving serious charges. Trials generally were open to the public; however, they could be closed for compelling reasons, such as national security or "scandalous accusations against prominent people."

Procedures for civilian and military courts were similar; however, military courts reached decisions more quickly, and trials generally failed to meet internationally accepted standards for fair trials. In addition, defendants in military courts are allowed only one appeal.

The detention of political prisoners remained a problem during the year. According to the U.N., the Government held approximately 4,000 political prisoners during the year. However, the Government stated that there were no political prisoners and that each person in detention had been convicted of a specific crime. The Arusha Accord recommended the creation of a commission to define political prisoners, but by year's end, no definition had been agreed upon. Charges against defendants convicted for nonpolitical crimes sometimes were politically motivated. In April and again in September, the Special Representative of the U.N. Secretary General called for the immediate release of all political prisoners and for politicians to establish a definition for political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Transitional Constitution provides for the right to privacy; however, these rights were not respected in practice. Authorities rarely respected the law requiring search warrants.

There were numerous reports during the year that the army looted and destroyed houses whose occupants were accused of harboring and aiding rebels (see Section 1.g.). It was widely believed that security forces regularly monitored telephones.

Unlike in the previous year, there were no reports that the army forcibly relocated civilians into "protection camps."

There were numerous reports of looting by rebel forces (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—The ongoing conflict resulted in numerous serious abuses against the civilian population by government and rebel forces; generally no actions were

taken against perpetrators. The FAB killed numerous civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Abuses included massacres, the looting and burning of houses, attacks on non-combatants, the displacement of large numbers of civilians, and the rape of women. Security forces prevented international humanitarian aid agencies and human rights observers from reaching some areas of the country (see Section 2.d.).

While no definitive countrywide casualty figures were available, reports from media and NGOs estimate that more than 250,000 persons, mostly civilians, may have been killed in conflict-related violence since 1993. Much of the unlawful 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. In November and December, in Bujumbura Rural Province, there were reports of a significant increase in the killing and rape of civilians and the destruction of homes by FAB soldiers following their relocation to the province.

There were numerous reports of deliberate killings. For example, in March, in Makamba Province, a FAB lieutenant invited three senior CNDD–FDD members to pay a courtesy call on the local FAB commander; they were immediately arrested and executed. There were no reports that anyone was punished for these executions.

There were numerous reports of civilians killed as a result of the conflict. For example, according to press reports, on January 12, after an ambush that killed two soldiers, the FAB killed nine civilians suspected of collaborating with rebels. Two soldiers were arrested and were tried by a military court. One soldier was sentenced to life imprisonment and another to a term of 20 years. Both sentences were under appeal at year's end.

On January 19 and 20, in Ruyigi province, FAB soldiers killed between 32 and 89 civilians, including children, the leader of Esebu church, and several church members who were conducting a prayer vigil; the soldiers reportedly suspected them of collaborating with rebels. The soldiers also looted and burned at least 400 homes, raped women and girls, and denied humanitarian aid agencies access to the population displaced by fighting, according to numerous NGO and humanitarian agency reports. Several of the victims were killed by clubs and bayonets. There were no reports of any investigation or punishment of those responsible for these killings.

According to HRW, on April 23, members of the FAB reportedly shot and killed approximately 20 civilians suspected of collaborating with FNL rebels in Kabezi Commune, Bujumbura Rural. There were also unconfirmed reports that members of the FAB killed civilians suspected of collaborating with FNL rebels in September in Ruziba and Muyira.

On February 21, a military court acquitted two FAB officers of responsibility for the September 2002 killing of approximately 189 civilians in Itaba, Gitega Province, an area that had been vacated by rebels; however, the court convicted the two officers for failing to obey orders and sentenced them to 4 months in prison. There were reports that the two officers convicted were not present at the massacre; however, the military refused to investigate the case further.

No other actions were taken against members of the security forces responsible for killings reported in 2002 or 2001.

In January, the governor of Muyinga Province refused to allow food distribution to 6,000 IDPs, saying that local officials, not NGOs, should decide who received humanitarian relief supplies.

Many reports detailed systematic aggression by the FAB and the CNDD–FDD against the civilian population. In many cases, it was unknown whether government or rebel forces were responsible for the killings of civilians during the course of fighting.

Between January and April, approximately 440 civilians reportedly were killed during fighting between government security forces and CNDD–FDD rebels in the eastern province of Ruyigi.

There were numerous other reports of civilians displaced by fighting (see Section 2.d.).

Landmines placed by government and rebel forces continued to cause civilian deaths and injuries. There were no reports that any parties to the conflict laid mines during the year; however, in December, approximately four persons were killed per day in the southern provinces of Makamba, Bubanza, and Bururi, according to press reports.

During the year, soldiers and rebels systematically raped women and girls, and the number of rapes increased compared with that of the previous year, according to U.N. and NGO information. An NGO reported that 91 cases of rape were registered in Ruyigi from April to November, 60 cases in Muramvya from June to November, and 86 cases in Bujumbura from January to August. The NGO attributed

the increase in rape to the conflict. In addition, League Iteka reported that from January to September, 20 women and young girls were raped in Rumonge, in Bururi Province. There were numerous clashes between the FAB and the CNDD–FDD in these regions during these periods, but it was not known who was responsible for the rapes committed.

Rebels killed, beat, kidnapped, and stole from civilians, and raped women (see Section 1.b.). On occasion, Hutu rebels deliberately targeted Tutsi citizens.

In January, during FAB operations in Ruyigi Province, unidentified assailants reportedly raped several women following fighting between the FAB and CNDD–FDD members. Two women reportedly died after being raped in these incidents. By year's end, no action had been taken against those responsible.

Rebel forces often killed civilians who refused to comply with extortion. There were numerous reports that rebel forces regularly ambushed minibuses on national highways, and robbed and killed the occupants. U.N. security officials reported numerous other ambushes during the year.

Between April 17 and 19, CNDD–FDD rebels shot and killed 9 civilians and injured 41 in Bujumbura.

Between July 7 and 12, the FNL launched sustained attacks on Bujumbura. An international newspaper reported that child soldiers as young as 9 or 10 participated (see Section 5). The attacks resulted in several dozen civilian deaths. Following the attack, there were reports that the FAB killed seven civilians; however, the FAB claimed it killed seven rebels.

In July, foreign officials visited a reported mass grave in Kinanira, a southern suburb of Bujumbura. There was no visible evidence of human remains. Local observers reported that rebels had killed 17 civilians and had thrown them into the grave. Local radio reported the alleged killings on July 11.

On August 24, FNL rebels killed 13 civilians, mainly women and children, in Rusabagi, South Kivu Province, in the DRC. There were no reports that rebel forces prosecuted or punished members of their groups who were responsible for abuses.

On September 10, an unidentified armed group reportedly killed 17 civilians following the ambush of a bus in Mabayi Commune in the Cibitoke Province. Security forces claimed the killings were committed by rebels active in the area; however, armed gangs had reportedly committed similar killings in the area.

During the year, security forces restricted access by humanitarian organizations to certain areas; although authorities said insecurity in those areas made delivery of aid impossible, commercial traffic was sometimes not restricted, particularly in the eastern provinces. For example, from mid-January until late February, military authorities prevented humanitarian agencies from delivering assistance to persons deemed by the U.N. to be at risk in the Meso area of Ruyigi Province. Authorities said insecurity in the area made delivery impossible; however, according to HRW and other NGOs, authorities appeared to be withholding aid from civilians to punish those whom the FAB believed had supported CNDD–FDD rebels, or to prevent civilians from diverting aid to the rebels.

Security forces and rebel groups used or recruited children during the year (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Constitution provides for freedom of speech and of the press, despite a law requiring journalists to submit articles for government approval prior to publication; however, the Transitional Government restricted these rights in practice. The Transitional Government harassed and detained journalists. The Transitional Government and security forces frequently prevented journalists from going to rural areas where crimes occurred, making it difficult to gather information about perpetrators or victims. According to Reporters Without Borders, journalists practiced self-censorship.

The Government restricted freedom of speech. For example, on January 21, Charles Mukasi, leader of the pro-Tutsi UPRONA political party, was arrested for criticizing the December 2002 cease-fire agreement between the Transitional Government and the CNDD–FDD. He was released unharmed on March 17. However, in both May and June, police arrested Mukasi again, along with three collaborators, after he wrote on his party's website that the Transitional Government under President Ndayizeye was a "puppet government." The four men were released in June.

On July 9, MSP-Inkizo political party leader Alphonse Rugambarara was arrested for advocating that the Transitional Government consider peace negotiations with the FNL. He was released unharmed on July 16.

The Transitional Government controlled the major media. The Transitional Government owned the only regularly published newspaper, the country's only television station, and two radio stations, and exercised strong editorial control. The

government-owned newspaper *Le Renouveau* was published three times a week. Political tracts circulated by independent sources, and two private faxed news sheets, *Azania* and *NetPress*, were published regularly and represented primarily Tutsi perspectives. There were seven privately owned radio stations, including Radio Isanganiro, Bonesha FM, and African Public Radio (RPA).

Radio remained the most important medium of public information. The government-owned radio broadcast in Kirundi, French, and KiSwahili, and offered limited English programming. The private radio stations broadcast in French, Kirundi, and KiSwahili, and some stations received funding from international donors. Listeners could receive transmissions of foreign news organizations. Citizens were allowed to work and report for foreign news organizations.

On February 15, unidentified assailants fired shots at the home of Alexis Sinduhije, the director of private radio station African Public Radio (RPA), and killed his night watchman; Sinduhije believed it was an attempt on his life, in an effort to silence his investigation into the 2001 killing of World Health Organization representative Kassi Manlan.

Unlike in the previous year, there were no reports that security forces beat journalists.

Security forces harassed and intimidated journalists during the year and arrested at least one journalist. For example, on July 5, Jean Claude Kavumagubu of the *Net Press* news sheet was arrested for hosting a banned link on his publication's website. He was released on July 10.

No action was taken against security forces who beat journalist Aloys Niyoyita in March 2002.

The Transitional Government continued to restrict, through direct and indirect means, reporting on the country's internal conflict and continued to threaten independent radio stations with closure if they broadcast reports that contradicted government accounts. On March 4, President Buyoya summoned the editors of the country's private radio stations and ordered them to stop broadcasting and indirectly quoting statements made by leaders and spokespersons of rebel groups that had not signed a cease-fire agreement with the Transitional Government. HRW reported that in July, Minister of Communication Albert Mbonerane prohibited the public and private media from publishing the number of persons killed or injured in a rebel attack on Bujumbura; a few days later, he and the Minister of Defense prohibited the press from reporting any information on the extent of army losses. According to the British Broadcasting Corporation, as a result of government pressure, journalists practiced self-censorship.

Unlike in the previous year, there were no reports that the Transitional Government banned newspapers.

A press law requires that newspaper articles undergo review by a government censor 4 days before publication; journalists viewed the law as a form of intimidation.

The Transitional Government suspended the broadcasting rights of radio stations that reported opinions about the April 30 transfer of the Presidency, which were deemed harmful to national security; aired interviews with rebel leaders; or reported on other sensitive matters. For example, on September 13, the Transitional Government imposed an indefinite suspension on Radio Isanganiro for broadcasting an interview with a spokesman of the FNL. The Government accused the station of "endangering national unity." Following protests by other privately owned stations and newspapers, the suspension was lifted on September 20.

On September 16, the Transitional Government closed RPA after the station aired an interview with a rebel spokesperson and reactions to the closure of Radio Isanganiro. The Government accused the station of "vilifying the Government and disseminating propaganda of the country's enemy." The ban was lifted on September 19 and the station began broadcasting again on September 20.

Unlike in the previous year, there were no reports that the Transitional Government jammed the transmissions of privately owned radio stations.

The Transitional Government did not limit academic freedom. Unlike in previous years, there were no reports of tensions between Hutu and Tutsi students.

According to Reporters Without Borders, the Transitional Government continued to closely monitor certain websites and enforce an August 2002 ban prohibiting websites from posting material from opposition political groups that "incite hatred and violence." In July, the Transitional Government censored the *Net Press* news sheet by forcing it to remove a banned link from its website, after arresting a member of its staff.

Unlike in the previous year, there were no reports that journalists were killed during fighting between government forces and rebels.

b. Freedom of Peaceful Assembly and Association.—The Transitional Constitution provides for freedom of assembly; however, the Transitional Government at times restricted this right in practice. The law requires permits for public meetings and demonstrations, and applications were sometimes denied to groups, including those that criticized or opposed the Transitional Government. There were fewer reports that such applications were denied during the year.

In March, communal authorities in Makamba Province denied a women's group permission to stage a protest march against domestic violence. During the year, PA Amaskanya, the private militia of politician Diomede Rutamucero, was denied permission to demonstrate on several occasions.

Security forces also broke up meetings and demonstrations during the year; however, unlike in the previous year, there were no reports that security forces killed demonstrators. On January 18, security forces broke up a meeting of the UPRONA party wing that opposed the Arusha reconciliation process.

No action was taken against security forces responsible for using excessive force during demonstrations and marches in 2002 and 2001.

Unlike in the previous year, police did not arrest demonstrators.

The Transitional Constitution provides for freedom of association; however, the Transitional Government restricted this right in practice and arrested members of organizations and political parties (see Sections 1.d. and 2.a.). Registration was required for private organizations and political parties. Private organizations were required to present their articles of association to the Ministry of Interior for approval; however, the Transitional Government routinely failed to complete the approval process for private organizations whose purposes the Transitional Government opposed. The Transitional Constitution permits political parties to operate; however, the Transitional Government placed restrictions on groups that criticized its policies. For example, it did not allow groups to advocate negotiations with the FNL rebel group. On May 7, the Transitional Government lifted a 6-month-old ban on all activities by the Party for National Recovery (PARENA).

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

The Transitional Government required religious groups to register with the Ministry of Internal Affairs, which kept track of their leadership and activities. The Government required religious groups to maintain a headquarters in the country.

In January, the FAB killed a church leader suspected of collaborating with rebels (see Section 1.g.).

On December 29, unidentified armed assailants in Minago, Bururi Province, shot at the vehicle in which Monsignor Michael Courtney, the Papal Nuncio in the country, was traveling. Courtney was shot three times and died shortly afterwards. It was not clear whether he was the victim of a targeted attack. Shortly after the killing, Archbishop Simon Ntamwana accused the FNL of killing Courtney. An FNL spokesperson denied that the group was responsible for the killing, threatened Ntamwana, and ordered him to leave the country within 30 days.

There were no developments in the August 2002 killing of parish priest Peter Tondo.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Immigration, and Repatriation.—The Transitional Constitution provides for these rights; however, the Transitional Government restricted them in practice. The Transitional Government imposed a curfew in parts of the country. During fighting between the FAB and rebel forces, local populations were routinely displaced and their movements were restricted by checkpoints established by the FAB, violence, and the threat of violence, including from the FAB. Citing insecurity, security forces sometimes restricted humanitarian relief agencies' access to local populations. For example, on April 25, the international medical NGO Doctors Without Borders (MSF) suspended operations after government health authorities prevented its team from gaining access to medical supplies.

The majority of citizens could travel legally in and out of the country. Travel within the country was possible but often hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi, and Makamba Provinces.

On November 12, the mayor of Bujumbura banned bicycle taxis entering the city center as a security measure to prevent rebel infiltration of the city following mortar attacks by FNL rebels. The ban primarily affected persons, particularly poor peasant farmers, who could not afford public transportation. The ban did not affect those using bicycles for other purposes. The ban remained in effect at year's end.

Civilians were displaced as a result of frequent fighting between government forces and rebel groups. During January, in Ruyigi Province, an estimated 47,000 civilians were displaced during fighting between government forces and CNDD-FDD rebels. In April, up to 80,000 persons were displaced following attacks by the CNDD-FDD in Bujumbura Rural Province. In addition, in September, 2 weeks of fighting between rival rebel forces resulted in the displacement of approximately 47,500 civilians around Mubimbi Commune, in Bujumbura Rural Province; and in Mpanda Commune, in Bubanza Province. Throughout the year, security forces restricted the movement of the country's approximately 400,000 internally displaced persons (IDPs) and humanitarian relief agencies. Timely relief was sometimes denied to populations in need (see Section 1.g.). The Government cited insecurity as grounds for denying human rights observers access to some areas of the country (see Section 4).

According to the U.N. High Commissioner for Refugees (UNHCR), between 300,000 to 400,000 IDPs lived in more than 200 sites by year's end. The majority were Tutsis who were displaced in 1993 because of violence and never returned home. Soldiers provided a measure of protection to camp inhabitants; however, security forces prevented access by international humanitarian aid agencies to some of the IDPs in remote sections of Bujumbura Rural and Ruyigi Provinces during periods of instability. There were reports that camp inhabitants sometimes were required to perform labor for the soldiers without compensation (see Section 5).

There were approximately 280,000 IDPs, the vast majority of whom lived with friends or families outside displacement sites, beyond the reach of humanitarian relief programs. Security forces reportedly killed some persons who remained outside the sites on suspicion of collaborating with the rebels. Hutu rebels also reportedly killed IDPs for allegedly collaborating with government authorities (see Section 1.g.). For example, in February, CNDD-FDD rebels reportedly attacked an IDP camp in Muhuza, in central Gitega Province, killing several civilians.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. However, there was a special ad hoc administrative body in the Transitional Government that coordinated refugees. In practice, the Government generally provided protection against refoulement and granted asylum status. The Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. During the year, approximately 39,000 refugees were residing in the country, including 27,000 citizens of the DRC, of whom 3,800 were registered with the UNHCR, and 1,000 Rwandan refugees.

According to the U.N., more than 324,000 Burundian refugees, most of them Hutus, remained in UNHCR camps in Tanzania. The total number of Burundian refugees living throughout Tanzania at year's end was estimated to be 800,000. Approximately 170,000 "old caseload" refugees, many of whom fled as early as 1972 or following the October 1993 assassination of former president Ndadaye, were residing in Tanzania and were not assisted by the UNHCR. An additional 23,000 refugees, most of them Hutus, resided in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia. By year's end, approximately 100,000 Burundian refugees had registered to repatriate from Tanzania; the UNHCR had facilitated 35,699 voluntary repatriations, and there were 44,964 known spontaneous repatriations.

During the year, the Transitional Government provided protection to certain individuals who did not fit the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

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 Transition Constitution, which established executive, legislative, and judicial government branches, makes no specific provision for elections; however, the Arusha Accord obliges the Transitional Government to hold communal and legislative elections in time for a newly elected National Assembly to select the post-transitional president before November 1, 2004. Under the Arusha Accord, all future presidents are required to be elected by direct ballot.

Following a 1996 coup, the Buyoya military regime suspended the 1992 Constitution and 1994 Convention of Government, dissolved the National Assembly, and banned political parties. Approximately 3 weeks after the coup, President Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. In 1998, multiparty peace talks to end the civil conflict began. In 2000, the Arusha Peace and Reconciliation Accord, which provided for a 3-year transitional period, was signed and ratified by the National Assembly. On November 1,

2001, the transition period began, and President Buyoya was sworn in as president, and Domitien Ndayizeye, then secretary general of FRODEBU, was sworn in as vice president.

On April 30, President Ndayizeye succeeded former President Buyoya to begin the second half of a 3-year transitional government in accordance with the peace agreement; the 10 predominantly Tutsi parties selected Alphonse Kadege as Vice President. The Vice President and 14 of the 26 cabinet ministers were members of the 7 predominantly Hutu parties. The cabinet also included 12 Tutsis, including the Ministers of Defense and Foreign Affairs.

The Arusha Accord, the Transitional Constitution, and the agreements between the Transitional Government and the CNDD–FDD comprise a formula for the restoration of democracy. Majority rule is to be accomplished through communal and legislative elections, and the protection of minority rights is to be reflected in a senate and armed forces that have a higher percentage of Tutsis than the population at large.

A portion of the Transitional Government's revenues and expenditures remained off-budget, allowing the Transitional Government to use monies collected from taxes on things such as beer, gas, and to fund military expenditure. This practice contributed to the problem of corruption.

The Transitional Constitution stipulated that the National Assembly shall consist of 186 parliamentarians: Those elected in 1993 who sat in the previous National Assembly (or substitutes from the same political party, if some of the original parliamentarians had died), and 40 additional members. Members of the Tutsi community filled 22 of the 40 new seats.

There were 22 recognized political parties by year's end. UPRONA and FRODEBU were the largest political parties and, in coalition, controlled most transitional government positions. Political parties operated under significant constraints. Police often prevented or disrupted political demonstrations and arrested opposition politicians (see Sections 1.d. and 2.b.).

On April 16, the Transitional Government voted into law measures against genocide, crimes against humanity, and war crimes; it was promulgated on May 8.

At year's end, the National Assembly continued to refuse the demands of human rights groups calling for the repeal of a provisional immunity law that the Assembly approved on August 27. The law grants provisional immunity to political leaders who return from exile to take part in the transitional government institutions. The law covers "crimes with a political aim" committed from July 1, 1962, to the date of the law's promulgation.

There were no laws that restricted the participation of women in the political process. There were 17 women in the 186-seat National Assembly and 9 women in the 54-seat Senate. Of the 26 cabinet seats, women held 4 portfolios: Social Affairs; Reintegration of Refugees; Development, Planning and Reconstruction; and HIV/AIDS. Two of the nine members of the Supreme Court were women, as were three of the seven Constitutional Court members, including its president.

There were no laws that restricted the participation of minorities in the political process. Approximately 1 percent of the population was Twa; although there were no Twa in the Cabinet, one Twa was appointed to the National Assembly, and three were members of the Senate.

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

A number of local and international NGOs, including human rights groups, generally operated without government restrictions; however, the Government cited insecurity in rural areas in denying journalists, international relief workers, and human rights observers access to some areas of the country (see Sections 1.g. and 2.d.). Government officials, although limited by capacity and resources, cooperated with these groups by providing access to information and other resources.

Domestic human rights groups received varying degrees of cooperation from government ministries; the ministries provided them at times with information and facilitated visits to areas of interest. While well-established groups with international linkages and a presence in Bujumbura had a measure of protection from government harassment, indigenous NGOs in the countryside were more susceptible to government pressure. In addition, government security services—even if willing—were unlikely to be able to protect NGO members from private reprisals. Although the Transitional Government did not directly take action based on local NGO recommendations, local NGOs continued to engage in advocacy. The most prominent local human rights group, League Iteka, continued to operate and publish a newsletter.

The FAB frequently denied human rights observers access to areas where it was accused of committing human rights violations. Human rights NGOs frequently were unable to investigate reports of killings because of these restrictions, which they said were arbitrary. Many areas of the country, particularly near Bujumbura and the borders with the DRC and Tanzania, remained off limits for humanitarian operations.

The U.N. Special Rapporteur for Human Rights visited the country from May 11 through 19 and made a report to the U.N. General Assembly outlining specific recommendations to the rebel groups, the Transitional Government, and the international community. The report called on rebel groups to cease hostilities, and it called for rebel groups and the Transitional Government to respect human rights. The office of the U.N. High Commissioner for Human Rights maintained a three-person observer team in the country.

The Arusha Accord committed the Transitional Government to ask the U.N. to establish an International Judicial Commission of Inquiry, and an international tribunal if the commission of inquiry deemed it warranted. In July 2002, President Buyoya asked the U.N. to establish the commission of inquiry; however, the U.N. made no decision by year's end. The Arusha Accord also called for the establishment of a National Truth and Reconciliation Commission (NTRC) to investigate other crimes; however, by year's end, legislation establishing an NTRC had not been passed.

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

The Transitional Constitution provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, or opinion; however, the Transitional Government failed to implement effectively these provisions, and discrimination persisted. The Tutsi-dominated FAB discriminated against Hutu members by denying them promotion into the officer corps. Discrimination against persons with disabilities was a problem; this was due in part to a lack of government resources to ensure access to buildings and services. There was no overt discrimination against persons with HIV/AIDS.

Women.—Domestic violence against women was common; however, no credible statistics were available. Wives had the right to charge their husbands with physical abuse, but rarely did so. Police normally did not intervene in domestic disputes, and the media rarely reported incidents of violence against women. The law does not specifically prohibit domestic violence; however, persons accused of domestic violence could be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Transitional Government rarely investigated such cases. According to League Iteka, women have been 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 by up to 20 years' imprisonment. The FAB and rebel forces raped women during the year (see Section 1.g.). According to AI, domestic rape (outside the context of the conflict) was common, including rape of young girls, committed with the belief that it would prevent or cure HIV/AIDS. According to an NGO, this belief may explain why the majority of rapes committed during the year involved victims younger than 18 years old, and in one case, involved a 2-year-old girl. However, information on rape has only recently begun to be recorded. Few cases of rape were reported to the authorities, and many rape victims did not receive medical care due to the intimidation caused by certain cultural attitudes. Men have often abandoned their wives following the abuse, and women and girls were ostracized. In some instances, police and magistrates have reportedly ridiculed and humiliated women who have alleged that they were raped; according to AI, in one case, a victim was instructed to deliver a judicial summons to her alleged rapist. According to an NGO, those who have sought judicial redress faced the weaknesses of the judicial system, including some judges who did not regard rape as a serious crime, and a lack of medical facilities for gathering important medical evidence. In the limited number of cases that have been investigated, successful prosecutions of rapists were rare.

Civil society and religious communities have attacked the stigma of rape to help victims be reintegrated into families that reject them. Domestic human rights groups League Iteka and APRODH continued to encourage women to press charges and seek medical care, and international NGOs have increasingly provided free medical care in certain areas. The Transitional Government has also raised awareness of the problem's extent through seminars and local initiatives on the kinds of medical care available.

The law prohibits prostitution; however, it was a problem. There were reports that soldiers and rebels sexually exploited women and young girls residing near

military installations and rebel camps. 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 faced legal and societal discrimination. Discriminatory inheritance laws, marital property laws, and credit practices continued. By law, women must receive the same pay as men for the same work, but in practice they did not. Women were far less likely to hold mid-level or high-level positions. In rural areas, women performed most of the farm work, married and had children at early ages, and had fewer opportunities for education than men.

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

Children.—The law provides for children's health and welfare, but the Transitional Government could not satisfy adequately the needs of children, particularly the large population of children orphaned by violence since 1993 and by HIV/AIDS.

According to the Ministry of Education, the maximum age up to which public schooling was provided was 22. Schooling was compulsory up to age 12; however, in practice this was not enforced. The Transitional Government provided primary school at nominal cost, but it was increasingly unaffordable due to the declining economy brought about by the continuing conflict. The U.N. International Children's Fund (UNICEF) reported that the net primary school enrollment/attendance rate for children was 49 percent, with 44 percent of girls enrolled/attending and 49 percent of boys. Sixth grade is the highest level of education attained by most children, and less than 10 percent of children of secondary school age attended school.

Female illiteracy was a problem. Approximately 40 percent of women were literate compared with 56 percent of men.

An estimated 550,000 children of school age did not attend school for many reasons, including an inability by their families to afford school fees and materials, frequent displacement due to civil war, ill health, and the deaths of their parents as a result of HIV/AIDS, which left children orphaned, homeless, or both. More than 25 percent of primary schools have been destroyed in the war, and many teachers have been killed. On February 20, CNDD-FDD rebels reportedly burned down the Gahabura primary school in Cibitoke Province and used students' desks and chairs for firewood. Teacher training has been interrupted, and it was difficult to find qualified teachers to work in the provinces most affected by fighting.

Under the law, the country's minimum age for military recruitment is 16, although the Transitional Government has stated that no one under 18 was recruited. However, according to UNICEF, approximately 14,000 children had carried, since 1993, or were still carrying arms in the ranks of government forces or armed opposition groups. During the year, there continued to be reports that security forces, including the FAB, and rebel groups recruited, pressured, and employed child soldiers. Local NGOs reported that an estimated 4,500 children were serving as soldiers in the FAB, 2,000 in the Guardians of Peace, and 3,500 serving rebel groups.

On October 31, U.N. Secretary General Kofi Annan reported that both security forces and rebel groups continued to recruit or use children. Most of the children serving in the army were not in combat units, although some were, according to the head of the army's demobilization program. There were also reports that soldiers guarding refugee camps and military bases forced children to perform labor. HRW reported that security forces routinely enlisted children as young as 12 years old as "doriya," or "ear agents," to work for the Transitional Government as intelligence gatherers, looters, lookouts, scouts, and porters.

HRW reported that the Guardians of the Peace recruited and armed children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the frontlines.

Children voluntarily attached themselves to military units. Most of these children were orphans or IDPs who had no independent means of survival. Some observers believed the FAB allowed these children to perform menial tasks such as cooking in army encampments. Some children joined the military voluntarily by using fraudulent documents such as birth certificates.

According to the Coalition to Stop the Use of Child Soldiers, there continued to be reports that a CNDD-FDD faction with bases in eastern DRC forcibly recruited children to be combatants, looters, porters, and laborers; some of the children were as young as 8 years old. There were also reports of rebel forces that abducted primary school-age children and teachers for forced labor, both as combatants and as camp followers or servants. These reported abductions occurred in the provinces of Makamba, Gitega, Muyinga, and Ruyigi.

In July, several girls and boys aged 10 to 14 years old fought as soldiers in an FNL attack on Gitoke, a neighborhood in Bujumbura, according to AI. At the conclusion of the battle, residents found the bodies of between 10 and 20 children among the dead.

The Transitional Government worked to demobilize and protect children serving in the armed forces and rebel groups during the year. For example, in March, the Transitional Government established a Permanent Committee for the Execution of Demobilization and Reintegration of Child Soldiers to accommodate and demobilize children in the service of rebel groups and the army. The government demobilization program was formally launched in October; however, at year's end, no child soldiers had formally been demobilized under the government program. By year's end, the program had begun verifying lists of child soldiers and had identified partner NGOs and church groups to sensitize communities and ensure that children would be rehabilitated. UNICEF described the Transitional Government as "very cooperative" on working to eliminate the use of children in or around military or rebel camps.

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

According to UNICEF, HIV/AIDS infection rates in girls aged 15 to 19 were four times greater than in boys of the same age. 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. There were an estimated 230,000 children orphaned by HIV/AIDS in the country.

Persons with Disabilities.—The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. There were few job opportunities for persons with physical disabilities.

Indigenous People.—The Twa (Pygmies), who were believed to be the country's earliest inhabitants, comprised approximately 1 percent of the population and generally remained marginalized economically, socially, and politically (see Section 3). Most Twa lived in isolation, without formal education, and without access to government services, including health care and the judicial system. A Refugees International report released during the year noted that the popular perception of the Twa as barbaric, savage, and subhuman had seemingly legitimized their exclusion from mainstream society.

National/Racial/Ethnic Minorities.—The principal national problems continued to be ethnic conflict between the majority Hutus and the minority Tutsis and the 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 tensions between Tutsis and Hutus. Tutsis claimed 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 from Bururi, historically have held power, dominated the economy, and controlled the security forces.

State discrimination against Hutus, who constituted an estimated 85 percent of the population, affected every facet of society, but most strikingly in higher education and certain branches of the Government, such as the armed services and the judicial system. Northern and eastern Tutsis also had a more difficult time acceding to positions of power.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code protects the right of workers to form and join unions; however, the army, gendarmerie, and foreigners working in the public sector were prohibited from union participation. The Ministry of Labor does not have the authority to refuse the registration of a new union.

According to the International Confederation of Free Trade Unions (ICFTU), less than 10 percent of the formal private sector workforce was unionized, and only 50 percent of the public sector was unionized. However, most citizens worked in the unregulated informal economy, in which unrecognized workers have little or no legal protection of their labor rights.

Tutsis continued to dominate the formal economy and unions; however, Hutus became more involved in the formal economy and unions during the year.

Individual unions received funding from the labor confederations; the confederations were funded by voluntary salary deductions of 0.5 percent. The Confederation of Burundi Labor Unions (COSYBU) represented 17 of 18 unions; the Confederation of Free Unions in Burundi (CSB) represented 1 union. The Labor Code permits the formation of new confederations. When settling disputes in which more than one labor union was represented, the law stipulates that the Minister of Labor must choose the union representing the greatest number of workers to participate

in the negotiations; unlike in the previous year, the Transitional Government generally respected this provision.

The Government has interfered in the COSYBU's selection process by refusing to recognize union leaders selected by members in union congresses. Unlike in the previous year, the Transitional Government permitted a representative of the COSYBU to deliver a May 1 workers' day address during official celebrations.

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity, and the Transitional Government generally respected this right in practice. In cases where employers dismiss employees because of their union affiliation, the Ministry of Labor can order an employee reinstated; if the employer fails to comply, the Ministry refers the case to the Labor Court, which makes a determination of the severance pay and indemnification that the employer must pay.

Unions were permitted to affiliate with international organizations. The International Labor Organization (ILO) has cited the government for several violations of the ILO Convention 87 on freedom of association. The Committee of Experts 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.

b. The Right to Organize and Bargain Collectively.—The Labor Code recognizes the right to collective bargaining; however, wages are excluded from the scope of collective bargaining in the public sector. Since most workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both COSYBU and CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions.

The Labor Court can pass down binding rulings on labor disputes. The Labor Council arbitrates labor disputes. Only if arbitration fails in the Labor Council will the Labor Court pass judgment on a labor dispute. All labor disputes could be settled by arbitration within the Labor Council. The Council represented government, labor, and management, and was presided over and regulated by the Minister of Labor. The Labor Code provides workers with a conditional right to strike. 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 must determine if strike conditions have been met. The Labor Code prohibits retribution against workers participating in a legal strike, and unlike in the previous year, there were no reports of retribution against striking workers.

In March and April, teachers went on strike to collect promised wage and benefit increases, and they received them. From March to May, non-teaching staff at Burundi University struck for wage and benefit increases commensurate with those won by teachers. The strike was settled by arbitration.

In August, civil and criminal court judges and state prosecutors began a strike seeking independence of the judiciary, wage increases, and better working conditions. On September 24, the Minister of Justice declared the strike illegal and proclaimed that magistrates did not have the right to form a union; the strike ended on October 19.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that it occurred (see Sections 5 and 6.f.). There were reports that security forces continued to use persons, including children, to perform menial tasks without compensation, and the use of child soldiers remained a problem (see Section 5).

Rebel groups forced rural populations to perform uncompensated labor such as the transport of supplies and weapons. Rebels also recruited children for labor (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code states that children under the age of 16 cannot be employed by "an enterprise," except for the types of labor the Ministry of Labor determines to be acceptable, which includes light work or apprenticeships that do not damage their health, interfere with normal development, or prejudice their schooling; however, child labor remained a problem. Children under the age of 16 in rural areas regularly performed heavy manual labor in the daytime during the school year. According to the ICFTU, the vast majority of children in the country worked during the year.

Children were prohibited legally from working at night, although many did so in the informal sector. Most of the population lived by subsistence agriculture, and children were obliged by custom and economic necessity to participate in subsistence

agriculture, family-based enterprises, and the informal sector. Child labor also existed in the mining and brick-making industries. The use of child soldiers and child prostitution continued to be problems (see Sections 5 and 6.f.).

The country ratified ILO Convention 182 on the worst forms of child labor in 2001.

The Transitional Government enforced labor laws only when a complaint was filed; there were no reports of complaints filed during the year.

e. Acceptable Conditions of Work.—The legal minimum wage for unskilled workers remained at \$0.15 (160 francs) per day in the cities of Bujumbura and Gitega, and \$0.10 (105 francs) everywhere else. These amounts did not provide a decent standard of living for a worker and family, and most families relied on second incomes and subsistence agriculture to supplement their earnings. Unionized employees, particularly in urban areas, generally earned significantly more than the minimum wage. Public sector wage scales were set by agreement between the Government and either the CSB or COSYBU; however, an individual employee's position on the wage scale was determined by individual negotiation between the employer and the employee. The government wage scale has remained unchanged since 1992, but allowances, such as the one for housing, have increased.

The Labor Code stipulates an 8-hour workday and a 45-hour workweek, except where workers were involved in activities related to national security. Supplements must be paid for overtime. Alternative work schedules were negotiable.

The Labor Code establishes health and safety standards that require safe workplaces. Enforcement responsibility rests with the Minister of Labor, who was responsible for acting upon complaints; there were no reports of complaints filed with the Ministry during the year. Health and safety articles in the Labor Code did not directly address workers' rights to remove themselves from dangerous tasks.

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

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports of trafficking. Traffickers could be prosecuted under existing laws against assault, kidnapping, rape, prostitution, and fraud. The Transitional Government had not investigated or prosecuted any cases of trafficking.

There was a lack of reliable and comprehensive data on trafficking during the year. However, according to a June interview conducted by HRW in Bujumbura, Guardians of the Peace were forced into military trucks and taken away to participate in military operations. In addition, according to the Coalition to Stop the Use of Child Soldiers, CNDD–FDD rebels abducted children from refugee camps and schools in Tanzania and subsequently trafficked them across the Tanzania border into the country; the CNDD–FDD also reportedly trafficked children to bases in the DRC to be trained for combat and to rest after combat operations. According to AI, these children were forced to carry supplies, fetch water, cook, march in front of troop columns, and serve as combatants.

In addition, the trafficking of child soldiers by both the CNDD–FDD and the FNL within the country was a problem. The Transitional Government has acknowledged the need to address this practice.

The Ministry of Reinsertion, Repatriation, and Reintegration and the Ministry of Institutional Reform, Human Rights, and Parliamentary Relations were responsible for combating trafficking. The Transitional Government supported public awareness campaigns and programs to prevent trafficking, and by year's end, it had instituted a program for the demobilization of child soldiers (see Section 5).

CAMEROON

Cameroon is a republic dominated by a strong presidency. Despite the country's multiparty system of government, the Cameroon People's Democratic Movement (CPDM) has remained in power since the early years of independence. In 1997, CPDM leader Paul Biya won re-election as President in a vote boycotted by the three main opposition parties. Marred by a wide range of procedural flaws, the election was generally considered by observers not to be free and fair. The 2002 legislative and municipal elections, which were dominated by the CPDM, largely reflected the will of the people; however, there were widespread irregularities. The President retains the power to control legislation or to rule by decree and has used his legislative control to change the Constitution and extend the term lengths of the presidency. The Constitution provides for an independent judiciary; however, the judici-

ary was subject to significant executive influence and suffered from corruption and inefficiency.

The national police (DGSN), the National Intelligence Service (DGRE), the Gendarmerie, the Ministry of Territorial Administration, Military Security, the army, the civilian Minister of Defense, the civilian head of police, and, to a lesser extent, the Presidential Guard are responsible for internal security; the DGSN and Gendarmerie have primary responsibility for law enforcement. The Ministry of Defense, including the Gendarmerie, DGSN, and DRGE, are under an office of the Presidency, resulting in strong presidential control of internal security forces. Although civilian authorities maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority. Members of the security forces continued to commit numerous serious human rights abuses.

The majority of the population of 15.5 million resided in rural areas; agriculture accounted for 24 percent of gross domestic product. Gross national product growth has averaged 4 to 5 percent annually with less than 3 percent inflation. However, a rather large parastatal sector, excessive public-sector employment, and the Government's inability to deregulate the economy inhibited private investment and further economic recovery. Widespread corruption within the business sector and the Government also impeded growth. Members of the Beti ethnic group, including the Bulu subgroup, figured prominently in the Government, civil service, and the management of state-owned businesses.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens' ability to change their government remained limited. Security forces committed numerous unlawful killings and were responsible for torture, beatings, and other abuses of persons, particularly detainees and prisoners. Unlike in previous years, security forces were not responsible for disappearances. Impunity remained a problem. Prison conditions remained harsh and life threatening. Security forces continued to arrest and detain arbitrarily various opposition politicians, local human rights monitors, and other citizens, often holding them for prolonged periods without charges or trials, and, at times, incommunicado. The Government regularly infringed on citizens' privacy. The Government continued to impose limits on freedom of speech and press and harassed and threatened journalists. The Government restricted freedom of assembly and association. Security forces limited freedom of movement. Violence and discrimination against women remained serious problems. Discrimination against indigenous Pygmies continued. Societal discrimination based on religion and 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. There were reported incidents of slavery and forced labor, including forced child labor. There were reports of trafficking in persons, primarily children, for the purposes of 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.—There were no confirmed reports of politically motivated killings; however, the security forces continued to use excessive, lethal force against private citizens and in some instances committed unlawful killings.

There continued to be reports that security forces in the remote North and Far North Provinces committed unlawful killings; however, the number of reported incidents has declined over the past 2 years. During the year, the security situation in the Anglophone provinces appeared to have improved; however, there were occasional unsubstantiated reports that security forces summarily executed suspected criminals. Local human rights groups noted that local authorities, including the special anti-gang units, paid more attention to due process than in previous years.

Prisoners died in custody during the year, due to abuse by security forces, harsh prison conditions, and inadequate medical treatment (see Section 1.c.). In late July, alleged thief Emmanuel Banye died in the custody of Kumbo police in the North West Province. Banye's mother and local human rights organizations claimed Banye's death resulted from police torture (see Section 1.c.). By year's end, there was no investigation, and no action had been taken against the officers responsible for his death.

Police used excessive force during the year. For example, on July 9, a policeman in Douala hit Yeyena Ayouba, a motorcycle taxi driver who was attempting to flee a roadside checkpoint. Ayouba died instantly. Taxi drivers in the area, who began demonstrating in protest, attacked the policeman, badly injuring him. Nearby police

officers fired shots at the crowd, killing Charles Awome, a 23-year-old security agent; Jacobs Funwang; Yanoussa Abdoulaye, an 18-year-old restaurant employee; and Harouna Hamsa, a 27-year-old nightwatchman. An investigation was ongoing at year's end, but no action had been taken against the officers responsible for the deaths.

On July 11, the anti-gang police unit of Kumba shot and killed university student David Nesoe as he tried to escape during a police search for suspects in the 2002 killing of a pregnant woman. By year's end, no action had been taken in the case.

During the year, the Government investigated and prosecuted a few cases of security personnel accused of violating the law. For example, on February 24, the Yaounde Military Tribunal sentenced Barthelemy Angandi to a 25-year prison term for the 2001 death of Eloi Sanda Aba and ordered that \$90,000 (50 million CFA francs) be paid to the victim's family. By year's end, no money had been paid, and an appeal of the sentence was pending.

On August 26, the Yaounde High Instance Court sentenced three Special Operation Group officers to 5 years in prison in the 2000 death of Edouard Lewat; a fourth officer received a 3-month prison sentence. The Court ordered the Government to pay \$9,200 (5,500,000 CFA francs) in damages to Lewat's family.

There were no new developments in the 2002 deaths of Barthelemy Kengne, Aime Martial Mbong, or Southern Cameroons National Council (SCNC) activist Shiyinyuy Georges, all of whom died in police custody, allegedly as a result of injuries inflicted by torture.

There were no new developments in the following 2002 killings by security forces: The January death of Isidore Usabo and the February death of Pierre Kewe.

There were no new developments in the 2001 cases of killings by security forces.

The Operational Command, which was disbanded by the Government in 2001, had functioned outside the authority of other security forces and summarily executed and killed hundreds of persons. No action was taken against members of the Operational Command who committed abuses.

On August 3, three unknown assailants shot and killed Juvenile Mbanzamihigo, a Rwandan Hutu opposition figure and alleged former official of Rwanda's National Revolution and Development Movement living in exile in the country since 1996. There were reports that Rwandan citizens killed Mbanzamihigo as a result of Rwandan political divisions; however, other reports suggested that the killing was criminally motivated. An investigation was underway at year's end.

Although to a lesser extent than in previous years, mob violence and summary justice against those suspected of theft and the practice of witchcraft reportedly continued to result in deaths and serious injuries. For example, on the night of February 21, an angry mob beat to death a thief in the Douala neighborhood of Bonanjo, across the street from the neighborhood police station. On February 24, a crowd in Bonanjo beat and killed a suspected bandit. On the night of July 16, an angry mob beat to death Olivier Kassi, who was suspected of banditry and belonged to a gang that terrorized the inhabitants of the Douala neighborhood of Mboppi. Although gendarmes eventually extricated Kassi from the crowd, he died shortly after arrival at the Gendarmerie.

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

Unlike in the previous year, there were no reports of disappearances of persons in the custody of security forces. Some prior disappearances may be attributed to summary executions by security forces either in Douala or the northern regions (see Section 1.a.); in these instances, bodies rarely were found, but the suspects were presumed dead.

There were no new developments in the following cases: The March 2002 disappearance of nine youths detained in the Bafoussam Gendarmerie brigade; the appeal of the acquittal of six army officers charged with the execution of nine youths in Bépanda; and the January 2001 kidnapping of Hortense Toukam.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—

The law prohibits such practices; however, there were credible reports that security forces continued to torture, beat, and otherwise abuse prisoners and detainees. In the majority of cases of torture or abuse, the Government rarely investigated or punished any of the officials involved. There were reports that security forces detained persons at specific sites where they tortured and beat detainees (see Sections 1.a. and 1.d.). Security forces also reportedly subjected women, children, and elderly persons to abuse. Numerous international human rights organizations and some prison personnel reported that torture was widespread; however, most reports did not identify the victim because of fear of government retaliation against either the victim or the victim's family. Most victims did not report torture for fear of government reprisal, or because of ignorance and lack of confidence.

In New Bell and other non-maximum security penal detention centers, prison guards inflicted beatings, and prisoners were reportedly chained or at times flogged in their cells. Authorities often administered beatings in temporary holding cells within a police or gendarmerie facility. Two forms of physical abuse commonly reported by male detainees were the “bastonnade,” where authorities beat the victim on the soles of the feet, and the “balancoire,” during which authorities hung the victim from a rod with his hands tied behind his back and beat him, often on the genitals. There were reports that some nonviolent political activists have experienced this abuse during brief detentions that followed participation in opposition party activities.

Security forces continued to subject prisoners and detainees to degrading treatment, including 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 or information on alleged criminals. Pretrial detainees were sometimes required, under threat of abuse, to pay “cell fees,” a bribe paid to prison guards to prevent further abuse.

In April 2002, Bamenda police arrested Ousman Haman, a member of the M'Bororo ethnic group in the North West Province, after Haman and three other youths raided the ranch of a prominent businessman and member of the ruling party in part of a 17-year land feud (see Section 5). According to Amnesty International, gendarmes reportedly beat the soles of his feet 150 times using a cane and flogged him while they forced him to jump on sand. In 2002, Haman and the other three youths were sentenced to 10 years' imprisonment; at year's end, they were in prison awaiting a ruling on an appeal filed during the year.

One death reportedly resulted from police torture (see Section 1.a.).

Security forces beat and harassed journalists during the year (see Section 2.a.).

On January 19, after an altercation between police officer Jean Yougnou and Douala taxi driver Jules Temeze Nsangou, Yougnou and four others broke into Temeze's house and assaulted him. When Temeze attempted to resist the assault, Yougnou shot him in the shoulder. Temeze filed a complaint with the Douala Provincial Judicial Police office, and an investigation was ongoing at year's end.

On August 11, a Capital Yaounde Mobile Intervention Unit (GMI) police officer shot Desire Mbeng in the leg as police officers attempted to arrest fleeing non-registered street vendors. Mbeng, a bystander, was caught in the crossfire. Police officers did not attempt to assist Mbeng. There was no action taken against the officer and no reports of an investigation by year's end.

There were no further developments in the following 2002 cases of abuse by security forces: The March beating of Narcisse Kouokam; the April beating of men and women in Noun Division, West Province; and the June arrest and severe torture of Jean Rene Ndouma.

There were no new developments in the 2001 cases of torture and cruel, inhuman, or degrading treatment by security forces.

Some illegal immigrants were subjected to harsh treatment and imprisonment. Communities of Nigerians and Chadians often were the targets of police and gendarme harassment. During raids, members of the security forces often extorted money from those who did not have regular residence permits or those who did not have valid receipts for store merchandise.

Prison conditions remained harsh and life threatening. Prisons were seriously overcrowded, unsanitary, and inadequate, especially outside major urban areas. Due to a lack of funds, serious deficiencies in food, health care, and sanitation were common in almost all prisons, including “private prisons” in the north operated by traditional rulers. Prisoners were kept in dilapidated colonial-era prisons, where the number of detainees was four to five times the intended capacity. To relieve the worst of the overcrowding, prisoners were being transferred to less crowded prisons. Health and medical care were almost nonexistent, and prisoners' families were expected to provide food for their relatives in prison. Douala's New Bell Prison contained 7 water taps for a reported 3,500 prisoners, contributing to poor hygiene, illness, and death. Prison officials regularly tortured, beat, and otherwise abused prisoners with impunity. Several prisoners died due to harsh prison conditions and inadequate medical treatment.

Corruption among prison personnel was widespread. Prisoners sometimes could bribe wardens for special favors or treatment, including temporary freedom.

In September 2002, the U.N. Special Rapporteur on Prisons and the Conditions of Detention in Africa, Vera Mlangazuwa Chirwa, visited a sample of prisons in the country and personally interviewed 150 detainees. In her assessment of the visit, the Rapporteur said that overcrowding, poor nutrition, and lack of adequate health care were principal problems in the prisons; however, she noted that there was a productive prisoner work program.

Overcrowding was exacerbated by the large number of long pretrial detentions and the practice of "Friday arrests" (see Section 1.d.). In June, a penitentiary administration official estimated that 13,000 of the 20,000 inmates in the country's prisons were pretrial detainees.

There were few detention centers for women, who routinely were held in prison complexes with men, occasionally in the same cells. Mothers often were incarcerated with their children or babies. The law specifies that, after an investigation has concluded, juveniles should not be detained without trial for longer than 3 months; however, in practice, the Government detained juveniles for longer periods of time. Juvenile prisoners often were incarcerated with adults, occasionally in the same cells or wards. There were credible reports that adult inmates sexually abused juvenile prisoners. Persons awaiting trial routinely were held in cells with convicted criminals. Some high-profile prisoners were separated from other prisoners and enjoyed relatively lenient treatment.

In recent years, there have been reports that some prisoners remained in prison after completing their sentences or having been released under a court ruling. For example, 58-year-old prisoner Pierre Owono Mvondo was forgotten in prison. After having served 13 extra years in jail, he was released in August 2002 but had not been awarded compensating damages by year's end.

In the north, the Government permitted traditional Lamibe (chiefs) to detain persons outside the government penitentiary system, in effect creating private prisons. Private prisons within the palaces of traditional chiefs Rey Bouba, Gashiga, Bibemi, and Tcheboa had a reputation for serious abuse.

The Government has granted international humanitarian organizations access to prisoners. Both the local Red Cross and the National Commission on Human Rights and Freedoms (NCHRF) made infrequent, unannounced prison visits during the year. The International Committee of the Red Cross (ICRC) continued to visit prisons. Although the ICRC does not release its findings publicly, the Government generally complied with its agreement with the ICRC to allow visits.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention and requires an arrest warrant except when a person is caught in the act of committing a crime; however, security forces continued to arrest and detain citizens arbitrarily.

The DGSN includes the public security force, judicial police, territorial security forces, and frontier police. In rural areas, where there is little or no police presence, the primary law enforcement body is the Gendarmerie. Police officers and members of the Gendarmerie were widely viewed as corrupt and frequently arbitrarily arrested and detained citizens. Police demanded bribes at checkpoints, and influential citizens reportedly paid police to make arrests in personal disputes. Insufficient funding and inadequate training contributed to a lack of professionalism in the DGSN.

Police legally may detain a person in connection with a common crime for up to 24 hours and may renew the detention three times before bringing charges. The law provides for the right to judicial review of the legality of detention only in the two Anglophone provinces. Otherwise, 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 was prolonged, due to the understaffed and mismanaged court system. The law permits detention without charge by administrative authorities such as governors and senior divisional officers for renewable periods of 15 days ostensibly to combat banditry and maintain public order. Persons taken into detention frequently were denied access to both legal counsel and family members. The law permits release on bail only in the Anglophone provinces; however, in practice, bail was granted infrequently.

Police and gendarmes often arrested persons on spurious charges on Fridays at mid-day or in the afternoon. While the law in the Anglophone provinces provides for a judicial review of an arrest within 24 hours, the courts did not convene sessions on the weekend, so the detainee remained in detention until at least Monday. Police and gendarmes accepted bribes to make such "Friday arrests" from persons who had private grievances. There were no known cases of policemen or gendarmes that were sanctioned or punished for this practice.

The law also stipulates that detainees must be brought promptly before a magistrate; however, arbitrary prolonged detention remained a serious problem, and sometimes persons were held incommunicado for months or even years. For example, Souley Bobo, arrested in 1992 on murder charges, has never appeared before a prosecutor. Michel Sighanou, a juvenile who was transferred from the Yabassi

prison in 1996, has been awaiting trial for more than 7 years. Some persons were detained for several months simply because they were unable to present identification to authorities.

Security forces and government authorities continued to arrest and arbitrarily detain various opposition politicians, local human rights monitors, journalists, union leaders, and other critics of the Government, often holding them for prolonged periods without charges or trials and, at times, incommunicado (see Sections 2.a., 4, and 6.a.). Police also arrested persons during unauthorized demonstrations (see Section 2.b.).

On May 17, the Sub-Prefect of the South West provincial city of Tiko ordered the arrest and detention of activists of the separatist organization Southern Cameroon National Council (SCNC), including Emmanuel Fotso, Yakubu Kitsing, Thomas Sama, Marcel Oben, Cecilia Ngwe Che, Henry Randan, James Shey, Anthony Larry, and Augustine Shyintum. The activists, who had been attending the funeral of former SCNC Chairman Martin Nkeka Luma, were released without charge after several days (see Section 3).

Police frequently arrested persons without identification during sweeps (see Section 1.f.).

In the following 2002 cases, all those implicated were released and awaiting trial: The January detention of opposition political activist Mboua Massok; the March Operation Harmattan detention of 2,792 persons, none of whom had been charged by year's end; and the September arrest of Albert Mukong and 19 other SCNC activists (see Section 3).

In April, the 50 demonstrators and 3 men from Jakiri arrested in 2001 following SCNC demonstrations were released; they were awaiting trial at year's end.

The law prohibits forced exile, and the Government did not use it; however, some human rights monitors or political opponents who considered themselves threatened by the Government left the country voluntarily and declared themselves to be in political exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained highly subject to executive influence. Corruption and inefficiency remained serious problems. The court system was subordinate to the Ministry of Justice, which was part of the Presidency. The Constitution specifies that the President is the guarantor of the legal system's independence. He also appoints all judges with the advice of the Supreme Council of the Magistrature. Some politically sensitive cases were never heard by the courts. However, the judiciary has shown some modest signs of growing independence. For example, following the 2002 municipal elections, the courts declared invalid the votes in certain areas and required a second round of voting. During the year, the courts also found the Government liable for damages in a few human rights cases. 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 when the President declares martial law and in cases involving civil unrest or organized armed violence. Military tribunals also have jurisdiction over gang crimes, banditry, and highway robbery. The Government interpreted these guidelines quite broadly and sometimes used military courts to try matters concerning dissident groups and political opponents. Military trials often were subject to irregularities and political influence.

The legal system includes both national law and customary law, and many criminal and civil cases can be tried using either one; however, criminal cases are generally tried in statutory courts, and customary court convictions involving witchcraft automatically are transferred to the statutory courts, which act as the court of first instance. Customary law, which is used most frequently in rural areas, is based upon the traditions of the ethnic group predominant in the region and is adjudicated by traditional authorities of that group. Customary law is deemed valid only when it is not "repugnant to natural justice, equity, and good conscience." However, many citizens in rural areas remained unaware of their rights under civil law and were taught that customary laws form the rules by which they must abide. Customary law ostensibly provides for equal rights and status; however, men may limit women's right to inheritance and employment, and some traditional legal systems classify wives as the legal property of their husbands (see Section 5). Customary courts served as a primary means for settling civil disputes in rural areas, primarily in family-related civil cases, such as in matters of succession, inheritance, and child custody. Divorce cases can be brought to customary courts only if the marriage has not been sanctioned by the Government through an official license. Customary courts may exercise jurisdiction in a civil case only with the consent of both parties. Either party has the right to have the case heard by a statutory court and to appeal an adverse decision in a customary court to the statutory courts. For example, a cit-

izen successfully appealed a land dispute case during the year, and was able to claim damages from the area chief who had taken his land. Most traditional courts also permitted appeal of their decisions to traditional authorities of higher rank.

The legal structure is influenced strongly by the French legal system, although in the two Anglophone provinces certain aspects of the Anglo-Saxon tradition apply. In the past, this mixed legal tradition has led to conflicting court action in cases handled in both Francophone and Anglophone jurisdictions. In June, the International Bar Association began to assess ways to harmonize the criminal legal system.

The Constitution provides for a fair public hearing in which the defendant is presumed innocent. Defendants generally were allowed to question witnesses and to present witnesses and evidence on their own behalf. Because appointed attorneys received little compensation, the quality of legal representation for indigent clients often was poor. The Bar Association and some voluntary organizations, such as the Cameroonian Association of Female Jurists, offered free assistance in some cases. The Project for the Improvement of Conditions of Detention was initiated in 2002 to engage lawyers to work on prison cases. Trials normally were public, except in cases with political overtones and cases judged disruptive to social peace.

Political bias often stopped trials or resulted in an extremely long process, with extended court recesses. Powerful political or business interests enjoyed virtual immunity from prosecution; some politically sensitive cases were settled with a payoff. However, in November, a court convicted former Minister of Posts and Telecommunications Mounchipou Seidou and 22 co-conspirators, all of whom were arrested in 1999 on corruption charges.

The Government held political prisoners, including Anglophones; however, there was no reliable estimate of the number being held at year's end. The Government permitted regular access to international humanitarian organizations; during the year, the International Federation of Human Rights visited political prisoners in several prisons.

Titus Edzoa, former Minister of Health and long-time presidential aide who opposed President Biya in the 1997 election, remained incarcerated with Michel Thierry Atangana, his campaign manager, at the maximum-security Gendarmerie headquarters, with very limited access to visitors; Edzoa and Atangana were arrested prior to the 1997 election.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, these rights were subject to the “higher interests of the State,” and there were numerous, 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, at times involving forced entry into homes, in search of suspected criminals or stolen or illegal goods without individual warrants. Although there were fewer sweeps during the year than in the previous year, these sweeps continued to occur in Yaounde and Douala. 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 such sweeps as a pretext to loot homes and arbitrarily arrest persons for minor offenses, such as not possessing identity cards (see Section 1.c.). For example, on April 3, the police sealed off Yaounde neighborhoods of Ntaba, Eig-Edzoa, and Etoa-Meki, searched each home, and arrested several individuals who were unable to present proper identification.

Purportedly in efforts to combat highwaymen, the now-suspended Operational Command was known to use informants to identify and accuse persons of taking part in highway robbery (see Section 1.a.). Standards of proof for such accusations were nonexistent. Accusations occasionally were used to pursue private grievances, and informants repeatedly extorted money from persons by threatening to accuse them of being bandits. These informants often were former criminals or prison guards, and reportedly were used to target criminals who then were summarily executed (see Section 1.a.). In 2002, Colonel Pom and his special anti-gang unit committed similar abuses; however, that unit was disbanded and replaced by the Light Intervention Battalion, which has not been accused of such abuses.

At year's end, no compensation had been provided for houses that the Government destroyed along several of Yaounde's main roads in anticipation of the France-Africa Summit in January 2001. The Government also reportedly relocated Yaounde squatters, many of whom had mental disabilities, to the neighboring town of Mbalmayo for the duration of the summit. The squatters returned to Yaounde following the summit but were not allowed to reoccupy the site from which they were removed. No legal action had been taken in the case by year's end.

There have been accusations, particularly in the North and Far North Provinces, of traditional chiefs arbitrarily evicting persons from their land. There also were credible reports that security forces forced Baka out of their homes (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 continued to limit these rights in practice. The Government sometimes invoked strong libel laws to silence criticism of the Government and officials. Journalists, particularly broadcast journalists, often practiced self-censorship as a result of significant government intimidation and harassment.

The Government published one of the country's few daily newspapers, the Cameroon Tribune, which did not report extensively on activities or political parties critical of the Government, overtly criticize the ruling party, or portray government programs in an unfavorable light.

While approximately 60 privately owned newspapers were published, only an estimated 20 were published on a regular basis, including Mutations, the country's only privately owned daily newspaper. Newspapers were distributed primarily in Yaounde and Douala, and most continued to criticize the Government and to report on controversial issues, including corruption, human rights abuses, and economic policies. However, the print media were subject to considerable government restrictions, including inhibitive libel laws.

On March 11, the Ministry of Territorial Administration banned the publication, distribution, and sale of La Tribune de l'Est, a private newspaper highly critical of the Government; the ban remained in effect at year's end.

Despite the large number of private newspapers in the country, the influence of print media was minimal. Distribution was problematic outside of Yaounde and Douala, and prices of independent newspapers were high due largely to high government taxes on newsprint. In addition, Government control of newspaper warehouses allowed the seizure of controversial editions of certain newspapers prior to distribution. Consequently, independent print media reached only a tiny percentage of the population, notably the urban elite.

The state-owned CRTV broadcast on both television and radio and was the only officially recognized and fully licensed broadcaster in the country. The Government levied taxes on all registered taxpaying citizens in order to finance CRTV programming, which allowed CRTV a distinct advantage over independent broadcasters.

The Government tightly controlled the broadcast media. With approximately 2 million radios in the country, radio remained the most important medium reaching most citizens. There were approximately 20 privately owned radio stations operating in the country.

Non-profit rural radio stations were required to submit an application to broadcast but were exempt from paying licensing 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 potentially were prohibitive. The Ministry of Communication has received more than 100 applications from potential broadcasters; however, few if any have been processed. Radio and television stations were forced to operate illegally because the Communications Ministry has not responded to requests for licenses since broadcasting was opened to the private sector. A small number of radio stations broadcasting illegally, including Radio Soleil, did not apply for licenses, claiming the fees were exorbitant. The Government continued to allow most of these stations to broadcast. However, there were unconfirmed reports that several radio and television stations that did not submit applications were closed down at year's end.

There were several low-power, rural community radio stations funded primarily by foreign countries with extremely limited broadcast range. These stations, which broadcast educational programs to small audiences, were not allowed to discuss politics. The law permits broadcasting of foreign news services but requires the foreigners to partner with a national station. The British Broadcasting Company (BBC) and Radio France International (RFI) broadcast in partnership with state-owned CRTV. During the year, the Government continued to allow the reception of international cable and satellite television broadcasts.

Television was less pervasive but more influential than print media. The three independent television stations largely avoided criticizing the Government and generally relayed government information to the public.

Like the Cameroon Tribune, CRTV provided broad reporting of CPDM activities, while giving relatively little attention to the political opposition. CRTV management repeatedly has instructed CRTV staff to ensure that government views prevailed at all times. CRTV television and radio programming included a weekly program, Direct Expression, which ostensibly fulfilled the Government's legal obligation to provide an opportunity for all political parties represented in the National Assembly to present their views. However, during the program, CRTV continued to restrict the freedom of speech of the opposition party, the Social Democratic Front (SDF), by occasionally censoring and significantly shortening proposed SDF programming.

In September, the Minister of Communications authorized three private radio and four private TV stations, including Canal 2 and RTA, to transmit without being officially licensed; however, the Government continued to control these stations. For example, the stations were given a specific theme for coverage, and the Government monitored thematic content to ensure compliance with the approved format.

Security forces continued to restrict press freedom by arresting, detaining, physically abusing, threatening, and otherwise harassing print-media journalists. The Government seized print runs of private newspapers and interfered with private newspaper distribution.

On April 13, the government printing office SOPECAM refused to publish that day's edition of the Yaounde-based opposition newspaper Mutations. Gendarmes seized the diskette containing the edition, which included articles on potential candidates in the 2004 presidential election. That night, gendarmes abused and detained for 2 hours employees Moise Moundou and Etienne Kenfack. Gendarmes also arrested and detained for several hours the publisher of the paper, Haman Mana. The newspaper was prevented from publishing for 2 days. On April 14, 50 gendarmes surrounded the Mutations' headquarters while others searched the newspaper's offices. On April 15, Mana, editor-in-chief Alain Batongue, and editor Emmanuel Gustave Sannick were arrested, questioned about the articles, and released that evening. When officials found that the April 16 edition contained the same report, police seized copies of the newspaper as it appeared on the streets. The Government subsequently threatened to "suffocate the paper financially."

According to Reporters Without Borders (RSP), Communications Minister Jacques Fame Ndong publicly criticized the media during the year for "interfering in government bodies" and warned broadcast media entrepreneurs that the Government would increase its efforts to collect their back taxes; however, no action was taken by year's end.

There were no new developments in the March 2002 detention and beating of Samuel Mben Mben; the April 2002 seizure of the movie Braquages; and the November 2002 beating of Nyemb Popoli, publisher and cartoonist of Le Messenger Popoli, by 12 policemen.

There were no further developments in the 2001 cases of security forces' harassment of journalists; trials were still pending at year's end.

The Government shut down numerous broadcast stations during the year. For example, on February 18, the Government of the Center Province suspended Canal 2 and RTA, two of the country's three privately owned television channels, at the request of Communications Minister Ndong; the action followed the stations' broadcasting of several political debates that were critical of the Government. The Government subsequently closed both stations for operating illegally and broadcasting original programming when they had only been authorized to carry foreign media programs. Neither station was broadcasting at year's end.

On March 14, the Minister of Communication suspended Magic FM, the largest private radio station in Yaounde for insulting the President, disseminating false information, and breaching the peace. The closing followed the station's criticism of the Government for mismanagement of public funds and the banning of Tribune de l'Est. On March 24, the station was allowed to resume broadcasts despite the suspension order. However, on December 6, the Government blocked the broadcasting of a 3-hour political call-in show on Magic FM after callers raised concerns about human rights in the country.

On May 23, the Douala police sealed off the premises of Freedom FM, a new FM radio station that Douala-based newspaper, Le Messenger, intended to launch the following morning. According to police, the Minister of Communication ordered the cordon because Le Messenger had not submitted an application for operation. Le Messenger claimed to have submitted its application under a different name but subsequently informed the Ministry of the name change. The Minister of Communication granted the frequency that Freedom FM had applied to use to another private

radio station. Station owner Pius Njawe, who previously has been jailed for criticizing President Biya, initiated legal action to recover his equipment, and the trial was ongoing at year's end.

In November, the Government temporarily closed Radio Veritas, a private radio station established by Cardinal Christian Tumi, an outspoken critic of the Government; the station resumed broadcasting in December.

In December, the Divisional Officer for Oku closed Oku Rural Radio, detained four members of the station's board of directors, and placed three other members under house arrest on charges of embezzlement and misappropriation of funds. The board members reportedly were released; however, the station remained closed at year's end.

As part of a nationwide campaign to encourage local radio stations to apply for licenses, in late December, a Ministry of Communication official issued an ultimatum that radio and television stations operating illegally would have to submit the requisite paperwork or close by December 31. Stations that submitted their applications before the deadline were allowed to continue broadcasting while their applications were under review. There were unconfirmed reports that several radio and television stations operating illegally did not submit applications and were closed down at year's end; four radio stations and one television station closed down on their own initiative before year's end.

The Government prosecuted its critics in the print media through criminal libel laws. These laws authorized the Government, at its discretion and 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; such crimes are punishable by prison terms and heavy fines. Criminal penalties for speech-related offenses resulted in the practice of self-censorship by some journalists. There were no new cases of libel during the year; however, the Government continued to pursue libel cases from previous years.

In July 2002, the Yaounde Court of First Instance sentenced in absentia J. Remy Ngonu, a journalist and commentator on Radio Television Siantou, to 6 months' imprisonment without parole for defamation of character; Ngonu had accused a businessman of corruption. The law stipulates that journalists are to be notified and given up to 5 days to serve documents when accused of press violations; however, these provisions reportedly were not respected in Ngonu's case. In January, due to pressure from the Minister of Communication, Ngonu was suspended from Radio Siantou for unprofessional conduct and unwarranted criticism of the Government. On August 5, police arrested Ngonu, who was subsequently released.

The Internet and e-mail were not widely available or heavily utilized; however, a few cybercafes provided Internet or e-mail access in some urban areas. There were at least six domestic Internet service providers, some of which were privately owned. The Government has not attempted to restrict or monitor these forms of communication.

Although there were no legal restrictions on academic freedom, state security informants operated on university campuses. Professors believed that participation in opposition political parties could affect adversely their professional opportunities and advancement. Free political discussion at Yaounde's universities was hindered by armed government security forces who harassed some students; however, unlike in the previous year, no students were detained.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly; however, the Government restricted this right in practice. The law requires organizers of public meetings, demonstrations, or processions to notify officials in advance but 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, officials routinely have asserted that the law implicitly authorized the Government to grant or deny permission for public assembly. Consequently, the Government often has not granted permits for assemblies organized by persons or groups critical of the Government and repeatedly used force to suppress public assemblies for which it has not issued permits.

Security forces forcibly disrupted trade unions' and opposition parties' meetings and rallies throughout the year. For example, on February 5, authorities banned a press conference that a legal opposition party, the National Alliance for Democracy and Progress (ANDP), and five former ministers from the Northern provinces intended to hold at a local hotel. Although the ANDP had completed all procedural requirements for the press conference, the Prefect of Mfoundi blocked the event, reportedly because the participants were from the north. The ANDP moved the conference to a private residence; however, gendarmes encircled the home and intimidated participants. The Prefect subsequently banned the group from holding any further meetings.

During the year, police used excessive force to disperse demonstrations, which in one case resulted in numerous deaths (see Section 1.a.).

On September 30, in the South West town of Kumba, police fired guns throughout the night to intimidate persons planning to protest on October 1, the traditional day of protest for Anglophones. Five of the protesters, who threw Molotov cocktails to protest the police presence, were arrested.

No action reportedly was taken against the members of the security forces who forcibly dispersed demonstrations in 2002 or 2001.

The law provides for freedom of association, and the Government generally respected this right in practice; however, there were some exceptions. The 2002 ban on the SCNC remained in effect. In mid-June, the Prefect of Douala's Wouri Division banned all activities of the Front of Alternative Forces, a coalition of opposition parties, NGOs, and private citizens; the Prefect charged that the group was disorderly and had not applied for legal status. The ban remained in effect at year's end.

The conditions for government recognition of a political party, a prerequisite for many political activities, were not onerous. More than 180 political parties operated legally, together with a large and growing number of civic associations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were a few exceptions.

Religious groups must be approved and registered with the Ministry of Territorial Administration to function legally; there were no reports that the Government refused to register any group. The approval process usually takes several years, due primarily to administrative delays. The Government did not register traditional religious groups on the grounds that the practice of traditional religion was a private concern observed by members of a particular ethnic or kinship group or the residents of a particular locality.

Government officials disapproved of and questioned criticism of the Government by religious institutions and leaders; however, there were no reports that officials used force to suppress such criticism.

Unlike in previous years, security forces did not commit abuses against the sites and personnel of religious institutions.

An April 2002 government ban of the Ma'alah, a nontraditional religious body that allegedly was involved in ritual killings, remained in effect during the year.

The practice of witchcraft is a criminal offense under the law; however, individuals generally were prosecuted for this offense only in conjunction with another offense, such as murder. Witchcraft traditionally has been a common explanation for diseases of unknown cause.

There were no new developments in the alleged March 2002 torture of 6-year-old Manuella Cynthia Selam Tiave or the July 2002 arrest of Robert Ndoumbe Elimbi.

There were no developments in the 2001 death of Father Henri Djeneka or the 2001 order to expel seven individuals accused of witchcraft.

Discrimination in the Northern provinces, especially in rural areas, by Muslims against Christians and persons who practiced traditional indigenous was strong and widespread; however, there were no confirmed reports of specific incidents of religious discrimination during the year.

For a more detailed discussion, see the 2003 International Religious Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, in practice security forces routinely impeded domestic travel.

Roadblocks and checkpoints manned by security forces proliferated in cities and most highways making road travel both time-consuming and costly. Extortion of small bribes was commonplace at these checkpoints. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. During the year, security forces killed at least one person they thought was evading a checkpoint (see Section 1.a.).

There were no new developments in the April 2002 shooting of Francis Akondi Ndanle.

There were credible reports that police arrested and beat individuals who failed to carry their identification cards (see Section 1.f.).

Unlike in the previous years, there were no reports that authorities confiscated the passports of human rights activists.

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 practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government also provided protection to certain indi-

viduals who fell outside of the definition of the Convention or its Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In June, the UNHCR Yaounde office estimated that the country provided temporary protection to approximately 70,000 refugees, the majority of whom were Chadian and Nigerian. Other refugees mainly were from Rwanda, Burundi, and the Democratic Republic of the Congo, with small numbers from Liberia, Sudan, and Ethiopia. On January 1, the UNHCR reopened its office in Yaounde in response to the inflow of 21,000 Fulanis from Nigeria in February 2002.

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 and electoral intimidation, manipulation, and fraud severely limited the ability of citizens to exercise this right. President Paul Biya, who has controlled the Government since 1982, was re-elected in 1997 elections that international and domestic observers widely criticized and viewed as fraudulent.

In 1996, the Government enacted a revised Constitution, which was being implemented gradually; the 1972 Constitution remained in force in areas where the 1996 revisions had not yet been implemented. The 1996 Constitution's provision extending the presidential term from 5 to 7 years and permitting President Biya to run for another term was in effect; however, the composition of the National Assembly, an elected body, still was being determined by the 1972 Constitution. Since 1991, only government bills proposed by the Presidency have been enacted by the National Assembly; bills cannot be proposed by groups that do not have a representative in the National Assembly.

The President's control over the country's administrative apparatus was extensive. The President appoints all Ministers including the Prime Minister. In August 2002, President Biya reshuffled his cabinet to bring in 18 new ministers, 16 of which were CPDM members. The President also directly appoints the governors of each of the 10 provinces. The governors, in turn, wield considerable power in the electoral process, interpreting and implementing the laws. 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 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. The Government has increased greatly the number of municipalities run by presidentially appointed delegates, who have authority over elected mayors. Delegate-run cities included most of the provincial capitals and some division capitals in pro-opposition provinces; however, this practice was nonexistent in the southern provinces, which tended to support the CPDM. In municipalities with elected mayors, local autonomy was limited since elected local governments relied on the central Government for most of their revenue and administrative personnel.

The June 2002 legislative and municipal elections CPDM increased the CPDM's its number of seats in the 180-member National Assembly from 116 to 149 seats. The main opposition, the Social Democratic Front, won 22 seats, down from 43 it had held previously. Municipal elections, which had been postponed in 2001, were also dominated by the CPDM. The Government maintained that the election results reflected the will of the people, and international observers noted improvements in the electoral system. However, the National Observatory of Elections, whose members were appointed by the President to supervise electoral procedure, observed the elections along with the Catholic Church and reported several election irregularities, including vote-buying, the stuffing of ballot boxes, intimidation, multiple voting, ghost polling, and discriminatory voter registration. After six opposition parties reported massive fraud and boycotted the municipal councils and the National Assembly, the Supreme Court annulled legislative election results in nine divisions, in which the CPDM had won eight seats. The Court rescheduled elections in these divisions for September 2002, when the CPDM won eight seats, and the SDF won one. The Court also annulled the results for municipal elections in 17 districts due to violence, consisting mostly of fighting between political party members and polling station or ruling party officials, looting, and intimidation in those elections that largely were won by the CPDM.

There were more than 180 registered political parties in the country; however, less than 10 were significant, and only 5 had seats in the National Assembly. The ruling CPDM held an absolute majority in the National Assembly; opposition parties included the SDF, based in the Anglophone provinces and the largest of the opposition parties, the Union for Democracy and Progress, the Cameroon Democratic Union (CDU), and the Union of Peoples of Cameroon.

In August, the SDF and CDU created the Coalition for National Reconstruction and Reconciliation. Other smaller opposition coalitions formed during the year.

There were no laws that specifically prohibit women or members of minorities from participating in government, the political process, or other areas of public life. Women held 18 of 180 seats in the National Assembly, 3 of 50 cabinet posts, and a few of the higher offices within the major political parties, including the CPDM.

Many of the key members of the Government were drawn from the President's own Beti/Bulu ethnic group, as were disproportionately large numbers of military officers and CPDM officials.

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 findings on human rights cases; however, government officials repeatedly impeded the effectiveness of human rights NGOs during the year by limiting access to prisoners, refusing to share information, and threatening and using violence against personnel of human rights NGOs (see Section 1.d.). The activities of virtually all of these groups were limited by a shortage of funds and trained personnel. Observers have criticized the country's NGO laws for giving the Government the opportunity to deny authorization to operate or eliminate NGOs by decree.

Numerous domestic human rights NGOs operated in the country, including, among others, the National League for Human Rights, the Organization for Human Rights and Freedoms, the Association of Women Against Violence, and the Cameroonian Association of Female Jurists.

The Government harassed and arrested NGO members during the year. On June 16, the Maroua Prosecutor ordered the detention of Abdoulaye Math, a human rights activist and President of the Movement for the Defense of Human Rights and Liberties (MDHRL), on debt charges. Math, who was released after several days, claimed the arrest was part of the continuous harassment he had faced since creating MDHRL.

Albert Mukong, who was arrested in September 2002, was released and awaiting trial at year's end.

On January 1, the UNHCR, which ceased operations in the country in 2001, reopened its Yaounde office (see Section 2.d.).

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. On June 10 and 11, the NCHRF organized a national workshop evaluating the human rights situation in the country. Several local NGOs, government officials, and members of the diplomatic community attended. 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 sought 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 authorities directly involved, along with recommendations for improving conditions or punishing violators.

Section 5. Discrimination Based on Race, Sex, 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"; however, the Government did not enforce these provisions effectively.

Women.—Domestic violence against women was common. Women's rights advocates reported that the law does not impose effective penalties against men who commit acts of domestic violence. There were no gender-specific assault laws, despite the fact that women were the predominant victims of domestic violence. Spousal abuse was 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 extralegal means, ranging from destruction of property to beating.

While there were no reliable statistics on violence against women, a large number of newspaper reports indicated that the phenomenon was widespread.

Female genital mutilation (FGM) was not practiced widely. However, it continued to be practiced in isolated cases in 3 of the 10 provinces, including some areas of Far North, Eastern, and Southwest Provinces. Internal migration contributed to the spread of FGM to different parts of the country. The majority of FGM procedures were clitorectomies; however, the severest form of FGM, infibulation, was performed in the Kajifu region of the Southwest Province. FGM usually was practiced on infants and preadolescent girls. The Government has criticized the practice; however, no law prohibits FGM. The Association of Women Against Violence conducted a program in Maroua to assist female victims of FGM and their families and to educate local populations.

Despite constitutional provisions recognizing women's rights, women did not enjoy the same rights and privileges as men. Some points of civil law were 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; a husband also may end his wife's commercial activity by notifying the clerk of commerce tribunal of his opposition based upon the family's interest. Partly for this reason, some employers required a husband's permission before hiring female employees.

Customary law was far more discriminatory against women, since in many regions a woman customarily was regarded as the property of her husband. Because of the importance attached to customs and traditions, laws protecting women often were not respected. In the customary law of some ethnic groups, husbands not only maintained complete control over family property, but also could divorce their wives in a traditional court without being required to provide either verifiable justification or alimony. Polygyny was permitted by law and tradition. In cases of divorce, the husband's wishes determined 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.

Traditional law normally governed the extent to which a woman may inherit from her husband in the absence of a will, and traditions varied from group to group. In many traditional societies, custom grants greater authority and benefit to male heirs than to female heirs. Women also faced the issue of forced marriage; in some regions, girls' parents could and did give girls away in marriage without the bride's consent. Often the husband, who could be many years older than his bride, paid his wife's parents a "bride price." Since a price had been paid, the girl was considered the property of the husband. When a married man died, his widow often was unable to collect any inheritance, since she herself was considered part of the man's property. Often the widow was forced to marry one of the deceased's brothers. If she refused, she had to repay the bride price in full and leave the family compound. In the Northern provinces, some Lamibe (traditional rulers) reportedly prevented their wives and concubines from leaving the palace. The lack of a national legal code covering such family issues often left women defenseless against these male-oriented customs.

Children.—The Constitution provides for a child's right to education, and schooling was mandatory through the age of 14 years. The Government took measures during the year to improve access to schools. For example, in May, the Government in conjunction with the World Bank established a committee to promote girl's education. Since parents had to pay uniform and book fees for primary school, and because tuition and other fees for secondary education remained costly, education largely was unaffordable for many children. According to statistics published on September 8 in the Cameroon Tribune, approximately 4.5 million children, or 85 percent of all children, were enrolled in school; however, the cost prevented many of those enrolled from attending. In the Far North Province, it was reported that well below 50 percent of children attended school; the majority of attendees were boys.

Though illegal, in practice girls continued to suffer from discrimination with respect to education throughout the country. The gap in school attendance was 14 percent nationally and 34 percent in the two most northern provinces. This problem, which especially was acute in rural areas, resulted in higher levels of illiteracy among women than men.

The exact degree of familial child abuse was not known; however, the problem was targeted by children's rights organizations. Newspaper reports often cited children as victims of kidnapping, mutilation, and even infanticide. There were several credible stories of mothers (usually young, unemployed, and unmarried) abandoning their newborns in streets, garbage cans, and pit toilets.

Despite the law that fixes a minimum age of 15 years for a bride, many families married young girls by the age of 12 years. Early marriage was prevalent in the Northern provinces of Adamawa and the North, but especially characteristic of the remote Far North Province where many young women faced severe health risks from pregnancies as early as 13. Authorities were becoming increasingly concerned about this situation.

FGM was performed primarily on young girls (see Section 5, Women).

There were reports of child prostitution and trafficking in children during the year (see Section 6.f.).

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

Persons with Disabilities.—The law provides certain rights to persons with disabilities, including access to public institutions, medical treatment, and education. The Government was obliged to bear part of the educational expense of persons with disabilities, to employ them where possible, and to provide them with public assistance when necessary; however, the Government rarely honored these obligations. There were few facilities for persons with disabilities and little public assistance; lack of facilities and care for persons with mental disabilities particularly was acute. Society largely tended to treat those with disabilities as misfits, and many felt that providing assistance was the responsibility of churches or foreign NGOs. The law does not mandate special access provisions to private buildings and facilities for persons with disabilities.

Indigenous People.—A population of approximately 50,000 to 100,000 Baka (Pygmies), a term that encompasses several different ethnic groups, primarily resided (and were the earliest known inhabitants) in the forested areas of the South and East provinces. While no legal discrimination exists, other groups often treated the Baka as inferior and sometimes subjected them to unfair and exploitative labor practices. Unlike in the previous year, there were no reports that logging companies and security forces forced Baka out of their homes. Baka reportedly continued to complain that the forests they inhabit were being logged without fair compensation. Some observers believe that sustained logging was destroying the Baka's 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 Baka along the proposed path of the Chad-Cameroon pipeline continued to complain that they were not compensated fairly for their land. Others alleged that they had been cheated of their compensation by persons posing as Baka representatives.

An estimated 95 percent of Baka did not have national identity cards; most Baka could not afford to provide the necessary documentation in order to obtain national identity cards, which were required to vote in national elections.

On January 30, the Foundation for the Environment and Development in Cameroon signed two separate conservation conventions to protect the Mbam-Djerem and Campo Ma'an natural parks, which are the traditional territories of Bakola and Bageli Pygmies.

National/Racial/Ethnic Minorities.—The population was divided into more than 200 ethnic groups, among which there were frequent and credible allegations of discrimination. Ethnic groups commonly gave preferential treatment to fellow ethnic group members both in business and social practices.

Members of President Biya's Beti/Bulu ethnic group from southern parts of the country held key positions and disproportionately were represented in government, 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 long has been perceived widely to favor this group.

In August, a 17-year land dispute between the M'Bororo herders of the North West province and Alhadji Baba Ahmadou Danpullo, a prominent businessman and member of the ruling party, resulted in the establishment of a special government commission of inquiry. The M'Bororo, a semi-nomadic Fulani people whose main economic activity is cattle raising, were given rights over pastoral land by the British colonial government; however, in 1986, Danpullo established a commercial ranch in Ndawara. The M'Bororo claim that over 17 years, Danpullo has forcibly displaced them, seized their land, cattle, and women; and used his money and influence with the Government to order the beating and false imprisonment of members of the M'Bororo. In April 2002, Bamenda police arrested and imprisoned four M'Bororo youths after torturing one of them severely (see Section 1.c.). Although hundreds of persons have testified before the commission of inquiry, some as recently as August, Danpullo failed to appear following a summons. The commission's investigation has been completed; however, the results were not released by year's end.

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, called Lamibe, continued to wield great power over their subjects, often including Kirdi, sometimes subjecting them to tithing and forced labor. Isolated cases of slavery were reported, largely Fulani enslavement of Kirdi.

Natives of the North West and South West provinces have tended to support the opposition party SDF and have suffered disproportionately from human rights violations committed by the Government and its security forces. The Anglophone community has been underrepresented in the public sector. Anglophones generally believed that they had not received a fair share of public sector goods and services within their two provinces. Some residents of the Anglophone region sought greater freedom, equality of opportunity, and better government by regaining regional autonomy rather than through national political reform and have formed several quasi-political organizations in pursuit of their goals.

At least one Anglophone group, the SCNC, advocates secession from the country. During the year, security forces harassed and arrested the participants of SCNC meetings (see Section 1.d.). The Government also continued to hold some SCNC activists or suspected SCNC supporters in temporary detention without charge. The opposition SDF party, whose base of support resides in the Anglophone provinces, reiterated its commitment to pursue a nonviolent political struggle toward the restoration of a federal republic.

Members of the country's large community of Nigerian immigrants often complained of discrimination and abuse by government officials (see Section 1.c.). Government officials repeatedly have announced crackdowns on undocumented Nigerian immigrants.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers both to form and join trade unions; however, the Government imposed numerous restrictions. The law requires that unions register with the Government, permitting groups of at least 20 workers to organize a union by submitting a constitution, internal regulations, and non-conviction certifications for each founding member. 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 register. In addition, the requirement for union registration contradicts the International Labor Organization (ILO) Convention 87, 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 chose the unions with which it would bargain; some independent unions accused the Government of creating small non-representative unions amenable to government positions and with which it could negotiate more easily. Some sections of labor law have not taken effect because the presidency had not issued implementing decrees.

There were three trade union confederations: the Confederation of Cameroonian Trade Unions (CCTU), the Union of Free Trade Unions of Cameroon (USLC), and the General Confederation of Free Workers of Cameroon (CGTLC), launched in March by Benoit Essiga, a former president of CCTU.

The law prohibits anti-union discrimination, and employers guilty of such discrimination were subject to fines up to approximately \$1,600 (1 million CFA francs). However, employers found guilty were not required to compensate the workers against whom they discriminated or to reinstate fired workers. The Ministry of Labor did not report any complaints of such discrimination during the year, although there have been credible press reports of union leader harassment.

On February 8, Yaounde Mobile Brigade gendarmes arrested and detained Benoit Essiga, president of the railroad union and 13 of his colleagues on charges of destruction and dangerous activity. The management of CAMRAIL, the railroad company, accused the union leaders of sabotaging the railway. On February 12, the union members were released; however, on April 23, railroad police re-arrested Essiga and six of his colleagues on charges of attempted murder. CAMRAIL's General Manager had filed a complaint against them, alleging that they planned to kill him. Essiga and his colleagues were later released and were awaiting trial at year's end.

On March 4, Donatien Boyomo, the Sub-Prefect of the West provincial city of Fouban, ordered the arrest and detention of Isaac Youbi, a teacher and teachers' union leader, on charges of grand banditry and disturbance of public order. Youbi spent 12 days in the Fouban Central prison. According to credible reports, the

Sub-Prefect ordered Youbi's arrest because the latter refused to resign as union leader. Youbi filed a complaint against the Sub-Prefect, who was fined and sentenced to 6 months in prison. The Sub-Prefect filed an appeal, which was pending at year's end.

There were no developments in the alleged 2002 demotion of an organizer for the Union for Telecommunications Workers.

The CCTU was a member of the Organization of African Trade Unions and the International Confederation of Free Trade Unions. The USLC was a member of the Organization of African Trade Unions. The CGTLC has not yet formed any international affiliations.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining between workers and management 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 arose, the Government chose the labor union with which it would negotiate, selectively excluding some labor representatives. Once agreements were negotiated, there was no mechanism to enforce implementation; some agreements between the Government and labor unions were then ignored by the Government.

In February, the Minister of Employment, Labor, and Social Insurance updated the sector-specific collective bargaining agreements with the insurance, pharmaceutical, maritime transportation, and transit and auxiliary transportation sectors. The conventions were negotiated in a meeting between the Minister and various employers' organizations and labor union confederations.

The Labor Code explicitly recognizes workers' right to strike but only after mandatory arbitration. Arbitration decisions legally were not enforceable and could be overturned or simply ignored by the Government. In March 2002, the Minister of Labor met the Labor National Consultative Committee in an attempt to streamline the proceedings for convoking a strike, which requires amending the Labor Code. Results of this meeting have yet to be made public.

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 were required to negotiate grievances directly with the minister of the appropriate department in addition to the Minister of Labor.

There were strikes by workers in various state-owned companies as well as the public service sector during the year. Secondary teachers observed sporadic strikes throughout the academic year, demanding promised salary bonuses. Typically, the Government promised to pay bonuses but then did not follow through on the promise.

Since May 15, workers of the National Agency for Support to Forestry Development (ANAFOR) began a strike, demanding salary payments 7 months in arrears. In November, the strike was suspended following the payment of 2 months' back pay and the appointment of new ANAFOR management. There were no new developments in the August 2002 arrest of Jacques Ngagnang and Clement Casimir Ewondo for attempting to provoke a strike.

Laws exist permitting companies to set up sites that have industrial free trade zone status, but the Government has not granted approval to any firms to do so.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, it occurred 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 isolated reports that slavery continued to be practiced in northern parts of the country (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, working on the landowners' farms during harvest seasons without payment (see Section 5).

The Government does not expressly prohibit forced and bonded labor by children; there were reports that these practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law generally protects children in the fields of labor and education and specifies penalties ranging from fines to imprisonment for infringement; however, child labor remained a problem.

The law sets a minimum age of 14 for child employment, bans night work, and enumerates tasks that cannot be performed legally by children between the ages of 14 and 18 years. These tasks included moving heavy objects, dangerous and unhealthy tasks, working in confined areas, and prostitution. The law also states

that a child's workday cannot exceed 8 hours. Employers were required to train children between the ages of 14 and 18, and work contracts must contain a training provision for minors. The prohibition against night work was not enforced effectively.

According to a 2000 study by the ILO and Ministry of Labor, child labor existed chiefly in urban areas and in the informal sector such as street vending, car washing, agricultural work, and domestic service. Many urban street vendors were less than 14 years of age. An increasing number of children worked as household help and some children were involved in prostitution. In the north, there were credible reports that children from needy homes were placed with other families to do household work for pay. In the nation's major cities of Yaounde, Douala, and Bamenda, the ILO estimated in 2000 that 40 percent of employed children were girls, of whom 7 percent were less than 12 years of age, and 60 percent had dropped out of primary school.

In rural areas, many children began work at an early age on family farms. The cocoa industry also employed child laborers. Parents viewed child labor as both a tradition and a rite of passage. Relatives often employed rural youth, especially girls, as domestic helpers.

The Government does not specifically prohibit forced and bonded labor by children, and there were reports that it occurred in practice (see Section 6.f.).

The Ministry of Social Affairs and the Ministry of Labor were responsible for enforcing existing child labor laws through site inspections of registered businesses; however, the lack of resources have inhibited an effective inspection program. Moreover, the legal prohibitions do not include family chores, which in many instances were beyond a child's capacity. During the year, the Government employed 58 general labor inspectors to investigate child labor cases.

During the year, the Minister of Social Affairs raised awareness of child labor through newspaper interviews and seminars. In addition, the Government continued to collaborate with the national and international partners such as UNICEF and the ILO.

e. Acceptable Conditions of Work.—Under the law, the Ministry of Labor was responsible for setting a single minimum wage nationally applicable in all sectors. The minimum wage was approximately \$40 (23,514 CFA francs) per month. The wage did not provide for 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 mandates at least 24 consecutive hours of weekly rest.

The Government sets health and safety standards. Ministry of Labor inspectors and occupational health physicians were responsible for monitoring these standards; however, they lacked the resources for a comprehensive inspection program. There was no specific legislation permitting workers to extricate themselves from dangerous work situations without jeopardizing continued employment. Illegal foreign workers were not able to claim legal protections.

f. Trafficking in Persons.—The law provides that any person who engages in any form of trafficking in persons shall be punished by 10 to 20 years of imprisonment; however, trafficking remained a problem. The court also may impose a forfeiture penalty on any person who engages in trafficking. The country was a source, transit, and destination point for internationally trafficked persons; trafficking also occurred within the country.

The Ministry of Labor, Employment, and Social Insurance was primarily responsible for fighting trafficking; however, the Ministry was severely underfunded. 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 Government has not voted a specific budget to combat trafficking, and funding had not been made available by year's end.

Women and children traditionally have faced the greatest risk of trafficking. Most trafficking in children occurred within the country's borders, while most trafficked women were transported out of the country. There have been credible reports of slavery, particularly in the Rey Bouba Division of North Province, inside the closely guarded compound of a local chieftain, where authorities were unable to assert control. Parents sometimes offered their young daughters to the Lamido (chief) of the North Province of the Rey Bouba as gifts.

A 2000 ILO study conducted in Yaounde, Douala, and Bamenda, revealed that trafficking accounted for 84 percent of 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 professional training. The intermediary paid parents an average of \$8 (6,000 CFA francs) before transporting the child to a city where the intermediary would subject the child to forced labor with little remuneration. In 4 out of 10 cases, the child was a foreigner transported to the country for labor. The report also indicated that Cameroon was 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 for indentured or domestic servitude, farm labor, and sexual exploitation. Citizens also were trafficked to South Africa.

On April 29, the ILO launched an awareness campaign to eradicate child trafficking in airports. Special anti-trafficking embarkation/disembarkation cards were designed and distributed. The cards described the dangers of trafficking and how to recognize the phenomenon.

While there has been no published extensive study on trafficking in adult persons, anecdotal evidence from the NCHRF and others indicates that trafficking primarily in women also existed. Women were "hired" into hubs of prostitution, often in Europe. The method for trafficking women usually involved a marriage proposition by a foreign businessman. The woman was inducted into servitude upon arrival at a foreign destination.

The results of studies on the level of national trafficking and forced labor were still pending at year's end. The Government worked with local and international NGOs to provide temporary shelter and assistance to victims of trafficking. The Catholic Relief Service worked to combat corruption in local schools that led to child prostitution.

CAPE VERDE

Cape Verde is a multiparty parliamentary democracy in which constitutional powers were 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 2001, Pires was elected by a margin of 12 votes over the country's former prime minister and Movement for Democracy (MPD) president, Carlos Veiga, in what the National Electoral Commission and international media judged to be free and fair elections. The judiciary generally was independent.

The police have primary responsibility for maintenance of law and order. Civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country had a market-based economy but little industry and few exploitable natural resources. In 2002, per capita income was estimated at \$1,300. The country had a long history of economically driven emigration, and remittances from citizens abroad remained an important source of income. The country produced food for only 15 percent of its population of approximately 460,000, 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. There continued to be credible reports of police abuse. Prison conditions were poor. The judicial system was overburdened, and lengthy delays in trials were 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.

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, there were credible reports that police continued to beat persons in custody and in detention, despite government efforts to stop such practices.

The Government investigated allegations of human rights abuses by police; however, these investigations did not result in any legal action against the perpetrators.

Prison conditions were poor, and facilities were severely overcrowded. Sanitation and medical assistance were poor; however, a doctor and a nurse were available, and prisoners were taken to the public hospitals for serious problems. Psychological

problems among prisoners were common. Although women and men were held separately, juveniles were not held separate from adults, and pretrial detainees were not held separate from convicted prisoners.

The Government permitted both formal visits by human rights monitors to prisons and routine visits to individual prisoners; however, 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 observed these prohibitions.

The country's police force is organized nationally under the Ministry of Justice and is made up of the Public Order Police, which are responsible for enforcement, and the Judicial Police, which are responsible for investigations. Corruption was not a significant problem, and police were subject to legal and disciplinary measures in cases of misconduct. Logistical constraints, including lack of vehicles, limited communications equipment, and poor forensic capacity, limited police effectiveness.

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 had jurisdiction over state security cases, and there was a functioning system of bail.

The Constitution does not provide for forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The investigation continued in the 2000 case of a former Prime Minister accused of embezzling approximately \$16,250 (2 million Cape Verdean escudos) in the privatization of ENACOL (a parastatal oil supply firm).

The judicial system was composed of the Supreme Court and the regional courts. Of the five Supreme Court judges, one was appointed by the President, one by the National Assembly, and three by the Superior Judiciary Council. This council consisted 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 were independent and could not belong to a political party.

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 was provided for the indigent. Regional courts adjudicated minor disputes on the local level in rural areas. The Ministry of Justice did not have judicial powers; such powers were with the courts. Defendants could appeal regional court decisions to the Supreme Court.

The judiciary generally provides due process rights; however, the right to an expeditious trial was constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely led to trial delays of 6 months or more; more than 10,500 cases were pending at the end of 2001.

There were no reports of political prisoners.

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

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, there were some 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 properly exercise its role of informing the public regarding political and economic issues. There continued to be reports of media self-censorship.

There were three independent newspapers and one state-owned newspaper; six independent radio stations and one state-owned radio station; and one state-owned television station and two foreign-owned stations. Foreign broadcasts were permitted. Journalists were independent of government control and were not required to reveal their sources; however, there were credible reports that journalists associated with the government-controlled media practiced self-censorship.

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.

In July 2002, former Chief Justice Oscar Gomes filed a criminal complaint against private attorney Rui Aradjo, who had accused the Chief Justice in a local newspaper

of rigging the 2001 Presidential election; the case remained under investigation at year's end.

In November 2002, the Public Prosecutor charged the newspaper *A Semana* with defamation in response to an article alleging that judges and public prosecutors in a local government district had accepted bribes in exchange for favorable judgments, fraternized with plaintiffs and defendants, and indulged in public drunkenness. The court of first instance found the defendants guilty; the case was pending appeal before the Supreme Court at year's end.

Freedom of expression may or may not be used as a defense in cases involving defamation or offense to personal honor. Despite the broadly interpreted criminal libel laws, no independent media outlets reported direct pressure in their daily operations or business activities.

The Government did not restrict Internet access.

The Government did not restrict academic freedom.

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

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

The Catholic majority enjoyed a privileged status in national life. For example, the Government provided the Catholic Church with free television broadcast time for religious services and observed its holy days as official holidays.

To be recognized as legal entities by the Government, religious groups must register with the Ministry of Justice; however, failure to do so did not result in any restriction on religious belief or practice.

The trial of four individuals of the "Sao Domingos Group," who were accused of desecrating a Catholic Church in 1996 began in 2001; however, there was no verdict at year's end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In January 2001, Pedro Verona Rodrigues Pires, former president of the PAICV, was elected by a margin of 12 votes over the country's former Prime Minister and MPD president, Carlos Veiga. The principal opposition party, the MPD, held power from 1991 until 2001, 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 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 were shared among President Pires, Prime Minister Jose Maria Neves, and the PAICV party. Cabinet ministers were subject to confirmation by the President. Collectively they must retain the support of a parliamentary majority. The President could dismiss the Government with the approval of the political parties represented in the National Assembly and the Council of the Republic. This council consisted 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 were the main opposition parties.

There were 11 women among the elected deputies in the 72-seat National Assembly and 4 women in the 17-member Cabinet.

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

A number of domestic 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.

There are three private human rights groups: The National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association.

The powers of the independent Ombudsman, who serves a 5-year term, were defined in July; however, no Ombudsman had been elected by year's end.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status; however, the Government did not enforce these provisions effectively, and not all elements of society, particularly women and children, enjoyed full protection against discrimination.

Women.—Domestic violence against women, including wife beating, was common. The Government and civil society encouraged women to report criminal offenses such as rape and spousal abuse to the police; however, according to the media and a July 2002 report by the Women Jurists' Association, longstanding social and cultural values inhibited victims from doing so. Nevertheless, reporting of such crimes to police continued to increase during the year, and violence against women was the subject of extensive public service media coverage in both government- and opposition-controlled media.

While there were mechanisms to deal with spousal abuse, in practice these mechanisms neither ensured the punishment of all those responsible nor effectively prevented future violence. Women's organizations, like the Women Jurists' Association, continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, there was no such legislation by year's end. The revised Penal Code protects certain rights of the victims of sexual abuse; however, it did not ensure 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 were paid less than men for comparable work, women were making inroads in various professions, especially in the private sector.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters; however, women often were reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleged that there was discriminatory treatment in inheritance matters, despite laws that called for equal rights. For example, some women were pressured to sign judicial agreements detrimental to their statutory inheritance rights.

The Women Jurists' Association provided free legal assistance to women throughout the country suffering from social abuse (both violence and discrimination) and spousal abuse.

Children.—The Government remained committed to children's rights and welfare. The Government provided free, mandatory education for 6 years of primary school for all children, which normally covered children from age 6 to age 12. Education was compulsory until age 16; however, secondary education was free only for children whose families had an annual income below approximately \$1,700 (160,000 Cape Verdean escudos). According to 2001 Ministry of Education statistics, primary school attendance was approximately 98 percent. Attendance rates by boys and girls differed by less than 1 percent.

Students may be suspended from classes during pregnancy or nursing. Individual schools were responsible for enforcing the rule, and according to press reports, one student was suspended during the year.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution were 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.—Although the Constitution mandates "special protection" for the aged and persons with disabilities, the Government did not require access to public buildings or services for persons with disabilities; however, there was no discrimination against persons with disabilities in employment and education. There were no official schools or trained teachers for persons with disabilities, which

disadvantaged children with disabilities. Several nongovernmental organizations (NGOs), including an association for the blind, were active.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers legally are free to form and join unions without government authorization or restriction. There were two umbrella union associations: The Council of Free Labor Unions, composed of 14 unions with approximately 18,000 members; and the National Union of Cape Verde Workers (UNTC–CS), formed by the former ruling party but operated independently, which included 14 unions with approximately 20,000 members. The Government did not interfere with the activities of these organizations; however, the UNTC–CS claimed that it received less than its share of funds for unions. Both unions suffered from a shortage of funds.

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 either must reinstate the worker or provide financial compensation to the worker. The law bans antiunion discrimination by employers with fines for offenders. No cases were brought to court during the year.

Unions were free to affiliate internationally and had ties with African and other 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 were no signed collective bargaining agreements. The International Labor Organization (ILO) has cited the Government for its inability to provide examples of signed collective bargaining agreements.

Workers and management in the small private sector, as well as in the public sector, normally reached agreement through negotiations. Although there were 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 did not fix wages for the private sector, but salary levels for civil servants provided the basis for wage negotiations in the private sector.

The Constitution provides union members with the right to strike, but the Government at times limited this right. In the past, when workers attempted to strike, the Government invoked a “civil request” under which it had the power, in an emergency or if a strike threatened coverage of basic needs, to name a list of minimum services that a union must continue to provide during any strike. Despite numerous ILO requests, the Government continued to requisition workers to curtail strikes and to interpret essential services in the broadest terms. In 2000, the ILO recommended that the law be changed, and during the year, the UNTC–CS submitted to the Government its draft of a new labor code.

The Government took measures to amend its legislation so that if parties disagreed on the minimum services to be provided during strikes, an independent body could resolve the dispute. However, at year’s end, the Government had not created an independent body to resolve such differences.

During the year, there was one legal strike by workers at Interbase, a fishery company, for higher wages. During the year, anti-erosion employees of the Ministry of Agriculture and Fish threatened to strike several times and held peaceful demonstrations. These workers have been negotiating with the Ministry of Finance for unpaid wages for work completed in 1997 and 1999. The case still was pending at year’s end.

Praia has a 30-acre export processing zone (EPZ), which housed two Portuguese companies and a Cape Verdean-Senegalese joint venture. There were no special laws or exemptions from regular labor laws for EPZs.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products were produced; however, the Government rarely enforced the law, and child labor occurred. The legal minimum age for employment was 14 years. In practice the Ministry of Justice and Labor enforced minimum age laws only in the urban, formal sectors of the economy, and with limited success.

The Government was working with the ILO and the International Program for the Elimination of Child Labor to eliminate child labor.

e. Acceptable Conditions of Work.—There were no established minimum wage rates in the private sector. Large urban private employers linked their minimum wages to those paid to civil servants. For an entry-level worker, this wage is approximately \$120 (12,000 Cape Verdean escudos) per month. The majority of jobs paid wages insufficient to provide a worker and family with a decent standard of living; most workers relied on second jobs and extended family support.

The maximum legal workweek for adults was 44 hours. While large employers generally respected these regulations, many domestic servants and agricultural laborers worked longer hours.

The Director General of Labor conducted sporadic inspections to enforce the labor code and imposed fines on private enterprises that were not in conformity with the law. However, the Government did not enforce labor laws systematically, and much of the labor force did not enjoy their protection. Few industries employed heavy or dangerous equipment, and work-related accidents were rare.

There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardizing their continued employment.

Foreign workers required both a work permit (granted by immigration authorities) and a work contract (approved by the Ministry of Labor). If in compliance with these requirements, foreign workers were protected fully by the law; however, there were no provisions to protect illegal foreign workers.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in adult persons; however, the law prohibits child trafficking. There were no reports that persons were trafficked to, from, or within the country. The penalty for child traffickers is 12 to 20 years' imprisonment. The illegal smuggling of economic emigrants to various points in Europe was believed to be a thriving business. This smuggling involved visa and related fraud; however, there were no reports that these persons were transported into forced labor or debt bondage. The country was a transit point for smugglers, and smuggling had become a concern for local authorities. Several press reports noted that the police had arrested some persons, smugglers as well as victims, yet there were no credible reports of actual cases. The Government cooperated with European authorities, neighboring governments, and foreign embassies to deal with the problem.

CENTRAL AFRICAN REPUBLIC

During the first part of the year, the Central African Republic (CAR) continued to be a multiparty state led by President Ange-Félix Patassé, who had been re-elected in 1999. However, on March 15, a 6-month rebellion culminated in a military coup led by former Armed Forces Chief of Staff General François Bozizé, with the assistance of demobilized Chadian soldiers and the tacit involvement of active Chadian soldiers. General Bozizé declared himself President, suspended the Constitution, and dissolved the National Assembly. Between March and June, he appointed a Prime Minister; appointed a transitional cabinet from members of all political parties, including the party of deposed President Patassé, and civil society; and established a National Transitional Council (NTC), a law-advisory body intended to reestablish the rule of law, assist the presidency in drafting a new constitution, and prepare the country for multiparty elections in 2004 and 2005. The suspended Constitution provides for an independent judiciary; however, the judiciary was subject to executive interference, both before and after the March 15 coup.

The National Police are under the direction of the Ministry of Interior and Public Security, while the military forces and the National Gendarmerie are under the jurisdiction of the Ministry of Defense; all shared responsibility for internal security. Civilian authorities did not maintain effective control of the security forces. Following the coup, the Presidential Security Unit (USP) was dissolved on April 30 and reintegrated into the National Army. In addition, President Bozizé ordered the disbandment of the Security Investigation Division (SERD), a military intelligence unit which operated as part of presidential security services, due to accusations that the SERD committed human rights abuses such as torture, rape, and extortion during the year; however, this order had not been carried out by year's end. Former members of the security forces were involved in the coup. In December, President Bozizé signed an order dismissing a number of soldiers from the army because of indiscipline; the soldiers named reportedly were removed from army lists and sent home. As part of its efforts to protect citizens and safeguard property, in May the Bozizé Government launched joint security operations in the capital conducted by the Armed Forces, the Central African Economic and Monetary Community (CEMAC)

force, and French forces. Members of the security forces committed numerous serious human rights abuses.

The economy, already extremely weak because of repeated political-military troubles and a cycle of coup attempts, was in a state of collapse, with approximately 60 percent of the population living at or below the poverty line. The economy was partially market-based and partially government directed, and was dominated by subsistence agriculture. Approximately 80 percent of its 3.8 million inhabitants were farmers. Foreign assistance remained an important source of national income. After the coup, most international donors suspended financial assistance, although by year's end, many had resumed assistance programs. Large-scale looting and vandalism in the wake of the coup devastated not only the state infrastructure and facilities but also the remaining economic and industrial activity of the country. The salary arrears owed to civilian employees and the military continued to impair the functioning of the Bozizé Government and the ability of the State to enforce the rule of law. Before and after the March coup, misappropriation of public funds and corruption in the Government remained widespread. In addition, the large displacement of persons during and following the October 2002 coup attempt and the March 15 coup adversely affected economic productivity during the year.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens did not have the right to peacefully change their government during the year. Security forces continued to commit extrajudicial and other unlawful killings, including government-tolerated executions of suspected bandits, with impunity. The 6-month rebellion in the north, culminating in the March 15 coup, resulted in numerous killings of civilians in Bangui and the northern part of the country by security forces and both pro- and anti-government rebels. During and following the coup, security forces, pro-government rebels of the Movement for the Liberation of Congo (MLC) from the Democratic Republic of the Congo (DRC), and Bozizé's rebels engaged in widespread looting, beating, and raping of civilians. Security forces continued to torture, beat, and otherwise abuse suspects and prisoners. Impunity remained a problem. Other abuses included harsh prison conditions, arbitrary arrest, prolonged detention without trial, and infringements on privacy. The Government restricted freedom of the press, assembly, and association. There were limits on movement. The coup resulted in numerous deaths and abuses, thousands of internally displaced persons (IDPs), and significant numbers of refugees in neighboring countries. Violence and discrimination against women, female genital mutilation (FGM), child prostitution, discrimination against indigenous people (Pygmies), trafficking in persons, and child labor, including instances of forced child labor, continued to be problems. Societal violence also remained a problem.

Between January and the March 15 coup, MLC rebels loyal to the Patassé Government committed numerous killings and abuses of civilians, including acts of torture, numerous rapes, harassment, and widespread looting. Between January and the March 15 coup, pro-Bozizé rebels, including former members of the security forces and Chadian combatants, committed numerous killings and rapes of civilians in the north and in Bangui. Widespread looting by Bozizé's rebels was a serious problem. After March 15, the MLC forces were forced to flee back to the DRC.

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 that security forces committed political killings; however, security forces continued to commit extrajudicial killings with impunity throughout the year. Fighting between government and rebel soldiers in the North and the subsequent March 15 coup in Bangui resulted in numerous killings of civilians.

During the year, the special police Squad for the Repression of Banditry (OCRB) continued to operate and were responsible for extrajudicial killings and torturing civilians. The OCRB committed such abuses with tacit government support and popular approval, partly because the OCRB's actions were seen as an effective means of reducing crime. There were fewer reports that the OCRB killed persons after President Bozizé came into power. The Government did not take action against OCRB members responsible for killings or other abuses committed during the year.

There were credible reports that the security forces continued to commit extrajudicial killings with impunity under President Bozizé's rule. On December 3, members of the security forces reportedly killed three young boys belonging to a local self-defense and anti-poaching unit in the eastern province of Haute Kotto. The boys were reportedly tortured at the headquarters of the SERD in Bangui and later

taken to the Ndres cemetery where they were summarily executed. The Government took no action against the soldiers responsible for the killings.

There were credible reports that security forces committed other unlawful killings, some allegedly in connection with personal disputes or rivalries. For example, on August 18, security forces of General Bozizé killed one student and injured others in front of a high school. The responsible soldier was arrested and demoted.

On September 18, retired Gendarmerie Captain Joseph Koyanao was found dead in Bangui after he had been shot several times; his relatives believe he was killed by or on the orders of an army officer because of a property dispute. The case was under investigation at year's end.

In September, members of the military reportedly killed a Nigerian trader on the road to Boali. By year's end, no action had been taken against the soldiers responsible for the killing.

There were no further developments in the January 2002 killing of two civilians by soldiers or the December 2002 killing of a magistrate by a soldier.

During President Patassé's rule, sporadic border clashes in the north between security forces and rebel soldiers loyal to General Bozizé continued to result in the killing of an undetermined number of civilians.

In addition, from the 2002 coup attempt until the March 15 coup, rebel soldiers loyal to General Bozizé killed numerous civilians in areas under their control. However, no numbers were available because those areas remained inaccessible to non-governmental organizations (NGOs) and humanitarian groups.

During the first part of the year, MLC troops committed numerous extrajudicial killings of civilians, raped numerous women and girls, and engaged in widespread looting of houses and businesses; MLC troops killed civilians with the tacit support of the Patassé Government, including suspected supporters of Bozizé. Following a failed coup attempt by General Bozizé's rebels in October 2002, MLC President Jean-Pierre Bemba sent approximately 1,500 MLC troops to assist President Patassé's security forces in fighting General Bozizé's rebels. Following the March 15 coup, MLC troops returned to the DRC.

From the beginning of the year until the March 15 coup, MLC rebels under Bemba's command reportedly killed and raped numerous persons in Bangui and in the northern part of the country.

During the March 15 coup in Bangui, fighting between pro-government forces and General Bozizé's rebels and the shooting of looters by the rebels resulted in numerous deaths. During the fighting, security forces killed individuals because of their ethnicity or on the suspicion that they were members of Bozizé's rebels. Both sides, particularly the Government, targeted densely populated areas; security forces launched rockets and mortar rounds indiscriminately into neighborhoods suspected of harboring rebels, and both sides committed summary executions.

On March 15, General Bozizé's rebels reportedly killed three Congolese soldiers from the CEMAC peacekeeping force in Bangui at President Patassé's residence.

Following the coup, General Bozizé's rebels and MLC troops before their withdrawal continued to commit massive human rights violations such as killings, beatings, and racketeering.

During and after the March 15 coup, there were reports of killings committed by Chadian combatants who assisted General Bozizé in the coup. Human rights organizations and some political parties called for the repatriation of the armed Chadian forces and for the trial of those accused of crimes. In June, President Bozizé personally conducted a disarmament mission in some police stations in Bangui held by Chadian soldiers. In June, with the assistance of CEMAC peacekeeping forces, most of the Chadian combatants were sent back to Chad.

No action was taken against security forces responsible for killings following the attempted coups in October 2002 and May 2001.

No action was taken against rebel soldiers loyal to General Bozizé responsible for the killing of numerous civilians in the October 2002 attempted coup.

No report had been published by year's end by the 2002 Patassé commission of inquiry into the deaths of 63 Sudanese in May 2002, which were attributed to societal violence.

Civilians continued to take vigilante action against presumed thieves, poachers, and some persons believed to be Chadian combatants. For example, on December 5, vigilantes killed two Chadian combatants; earlier that same day, the two Chadians had reportedly killed Patrick Assombele, a Lieutenant in the Armed Forces, in a Bangui suburb. Perpetrators were generally not prosecuted and received popular support.

Mobs reportedly continued to injure and kill suspected sorcerers or witches during the year.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances by the Government during the year; however, there were reports of disappearances during the months-long rebellion that culminated in the March coup in the North.

During the year, cattle raiders kidnapped, held hostage, and demanded large ransoms for the children of cattle herders. For example, on November 18, a group of cattle raiders demanded \$3,300 (2 million CFA francs) before releasing 10 herders' sons in Boyali.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse; however, police continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners. The Government did not take effective action to punish police who tortured suspects, and impunity remained a problem. Family members and human rights groups, including the Human Rights League (HRL) Executive Committee, pursued court complaints filed in previous years with the prosecutor regarding the deaths of several prisoners due to police abuse; however, 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.

Police beat persons while forcibly dispersing demonstrators (see Section 2.b.). No investigation was conducted into the 2001 beating by gendarmes of Assingambi Zarambaud, who had published a series of articles critical of the Government; however, in April, Zarambaud was freed and became a minister in the Government.

In August, a member of the military reportedly raped a woman at Camp Beal in Bangui. In November, the Central African Human Rights League (LCDH) criticized the Government for not taking action against the soldier responsible.

On October 28, five presidential guards gang-raped a woman at the barracks of the SERD in Bangui; the woman had been apprehended in the street by patrolling security forces. Her husband, who went to the SERD barracks and requested her release, was severely beaten and tortured. Shortly after the rape was reported, the five guards and two of their accomplices were arrested and dismissed from the army.

Juvenile Court President Magistrate Brigitte Balipou, head of the Humanitarian Commission, declared during an interview with Radio France Internationale that approximately 400 women and young girls who had been raped by MLC forces, were being cared for by humanitarian organizations that provided psychological assistance and medical care to those infected by HIV/AIDS and sexually transmitted diseases.

Members of the armed forces often committed other abuses against civilians, including armed robbery and racketeering. No action generally was taken against soldiers involved in such abuses.

During the months-long rebellion that culminated in the March coup, soldiers loyal to the Patassé Government and General Bozizé's rebel troops committed serious violations of human rights and humanitarian law, including widespread looting, rape, disappearances, inhuman, cruel and degrading treatment, and the recruitment and use of children as soldiers.

There were reports that pro-Patassé MLC troops based around Bangui committed numerous abuses of civilians, including torture, killings, rape, and harassment.

On May 15, the private newspaper *Le Citoyen* criticized some pro-Bozizé Chadian combatants for committing abuses against taxi and bus drivers, including torture, beatings, and theft of vehicles or goods. Taxi and bus drivers were regularly beaten in the street (see Section 1.d.).

Following the coup, there continued to be reports that Abdoulaye Miskine, a pro-Patassé Chadian ally who led forces against General Bozizé in 2002 and early in the year, continued to commit abuses against civilians in the northwestern part of the country.

No action was taken against members of security forces, rebel groups, and foreign rebels who committed abuses against the population during the year.

Prison conditions were extremely harsh. Prison cells were overcrowded, and basic necessities, including food, clothing, and medicine, were in short supply and often were confiscated by prison officials for their personal use. There were reports that guards tortured prisoners and that women inmates were raped. Prisoners depended on family members to supplement inadequate prison meals and were sometimes allowed to forage for food in areas near the prison. Prisoners frequently were forced to perform uncompensated labor at the residences of government officials and magistrates. Prison conditions outside of Bangui were generally worse, and most of these prisons were completely destroyed during the fighting between January and March.

In October, the Government reopened Ngaragba Prison, the only prison for men in Bangui, after 7 months of closure. Male prisoners who were being held in police and gendarmerie stations were transferred to the facility. The Ngaragba Prison was among the public facilities that were looted, damaged, or destroyed following the 15 March coup, which resulted in the escape of many detainees.

Male and female prisoners were held 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. Pre-trial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by human rights observers. The International Committee for the Red Cross (ICRC) and religious groups routinely provided supplies, food, and clothes to prisoners. The ICRC had unrestricted access to prisoners.

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, and arbitrary arrest and detention were problems.

Police were not effective, partly as a result of salary arrears owed by the Government and a lack of resources. Many citizens lacked faith in the police, and consequently, mob violence against persons suspected of theft and other offences remained a problem (see Section 1.a.). The Government did not take effective action to punish abusers, and impunity remained a problem. During the year, the LCDH sharply criticized the police and other security forces, and accused the security forces of terrorizing the population, killing civilians, and committing armed robbery.

Judicial warrants were 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 did 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; however, in practice persons were held without charge for long periods. The law allows detainees to have access to their family and to legal counsel; however, in cases involving state security, the Government prohibited detainees from consulting legal counsel, pending an investigation. Indigent detainees may request a lawyer provided by the Government. Detainees were allowed to post bail or have family members post bail for them. Lawyers and families generally had free access to detainees.

On January 25, security forces arrested Joseph Bendounga, leader of the Movement for the Rebuilding and Evolution of CAR, at the airport while trying to leave the country. He was released by the court on February 12.

On February 21, members of the Presidential Guard arrested General Bozizé’s son, Socrates, a 23-year-old student. After he was accused of sending sensitive information to his father in Paris, Socrates was publicly beaten in the streets and taken to SERD headquarters. He was later released during the March coup.

On June 8, police arrested eight leaders of the former ruling political party of President Patassé, the Movement for the Liberation of the Central African People (MLPC) during a meeting in Bangui. The eight leaders were accused of organizing “subversive meetings” to destabilize the Government. They were released on June 10.

On November 12, security forces arrested former chief of the Presidential guard, General Ferdinand Bomayeké, after he left his refuge at the French Embassy. According to the General Prosecutor, General Bomayeké was accused of threats, numerous killings of civilians through air bombardments, arbitrary arrests, rape, and destruction of public and private properties. He had not been tried by year’s end.

Security forces arrested journalists during the year (see Section 2.a.).

Police arrested demonstrators during the year (see Section 2.b.).

Colonel Danzoumi Yalo was arrested on December 23 allegedly for plotting a coup. The case was under investigation at year’s end.

On May 14, Chadian soldiers arrested lawyer and human rights activist Emilien Bizon Jr. after he publicly protested the beating of a taxi driver in downtown Bangui. He was freed a few hours later, after a protest by the Bar and human rights organizations.

Prolonged pre-trial detention was a serious problem; however, the number of pre-trial detainees was unknown at year’s end. Detainees were usually informed of the charges levied against them; however, many waited in prison for several months before seeing a judge. Some detainees remained in prison for years because of lost files and bureaucratic obstacles.

The suspended Constitution does not permit the use of exile, and the Government did not employ it in practice. The Government has stated repeatedly that any per-

son in exile for strictly political, rather than criminal, reasons may return without fear of persecution. The April amnesty granted by President Bozizé encouraged thousands of exiles, including former President André Kolingba, members of Kolingba's Yakoma ethnic group, and Rwandan refugees, to return home, mostly from the DRC, and the Republic of the Congo (ROC) (see Sections 1.e. and 2.d.). In addition, approximately 1,000 members of the military who fled following the failed 2001 coup were reintegrated into the army on a case-by-case basis.

On April 9, Jean-Paul Ngoupande, the opposition leader who fled the country after gendarmes invaded his house in January 2001, returned to the country and was appointed as a special advisor to President Bozizé.

On April 22, dignitaries of the former Patassé regime, including former Vice-President Hugues Dobozeni and former President of the National Assembly, Appolinaire Dondon, returned home and were able to move freely throughout the country.

e. Denial of Fair Public Trial.—The suspended Constitution provides for an independent judiciary; however, the judiciary was subject to executive interference, both before and after the March 15 coup. There was inefficient administration of the courts, a shortage of trained personnel, growing salary arrears, and a lack of material resources.

The judiciary consists of a tribunal of first instance, the court of appeal, the cassation court, the High Court of Justice, commercial and administrative courts, a military court, and the Constitutional Court. 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 challenging the constitutionality of a law. The Constitutional Court was dissolved after the coup on March 15. Lower courts hear criminal and civil cases and send appeals to the Court of Appeals. Military courts tried only soldiers, not civilians. The courts of justice and the juvenile court barely functioned due to inefficient administration, shortage of trained personnel, salary arrears, and a lack of resources.

In general trial procedures, 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. Defendants are presumed innocent until proven guilty, and if convicted, defendants have the right to appeal. The Government generally complied with these legal requirements; however, the judiciary did 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 (see Section 1.a.).

The Criminal Court did not resume its activities after the March coup. Many cases remained pending before the Court, including the cases of former Minister of Communication and second Vice-President of the former ruling MLPC party and Patassé's spokesman, Jean-Edouard Koyambounou, who remained in pre-trial detention in the Ngaragba prison. Koyambounou was accused of misappropriation of public funds.

Due to judicial inefficiency, citizens in a number of cities established their own courts to deal with cases through parallel justice.

On April 23, President Bozizé granted amnesty to 800 persons, including former President André Kalinga, who were convicted in August 2002 of involvement in a coup attempt in 2001; there were no reports that they experienced government harassment.

On August 28, the State Prosecutor issued an international warrant for the arrest of former President Patassé, who remained in exile, for embezzlement of public funds, human rights violations, and economic crimes.

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.

During the fighting prior to and during the coup, troops from both sides illegally entered, searched, and looted homes, in some cases killing the residents, and in other cases causing them to flee. Ministries and residences of former dignitaries

were looted and destroyed. Hundreds of vehicles belonging to the Government, private companies, and individuals were also stolen. Bozizé's rebels looted homes, businesses, and church and NGO properties, according to missionary groups, the Central African (Catholic) Episcopal Conference (CAEC), and residents who fled to Bangui.

Following the coup, the joint security forces, supported by CEMAC troops, continued to carry 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.

From April to July, police and gendarmes in Bangui surrounded several neighborhoods and searched houses for arms as part of a mandatory disarmament program.

After the coup, Bozizé's forces conducted massive looting in Bangui and in other parts of the country.

The Government continued to engage in wiretapping without judicial authority.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The suspended Constitution provides for freedom of speech and of the press; however, the Government continued to restrict the freedom of the press, particularly the freedom of the print media to criticize the Government. The law criminalizes offenses such as defamation committed by members of the media, and some journalists and editors were imprisoned during the year. The Government continued to dominate domestic broadcast media. Before the March coup, pressure from the Patassé Government resulted in the self-censorship of journalists in both the public and private press; however, local media observers said there has been greater press freedom since President Bozizé took power.

The law prohibits the Government from censoring the press and defines the rights and responsibilities of private media.

At the beginning of the year, the Patassé Government owned and controlled three newspapers, the *Centrafrique Presse*, the *Agence Centrafricaine de Presse (ACAP)* bulletin, which appeared sporadically, and *Forum de l'Unité*. *Echo de Centrafrique*, a private daily newspaper, was influenced by and treated favorably the ruling party. More than a dozen private newspapers were published at varying intervals and often criticized the President, the Government's economic policies, and official corruption. President Bozizé did not control any newspapers.

Radio was the most important medium of mass communication because the literacy rate was low, and newspapers and television were relatively expensive and rarely found outside urban areas. The Government owned and operated a radio station and a television station. The activities of the President and other senior government officials dominated programming. On January 8, the former National Assembly passed a law creating the CAR Radio and Television Office (ORTCA), making it a parastatal for better management. Private citizens can own shares in this new company. The USP remained in control of the national radio station until the March 15 coup, when they were replaced by the national police force.

There were no privately owned stations that broadcast domestically produced national news or political commentary. *Africa Number One*, a private radio station in Bangui, broadcast national news coverage. *Radio Notre Dame*, which was owned and operated by the Catholic Church, broadcast national news, debates, legal counseling, and human rights education. *Radio-France Internationale (RFI)* also broadcast domestically; its programming included some national news coverage by a correspondent based in the country. The private radio station *N'Deke Luka* broadcast from Bangui on FM with assistance from foreign governments and development organizations.

The Government continued to monopolize domestic television broadcasting. The High Council of Communication was responsible for authorizing private television as well as radio stations, but received no applications to establish a private television station.

During the year, security forces arrested, detained, threatened, or otherwise harassed some journalists. For example, on February 19, police in Bangui detained Joseph Bénamasé, a correspondent for the British Broadcasting Corporation and the Associated Press. The authorities interrogated him about his reports on the presence of Rwandan troops among MLC rebels who were supporting President Patassé; Bénamasé was released later that day.

On February 20, police arrested Marthurin Momet, the editor of the private newspaper *Le Confident*, in Bangui and held him in incommunicado detention. He was accused of threatening internal security and "inciting hatred" after publishing articles in February criticizing the pro-government MLC forces for committing human rights abuses, and President Patassé for failing to control the MLC rebels. On March 3, newspapers in Bangui suspended publication for 48 hours to protest

Momet's detention, and on March 15, following the coup by General Bozizé, Momet was released.

On July 7 and 8, authorities threatened and summoned Faustin Bambou, publication director of the newspaper *Les Collines du Bas-Oubangui*, to the police station in Bangui; police officers interrogated him about a July 3 article in which he criticized the privileges granted by the Government to a Chadian businessman. In the following week, the General Prosecutor also interrogated Bambou.

On May 11, police in Bangui arrested Ferdinand Samba, publication director of the independent daily *Le Démocrate*, on accusations of inciting panic and disseminating "alarming and incorrect information." Police interrogated him about a July 8 article in which he reported that rebels loyal to former President Patassé had launched an attack on the city of Kaga Bandoro. Samba was released on July 15 and was not charged with any offense.

During the first 2 months of the year, authorities censored two international radio stations, RFI and Africa Number One, by forcing them to stop broadcasting for several days because they reported on Bozizé's troops' progress.

On May 18, police arrested and detained Michel Ngokpele, publication director of the privately-owned newspaper *Le Quotidien de Bangui*, in the southwestern city of Mbaiki. The arrest followed the May publication of an article in which he detailed acts of corruption and embezzlement allegedly committed by the head doctor at the Mbaiki hospital, with the complicity of a local prosecutor and a police commissioner. On June 26, a court in Mbaiki sentenced Ngokpele to 6 months' imprisonment with no parole for defamation and "incitement to ethnic hatred." At year's end, Ngokpele remained in prison.

The Government did not limit Internet access.

The Government did not restrict academic freedom. University faculty and students belonged to many political parties and generally expressed their views without fear of reprisal.

b. Freedom of Peaceful Assembly and Association.—The suspended Constitution provides for the right of assembly; however, the Government at times restricted this right. Organizers of demonstrations and public meetings were required to register with the Government 48 hours in advance, and political meetings in schools or churches were prohibited. The Government wanted any association to write a letter to the Ministry of Interior and get the Ministry's approval prior to holding any meeting. In many cases, when associations asked for such approval, the Ministry refused "for security reasons."

On February 15, the Ministry of Interior cancelled a meeting by a political opposition party for security reasons and because of the occupation of part of the country by General Bozizé. Under President Patassé's rule, most of the leaders of the opposition were often accused of supporting the rebellion of General Bozizé.

Police forcibly dispersed several demonstrations during the year by university students and professors protesting the non-payment of scholarships and salaries by the Government. In January, police used tear gas to break up one such demonstration.

In December, police arrested demonstrators of the "pot strike" during a peaceful march. Following the encouragement of opposition leaders, demonstrators used pots to make noise for 2 minutes each day, from December 27 to 31, to protest human rights abuses committed by MLC soldiers and to request the withdrawal of Libyan and MLC soldiers. The demonstrators were released several days after the strike.

No action was taken against members of the security force responsible for the use of excessive force to disperse demonstrations in 2002 or 2001.

The suspended Constitution provides for freedom of association; however, the Government limited it in practice. All associations, including political parties, must register with the Ministry of Interior to enjoy legal status. The Government usually 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. After March 15, political parties operated freely.

The law prohibiting nonpolitical organizations from coalescing for political purposes remained in place; there were no reports of enforcement of this law.

c. Freedom of Religion.—The suspended Constitution provides for freedom of religion but establishes fixed legal conditions and prohibits what the Government considers religious fundamentalism or intolerance. The Government closed 34 churches during the year. The constitutional provision prohibiting religious fundamentalism was understood widely to be aimed at Muslims, who make up approximately 15 percent of the population.

Religious groups (except for traditional indigenous religious groups) were required by law to register with the Ministry of Interior. The Ministry's administrative police kept track of groups that failed to register; however, the police did not attempt to impose any penalty on such groups. The Ministry could decline to register, suspend the operations of, or ban any organization that it deemed offensive to public morals or likely to disturb the peace. Any religious or nonreligious group that the Government considered subversive was subject to sanctions. The Ministry of Interior also could intervene to resolve internal conflicts about property, finances, or leadership within religious groups. However, the Government imposed no new sanctions on any religious group during the year.

On September 26, the Minister of Territorial Administration issued a decree suspending the activities of 34 churches because they were created with disregard for official rules and regulations. To resume their activities, religious institutions must prove that they have a minimum of 1,000 members; the reverends must bring evidence that they graduated from the highest religious schools and fulfilled official requirements on church creation. This decree was intended to regulate the proliferation of places of worship.

General Bozizé's church was reopened after the March 15 coup.

In general, there was religious tolerance among members of different religious groups during the year; however, there were occasional reports that some villagers who were believed to be witches were harassed, beaten, or sometimes killed by neighbors.

During the fighting in the north, especially in Bossangoa, the Chadian combatants of General Bozizé looted churches and killed two priests. Bandits and rebels of both sides attacked, robbed, and injured missionaries and Muslims during the year.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The suspended Constitution provides for the right to move freely throughout the country; however, the Government restricted this right during the year. Police, security forces, customs officers, and other officials harassed travelers unwilling or unable to pay bribes or "taxes" at checkpoints along major intercity roads and at major intersections in Bangui (see Section 1.c.). Attacks by bandits on major routes to the north and east sometimes occurred. In addition, a nightly curfew imposed by the Bozizé Government in March remained in effect until October.

During the 6-month rebellion in the North, which culminated in the March 15 coup, traffic was entirely interrupted on the main roads between Bangui and the upcountry cities, restricting the free movement of the population.

The Patassé Government generally allowed opposition leaders to travel abroad or inside the country without restrictions; however, on January 25, two political leaders, Joseph Bendounga of the Democratic Movement for the Rebirth and the Evolution of CAR and Enoch Derant Lakoue of the Democratic and Social Party were prevented from leaving the country prior to the National Dialogue of Reconciliation (see Section 1.d.). Throughout the year, security forces continued to be stationed at the airport. During and immediately following the March 15 coup, the Government closed M'Poko Airport and all border crossings in the country. Private planes were not allowed to fly without permission from the military.

With the exception of diplomats, the Government required that all foreigners obtain an exit visa from the headquarters of the National Police. Travelers could be required to obtain affidavits to prove that they owed no money to the Government or to parastatal companies.

As a result of fighting between General Bozizé's rebels and security forces, an estimated 30,000 CAR refugees and Chad returnees fled to Chad between mid-February and March 14. Chadian officials reported that since February 20, approximately 3,500 Chadians fled the cities of Bozoum, Paoua, and Sibut for Chad following clashes between government forces and Bozizé's rebels. There were many reported cases of looting and abuses committed against civilians suspected of supporting the rebellion.

In June, the Office of the U.N. High Commissioner for Refugees (UNHCR) repatriated at least 2,000 CAR refugees from northern DRC. At least 1,000 former soldiers also returned to the country. On June 9, the Government established a special commission with the assistance of the UNHCR to welcome approximately 3,000 refugees who returned from the DRC and the Republic of the Congo. In August, the UNHCR began the repatriation of approximately 1,700 CAR refugees from Betou in the ROC, where they had resided since 2001.

In December, the Bozizé Government allowed the UNHCR to repatriate refugees from the DRC using the Oubangui river, which had been closed to human traffic

since September. On December 16, a repatriation program facilitated by the UNHCR repatriated approximately 300 refugees from the DRC.

The fighting between the Patassé Government and General Bozizé's rebels resulted in large numbers of IDPs during the year. According to the U.N., between October 2002 and the March 15 coup, an estimated 200,000 persons were internally displaced as the conflict escalated.

The law provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government provided protection against refoulement and granted refugee and asylum status. The Government continued to work with the UNHCR and provided temporary protection 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, by year's end, there were at least 50,000 refugees in the country, among whom 37,000 were from Sudan, and 7,000 from the DRC. Others were from Angola, Burundi, Liberia, and Uganda.

In November, the UNHCR conducted training seminars for gendarmes on basic refugee rights and the refugee-related obligations of security forces. The seminars followed newspaper reports published earlier in the year indicating that some refugees were being recruited as mercenaries. The reports had prompted police and gendarmerie to crack down on refugees from Rwanda, Burundi, and the DRC.

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

The suspended Constitution provides citizens with the right to change their government; however, in practice, citizens did not have this right following the March 15 coup.

President Patassé's MLPC won both the Presidency and half of the seats in the National Assembly in the 1998 and 1999 elections. International observers deemed both elections generally free; however, the presidential elections were marred by irregularities in voter registration and distribution of electoral materials. The Government strongly influenced the electoral process, and some of the registration irregularities tended to favor the ruling party.

After seizing power, General Bozizé declared himself President, suspended the Constitution, and dissolved the National Assembly. After ruling by decree for a short period, President Bozizé established new government institutions and governed by two constitutional acts. On March 23, President Bozizé appointed Abel Goumba, a civilian and leader of the opposition coalition, as Prime Minister. On March 31, Prime Minister Goumba named a transitional government, composed of 28 members, including representatives of all political parties and civil society representatives. In December, President Bozizé dismissed Goumba and the transitional government and appointed Celestin Le Roi Gaoumbale, a civilian, as Prime Minister and head of a new transitional government.

During the year, President Bozizé also shared power with the NTC, a legislative body comprised of 96 representatives from civil society and all political parties. In November, a government committee announced that the transition was expected to result in the adoption by referendum of a new constitution by September 2004; in addition, presidential, legislative, and municipal multiparty elections would be held between November 2004 and April 2005. In late December, the NTC authorized the Government to collect taxes and customs fees until February 2004, pending the adoption of a new budget.

Between September 15 and October 27, the Government held a national reconciliation dialogue in Bangui intended to end years of armed conflict, coups, and ethnic rivalries. The dialogue's 350 delegates, who represented different political, social, religious and professional affiliations, adopted recommendations to be implemented by a government committee. Although some former presidents of the country and members of former President Patassé's political party participated in the dialogue, former President Patassé remained in exile and was not invited to participate.

The suspended Constitution provides for multiple political parties, and there were no reports that the Government prevented parties from operating freely during the year.

The state remained highly centralized. The central government appointed all sub-national government officials, and subnational government entities had no significant fiscal autonomy. Provisions in the suspended Constitution provide for municipal elections; however, by year's end, they had not been held. The country's towns continued to be led by mayors appointed by the President.

Until the National Assembly was dissolved in March, 8 of the 109 members were women, and in the former cabinet, 2 of the 24 members were women. Following the

March coup, President Bozizé appointed a woman as governor of Ombella M'poko Province, in which Bangui is located. By year's end, there were 6 women in the 96-member NTC.

President Patassé was a member of the Sara-Kaba ethnic group. Until the March coup, 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. There were no Muslims in the Cabinet, but there were at least five Muslims in the National Assembly. President Bozizé was a member of Baya ethnic group. Members of northern ethnic groups, especially the Baya, continued to predominate among the National Army. There were Muslims in the Cabinet and in the National Transitional Council.

Pygmies (Ba'Aka), the indigenous inhabitants of the southern part of the country, represented between 1 and 2 percent of the population; they were not represented in the Government and continued to 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 operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views. Several NGOs, including the Movement for the Defense of Human Rights and Humanitarian Action, the Human Rights Observatory, and some religious groups actively monitored human rights problems. The LCDH publicized human rights violations, including those allegedly committed by the army, and pleaded individual cases of human rights abuses before the courts.

In February, the International Federation of Human Rights Leagues (FIDH) released a report accusing Bemba, Miskine, and former President Patassé of committing war crimes in 2002.

In November, government ministerial aides and lawyers attended a U.N.-sponsored 10-day seminar in Bangui on human rights and the techniques of writing human right reports. A U.N. human rights expert instructed the participants on basic human rights principles and different approaches to human rights protection and promotion.

During the year, the Government established a Truth and Reconciliation Commission to identify the causes of crises and unrest that have harmed the country since 1960. In October, the Commission presented its findings to delegates of the national reconciliation conference. It recommended that President Bozize enlarge his transitional government to allow for broader consensus in his administration and criticized Bozizé for failing to manage the post-coup period effectively, highlighting human rights abuses and widespread looting committed after the coup. The Commission also solicited public apologies from politicians, the army, and others for abuses and mistakes committed in the past. In addition, the Commission recommended that ethnic groups be fairly represented in the army, that all army recruits be taught international humanitarian law, and that a center for conflict prevention and resolution be established.

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

The suspended Constitution stipulates that all persons are equal before the law without regard to wealth, race, or sex; however, the Government did not enforce these provisions effectively, and significant discrimination existed.

Women.—Domestic violence against women, including wife beating, reportedly was common; however, inadequate data made it impossible to quantify. Spousal abuse was considered a civil matter unless the injury was severe. Victims seldom reported incidents. The courts tried very few cases of spousal abuse, although litigants cited these abuses during divorce trials and civil suits. Some women reportedly tolerated 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 rape; however, it does not specifically prohibit spousal rape. Police sometimes arrested men on charges of rape; however, the social stigma induced many families to avoid formal court action. There were numerous credible reports that security forces and rebels raped women during and following the March coup (see Section 1.c.).

The law prohibits FGM; however, girls continued to be subjected to this traditional practice in certain rural areas, and to a lesser degree in Bangui. According to the World Health Organization, FGM affected more than 40 percent of girls. In addition, according to a study published jointly by UNICEF and the Government in 2001, approximately 36 percent of adult females had undergone FGM.

Trafficking was a problem (see Section 6.f.).

Women were treated as inferior to men both economically and socially. Single, divorced, or widowed women, even those with children, were not considered to be heads of households. Only men were entitled to family subsidies from the Government. Women in rural areas generally suffered more discrimination than did women in urban areas. There were no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at higher levels in their professions or in government service, was limited.

Polygamy is legal, although this practice faced 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 married formally because men could not afford the traditional bride payment. Women who were educated and financially independent tended to seek monogamous marriages. Divorce was legal and could be initiated by either partner.

The law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws often prevailed. A family code further strengthened women's rights, particularly in the courts. The Association of Central African Women Lawyers advised women of their legal rights. The organization also published pamphlets in conjunction with the Ministry of Social Affairs on the dangers of FGM. During the year, several active women's groups organized workshops and seminars to promote women's and children's rights and to participate fully in the political process.

Children.—The Government spent little money on programs for children. Churches and NGOs had relatively few programs for youths. The failure of the education system, caused by a meager budget and salary arrears, resulted in a shortage of teachers and an increase in the number of street children. Education was compulsory from ages 6 to 14; however, parents rarely were prosecuted for their children's nonattendance. In practice, the age that a child started school often varied by 2 to 3 years in rural areas. At the primary level, girls and boys enjoyed equal access to education; however, the majority of young women dropped out at age 14 or 15 due to societal pressure to marry and bear children. According to UNICEF, 39 percent of girls of primary school age were enrolled in school, compared with 47 percent of boys. In addition, 35 percent of the country's women were literate compared with 60 percent of men. School enrollment in urban areas generally was significantly higher than in rural areas.

The Government did not provide medical coverage for uninsured children. However, in November, the Government launched a national anti-polio immunization campaign intended to reach at least 650,000 children under 5 years of age.

According to numerous credible reports, male teachers in primary and secondary schools as well as at the university level routinely pressured their female students into having a sexual relationship in exchange for passing grades; the spread of HIV/AIDS was extremely prevalent between teachers and their female students.

The Penal Code forbids parental abuse of children under the age of 15 years. In addition, illegitimate children had the same rights as those born in wedlock. A juvenile court tried cases involving children and provided counseling services to parents and juveniles during the year.

FGM was performed primarily on young girls (see Section 5, Women).

Trafficking and child prostitution were problems (see Section 6.f.).

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

There were approximately 5,000 street children between the ages of 5 and 18 residing in Bangui. Many children begged and stole; several charitable organizations provided them with humanitarian assistance.

On February 5, many street children were enrolled in security forces to fight against Bozizé's rebellion. Captain Paul Barril, French mercenary and special advisor to President Patassé, recruited teenagers aged 12 to 15 for military activities on the battlefield, according to various sources. After a few days of military training, they received \$100 and were sent to reinforce the pro-government MLC rebels in Damara and Bossembele. Many of them were killed.

There were several NGOs specifically promoting children's rights, including some which dealt with street children.

Persons with Disabilities.—There was no codified or societal discrimination against persons with disabilities; however, there were no legislated or mandated accessibility provisions for persons with disabilities. There were 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 was societal discrimination against Pygmies (Ba'Aka), the earliest known inhabitants of the rain forest in the southern part of the country. Pygmies comprised approximately 1 to 2 percent of the country's population. In general, Pygmies had little input in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Indigenous forest-dwelling Pygmies, in particular, were subject to social and economic discrimination and exploitation, which the Government has done little to prevent. However, on August 23, the Government issued birth certificates to 97 Pygmy children, thereby effectively recognizing them as citizens and allowing them access to greater civil rights. Pygmies often worked for villagers at wages lower than those paid to members of other groups.

Refugees International released a report during the year on Pygmies, stating that Pygmies occupied the role of "second-class citizens." The report noted that the popular perception of Pygmies as barbaric, savage, and subhuman had seemingly legitimized their exclusion from mainstream society.

National/Racial/Ethnic Minorities.—The population included approximately 80 ethnic groups; many of these groups spoke distinct primary languages and were concentrated regionally outside urban areas. The largest ethnic groups were the Baya (33 percent), the Banda (27 percent), the Mandja (13 percent), the Sara (10 percent), the Yakoma (4 percent), and the M'baka (4 percent). The Mbororo comprised approximately 7 percent of the population but played a preponderant role in the economy; they were involved in mining development and remained the most important cattle breeders in the country.

Major political parties tended to have readily identifiable ethnic or ethnic-regional bases.

On February 4, the Government arrested several Chadians in connection with rebel attempts to overthrow the Government. On February 17, the Government released the prisoners following a visit from the President of Chad and the launching of a reconciliation process between the two countries. Thousands of Chadians have been residing in the country for generations and many have acquired citizenship. Since a failed coup attempt in 2001, when General Bozizé fled to Chad with part of the national army, tensions have remained between the Chadian community and those who consider themselves to be native to the country.

Section 6. Worker Rights

a. The Right of Association.—Under the Labor Code, all workers were free to form or join unions without prior authorization, and a relatively small part of the workforce, primarily wage earners such as civil servants, exercised this right. There were five recognized labor federations, including the Organization of Free Public Sector Unions and the Labor Union of Central African Workers (USTC), which were independent of the Government.

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 anti-union discrimination were required to reinstate workers fired for union activities; however, employers legally were required to pay damages, including back pay and lost wages. There were reports of anti-union discrimination.

Labor federations were free to affiliate internationally, and the USTC was 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 file lawsuits. It requires that union officials be full-time wage-earning employees in their occupation, and they may conduct union business during working hours. The Code does not specifically provide 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 was 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 set wage scales. Collective bargaining played a role in setting wages in private industry. Private sector wages have not changed since they were collectively bargained. Salary arrears continued to be a problem during the year for both civilian and military personnel. The Government owed both groups approximately 30 months of salary arrears. The arrears continued to be a major complaint of the unions. The Bozizé administration paid civil servants their monthly salaries from April until September.

In July, an inter-ministerial commission established in May to investigate the size of the civil service found 866 ghost workers on the payroll. The Bozizé Government

said corruption and embezzlement under the Patassé administration resulted in the former government's failure to pay salaries for at least 30 months.

Unions had the right to strike in both the public and private sectors, and workers exercised this right. To be legal, strikes had to 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 was required to 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. The Code makes no other provisions regarding sanctions on employers for acting against strikers. There were no reports of employer actions against strikers.

On April 30, teachers ended their 7-month national strike for partial payment of their 32 months in salary arrears. An agreement was reached between the Teachers' Federation, which represents two teachers' unions, and the Ministry of Education. On May 5, classes resumed.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code specifically prohibits forced or bonded labor; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Prisoners were forced to work without compensation for government officials or magistrates. The indigenous Ba'Aka, including children, often were coerced into agricultural, domestic, and other types of labor within the country. The Ba'Aka often were considered to be the slaves of other local ethnic groups, and subjected to wages far below those prescribed by the labor code.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was common in many sectors of the economy, especially in rural areas. The Labor Code forbids the employment of children under 14 years of age; however, the Ministry of Labor and Civil Service enforced the provision only loosely. The Labor Code defined the worst forms of child labor as dangerous work or tasks involving serious risks to the child's health, security, or morality. The Labor Code generally covered all labor sectors, although specific regulations covered 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. Children frequently worked on farms at rural schools.

In some rural areas, teachers or principals used school children as labor on farms, ostensibly to teach them how to work the land since many students did not further their education beyond secondary school (see Section 5). The schools used the proceeds from the sale of the farm produce to purchase school supplies and equipment and to fund school-related activities. In addition, an international agency reported that children worked in the diamond fields alongside adult relatives.

The Labor Code prohibition of forced or bonded labor applies to children, although they are not mentioned specifically; however, forced child labor occurred (see Section 6.c.).

The Government did not have sufficient human or material resources to enforce the prohibition against forced labor effectively.

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 was equivalent to approximately \$12 (7,800 CFA francs) for agricultural workers but approximately \$28 (18,000 CFA francs) for office workers. The minimum wage did not provide a worker and family a decent standard of living. Most labor was performed outside the wage and social security system, especially by farmers in the large subsistence agricultural sector.

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 per week.

There also were general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defined nor actively enforced 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. Child pros-

titation remained a problem. The Government has recognized that trafficking in persons occurs; however, statistics and specific examples of trafficking were not available.

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 have been used to punish those who trafficked women for the purposes of prostitution.

The Government did not actively investigate cases of trafficking, nor did it use or have access to special investigative techniques in trafficking investigations. A government-established commission studied the extent of the trafficking problem, identified those responsible, and devised 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 were involved in anti-trafficking efforts and were part of the commission. There were no known NGOs specifically working to combat the problem.

Trafficking was confined primarily to children who were 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 brought girls and boys into the country. Such children, who may or may not be related to their caretakers, were not afforded the benefit of a formal education, despite the mandatory school age, and worked without remuneration for their labor. There were a few anecdotal reports of children being trafficked to Nigeria and several other nearby countries for use as agricultural workers. There was no evidence of sexual exploitation, but there were reports that children were publicly beaten.

Some girls entered prostitution to earn money for their families.

In previous years, there were credible reports that persons obtained a Ba'Aka child by deception and subsequently sent the child to Europe for adoption; however, there were no such reports during the year.

CHAD

Chad is a centralized republic dominated by a strong presidency. Despite the country's multiparty system of government, power remains concentrated in the hands of a northern ethnic oligarchy and its allies, resulting in a culture of impunity for a ruling minority. President Idriss Deby, leader of the Patriotic Salvation Movement (MPS), has ruled since taking power in a 1990 rebellion. He was re-elected President in 2001; however, fraud, widespread vote rigging, and local irregularities marred that election and the April 2002 legislative elections. On June 25, the President nominated Moussa Faki Mahamat as Prime Minister and 17 new cabinet members; the National Assembly approved the nominations. During the year, the rebel group Movement for Democracy and Justice in Chad (MDJT) lost some of its strength in the northwest Tibesti region, which allowed the Government to regain some control of the territory. The Constitution mandates an independent judiciary; however, the judiciary remained ineffective, underfunded, overburdened, and subject to executive interference.

The National Army (ANT), Gendarmerie (a military police force), National Police, Nomadic National Guard (GNNT), Rapid Intervention Force (FIR), Presidential Security Guard (GSP), and counterintelligence service (ANS) are responsible for internal security. On June 30, President Deby issued a decree dissolving the FIR and GSP and forming the Republican Guard, which assumed their duties. The ANT, Gendarmerie, and GNNT report to the Ministry of Defense; the FIR, GSP, and Republican Guard report directly to the Presidency; and the National Police and ANS report to the Ministry of Public Security and Immigration. Officers from President Deby's ethnic group and closely allied ethnic groups dominated the FIR, GSP, and ANS; the exact composition of the Republican Guard remained unknown. During the year, the ANT, Gendarmerie, FIR, and GSP were deployed to the north to fight MDJT rebels, to the east to maintain security along the border with Sudan, and to the south following the arrival of refugees from the Central African Republic (CAR). Civilian authorities did not maintain effective control of the security forces, and there were frequent instances in which elements of the security forces acted independently of government authority. Security forces committed serious human rights abuses.

The increasingly market-based economy was based on subsistence agriculture, herding, and fishing, and more than 80 percent of the workforce was involved in these activities. The country's population was approximately 8.9 million. Impedi-

ments to sustainable economic growth were corruption, a thriving informal sector outside of government taxation policies, high electricity costs, and geographic and cultural barriers. The gross domestic product per capita in 2002 was \$237. In July, the country began exporting oil. The Government remained heavily dependent on assistance from external donors and international financial institutions.

The Government's human rights record remained poor, and it continued to commit serious human rights abuses. The Government limited citizens' right to change their government. Security forces committed extrajudicial killings and continued to torture, beat, and rape persons. Prison conditions remained harsh and life threatening. Security forces continued to use arbitrary arrest and detention. The Government rarely prosecuted or punished members of the security forces who committed human rights abuses. Lengthy pretrial detention remained a problem. The Government at times limited freedom of the press, assembly, religion, and movement. The Government arrested, detained, and intimidated members of human rights organizations. Violence and societal discrimination against women were common. Despite official governmental opposition, female genital mutilation (FGM) was widespread. Both official and societal ethnic and regional discrimination remained widespread. Interethnic conflict resulted in numerous deaths. There also were reports of forced labor, including forced child labor. Child labor was a problem. Trafficking in persons was a problem.

On January 17, the umbrella National Alliance for Resistance (ANR) rebel organization signed a peace accord with the Government, which called for an immediate ceasefire and the reintegration of ANR members and sympathizers into the military, civil service, and society. This accord was still in effect, although some ANR members who opposed the agreement have reportedly joined other rebel groups. In 2002, the Government signed a formal peace treaty with the MDJT; however, intermittent fighting continued.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, officially sanctioned extrajudicial killings of suspected criminals by security forces continued. Local human rights organizations estimated that nearly half of human rights abuses committed in the country involved arbitrary or unlawful deprivation of life by security forces. Extrajudicial killings rarely were directed centrally, and most often occurred outside the capital, where there was less control over security forces. The Government rarely prosecuted or punished members of the security forces who committed killings. Security forces killed suspected members of the northwestern rebellion in the Tibesti. In November, the Government conducted its first executions of judicially condemned criminals in more than 10 years. Domestic and international human rights organizations viewed the speed of such executions as an indication of a deterioration of human rights in the country.

During the year, soldiers were responsible for numerous deaths. For example, on March 9, the opposition political party Federation Action for the Republic (FAR) reported that a group of soldiers in the southern town of Gore raped a 13-year-old girl, who died the following day.

On July 28, security forces shot and killed Hassan Yacine in front of the presidential palace; Yacine was trying to push his vehicle off the road after running out of fuel. Authorities took no disciplinary action against the security force members involved.

In August, soldiers stationed at a military camp in the N'Djamena district of Chagoua attacked 26-year-old Djimtebaye Osee, who later died from his injuries. No charges were brought against the soldiers.

During the year, police shot and killed a demonstrator (see Section 2.b.).

The Chadian Human Rights League (LTDH) lodged a complaint against two commanders, Colonel Mahamat Wakaye and Tahir Babouri, in the 2001 death of Brahim Selguet. They appeared in court for an August hearing, but judgment was delayed when a key witness failed to appear; action on the case was subsequently delayed indefinitely.

There were no reports of any action taken against members of the security forces responsible for the following 2002 incidents: the January death of a Kelo man; the April killing of Epe Madi; the April death of Luc Ndonnena of Bodo; and the July killing of several nomadic herders.

There were no developments in 2001 killings by security forces.

Deaths from military hazing occurred during the year. In April, a soldier died of heat exhaustion after being forced to exercise during the hottest time of the day.

Intermittent armed conflict between the Government and rebels in the Tibesti region continued at a reduced level. There were sporadic reports of clashes between rebel and government forces resulting in loss of life during the year.

There were reports that soldiers from the country robbed and killed citizens in Bangui, CAR; soldiers were deployed to Bangui to help restore order shortly after General François Bozize's successful coup in March. Prior to the coup, former CAR president Ange-Felix Patasse accused the country of providing military support for Bozize.

Landmines laid by government, foreign, and rebel forces in previous years caused numerous deaths and injuries during the year.

In May, family members of the Commander in Chief of the National Army, General Hassane Djorbo, killed Abdelrazik Alio, son of Parliamentarian Alio Abdoulaye Adam, in a hospital in the eastern city of Abeche. Abdelrazik had killed Djorbo's relative in a fight the day before. Djorbo's family members were arrested; however, they were released the following day without being charged.

Three men arrested in connection with the April 2002 death of Dr. Mahamat Guetti, president of the African Democratic Party and former parliamentary candidate, remained in prison at year's end.

Although no charges had been filed by year's end, two students arrested in December 2002 remained in prison for the death of teacher Goloum Tando, following an ethnically motivated stabbing at Lycee Bilingue du Centre in N'Djamena.

No action was taken in 2002 killings by unknown assailants.

The case of the 2001 killing of Maxime Mbailaou remained unresolved at year's end.

Armed bandits continued to operate on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters.

b. Disappearance.—There were reports of politically motivated disappearances during the year. For example, on April 15, Ngardibaye Miretanga, an army sergeant who had joined the National Army after his rebel group signed an accord with the Government, disappeared. The whereabouts of Miretanga, who was working in the Prime Minister's office when he disappeared, were unknown at year's end, and no investigation was being conducted.

On April 27, Lieutenant Nekemde Daoud and a colleague, who were bodyguards of the Prime Minister, disappeared after reportedly being arrested by the counter-intelligence service for suspected involvement with a rebel group. No investigation was being conducted into the case, and the whereabouts of the two men remained unknown at year's end.

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. Impunity for those who committed human rights abuses remained widespread.

On January 12, three soldiers tortured Kirben Amon and raped his wife in their home. In April, a regional military commander and several of his troops were observed beating a civilian on the road. On May 14, police tortured a man in N'Djamena while searching for his brother, whom they suspected of theft. No arrests or investigations were made in any of the cases.

The local press reported that members of the security forces regularly threatened local power and water authority officials when their services were cut or reduced during shortages. On May 21, the union of electrical workers reported that soldiers whose electricity was cut because they failed to pay their residential electric bills regularly tortured employees.

During the year, soldiers raped civilians (see Section 1.a.). On March 10, a group of soldiers in the southern town of Gore raped two girls, who were subsequently hospitalized. No action was taken against the soldiers.

Soldiers stationed at a military camp in the Chagoua district of N'Djamena reportedly beat, raped, and harassed local residents (see Section 1.a.). No action has been taken against the soldiers by year's end.

During the year, police continued to rape women in custody.

The trial of the local gendarmerie brigade commander charged with 2002 rapes in October and November was ongoing at year's end.

There were no further developments in the following 2002 cases: The May rape of a woman in N'Djamena; the July beating of student Mahamat Fadoul Awade; and the October looting and burning of villages in the eastern part of the country by government troops.

No action was taken in the 2001 cases of torture, and other cruel, inhuman, or degrading treatment or punishment reportedly administered by security forces.

Military hazing activities continued, at times resulting in deaths (see Section 1.a.). For example, in January, soldiers were observed being forced to crawl through a drainage ditch filled with rotting garbage and fecal matter. The officer in charge beat the soldiers on the head when they came up for air. In May, a shirtless soldier was observed being forced to crawl on a graveled surface on his bare knees as temperatures reached 110 degrees Fahrenheit.

Prison conditions were harsh and life threatening. Prisons were seriously overcrowded and had poor sanitation, as well as inadequate food, shelter, and medical facilities. After spending 2 months in prison, the chief editor of the independent newspaper *Notre Temps* reported that there were only 40 cells for approximately 1,200 prisoners at N'Djamena's central prison, which was built during the colonial period to hold only 300 prisoners.

Local human rights organizations reported on the unconfirmed existence of military prisons and prisons run by the immigration service, to which access was prohibited. It was unknown who was detained in these prisons and for what reasons they were held.

The law provides that a doctor must visit each prison three times a week; however, there were credible reports that this provision was not respected. The chief editor of *Notre Temps* reported that the central prison had no health care facilities, and that only one drug is used to treat all medical problems. During his imprisonment, he witnessed the death of a sick prisoner after authorities refused to send the prisoner to a hospital.

Although the law authorized forced labor in prison, human rights organizations reported that it did not generally occur in practice.

Female prisoners usually were separated from males; however, juvenile males were held with adult male prisoners. Pretrial detainees were held with the general prison population.

The Government permitted the International Committee of the Red Cross (ICRC) to visit most prisons, although the Government insisted on advance notice; the ICRC conducted such visits during the year. In June, the Government provided the Chadian Association for the Promotion of Human Rights (ATPDH) with a permanent authorization notice to visit civil prisons at any time, without advance notice; ATPDH made a publicized visit to N'Djamena's central prison following the authorization. Other nongovernmental organizations (NGOs), including human rights groups, were required to obtain their own authorization from a court or from the Director of Prisons; such authorizations depended largely on the personal inclinations of those granting permission. Organizations were not allowed access to military prisons.

On April 7, the ICRC announced the repatriation of 10 of 11 CAR citizens held in the country as prisoners of war; the remaining CAR citizen continued to be imprisoned in N'Djamena at year's end.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the Penal Code prohibit arbitrary arrest; however, security forces continued to use arbitrary arrest and detention.

The police force was centrally controlled, but exercising oversight, particularly outside of N'Djamena, was difficult. There was general impunity for police officials who committed human rights abuses. On May 28, the Minister of Public Security publicly acknowledged the country's growing security problems, which resulted in part from the inability of the national and local police to counter widespread banditry, particularly outside of N'Djamena. Corruption was widespread. On August 16, armed bandits allegedly led by a high-ranking gendarme stole \$435,000 (260 million FCFA) from the CotonTchad plant in the southwest town of Pala; a GSP investigation resulted in several arrests.

A judicial official is required to sign arrest warrants; however, the Government often did not respect this requirement. The law required both a bail system and access to counsel, but neither provision was regularly enforced. Few detainees had the means to pay for private counsel, and incommunicado detention was a problem.

On March 11, the National Commission for Human Rights (CNDH), a government entity, submitted to the Prime Minister several citizen petitions concerning arbitrary detention by police. The petitions requested the creation of human rights "cells," or task forces, within the police; however, no action had been taken on the request by year's end.

In September, after 3 months' imprisonment in N'Djamena, the mayor of Bodo was released after a judge discovered that his imprisonment was based on false information.

In June, intelligence police arrested and detained Ruben Mbainaye for 38 days without judgment before his release. He was believed to have connections to a rebel group.

Security forces continued to conduct sweeps, most notably in the Kelo region, following the robbery of the CotonTchad plant in Pala.

During the year, the approximately 100 refugees held in the national police academy after being evicted in 2002 from the N'Djamena cathedral were repatriated or otherwise resettled (see Section 1.d.).

Police at times arrested journalists and NGO officials who criticized the Government (see Sections 2.a. and 4).

Lengthy pretrial detention remained a problem. Persons accused of crimes could be imprisoned for several years before being charged or tried, especially those arrested for felonies in the provinces, who then were transferred to the overcrowded prison in N'Djamena.

During the year, Mahamat Tabako, who was arrested in 1994 for the 1991 murder of Allafouza Barkai, was given a court hearing. However, because the civil party to the case and the witness were not present, the case was postponed indefinitely, and no further action was considered likely.

Local human rights organizations reported that there were no longer any political detainees in prison.

The law prohibits forced exile, and the Government did not use it; however, in May, individuals from 12 different rebel groups reportedly fled the country to Benin and formed the group United Front for Democracy and Peace. The Government had accused the Benin government of supporting the rebel groups. The situation remained unresolved at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for 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.

At the national level, a Supreme Court, Constitutional Court, and Court of Appeals exist; however, some of their members were appointed by the Government and not elected by citizens as required by the law, which weakened the independence of the courts. In August, the constitutionally mandated High Court of Justice was established to try high-ranking government officials; only the National Assembly, which had taken no action on cases by year's end, could forward cases to this court.

The remainder of the judicial system operated through courts located in provincial capitals. The N'Djamena Court of Appeals was supposed to conduct regular sessions in the provinces, but funding limitations did not permit the court to make circuit visits.

The Constitution mandates a Superior Council of Magistrates to recommend judicial nominations and sanction judges who commit improprieties. In June 2002, President Deby signed a decree authorizing the creation of a five-judge Judicial Oversight Commission to conduct investigations of judicial decisions and correct infractions. The President appointed members of the Commission, which increased executive control over the judiciary and decreased the authority of the Council of Magistrates. Parties to judicial cases who felt wronged by the judiciary or the Minister of Justice could appeal to the Commission. During the year, the Commission accepted its first cases, which resulted in the suspension of two magistrates on corruption charges. In June, the States General of Justice, organized to discuss ways to improve the justice system, recommended that the Commission be eliminated due to its overlapping mandate with the Council of Magistrates; however, this recommendation was not implemented. During the year, the Chadian Magistrates Union charged that the Commission was unconstitutional and that only the Superior Council of Magistrates should be permitted to oversee the performance of members of the judiciary. The Union noted that the Superior Council, which suspended three magistrates in 2000 and arresting three others in 2001, all on corruption charges, was adequately fulfilling its role.

Applicable law was sometimes confusing, as courts often tended to blend the formal French-derived legal code with traditional practices, and customary law continued to overrule Napoleonic law in practice. Residents of rural areas often lacked effective access to formal judicial institutions, and legal reference texts were not available outside the capital. In most civil cases, the population relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. Decisions could be appealed to a formal court.

Under the law, defendants are presumed innocent until proven guilty, but in practice many judges assumed guilt, particularly in crimes involving rape or theft. Cases are heard as public trials, and defendants have the right to appeal any decision. Defendants and their lawyers are permitted by law to question witnesses, as are judges.

Official inaction and executive interference continued to plague the judiciary. The salaries of judicial officials were low. In June, a judicial conference was widely at-

tended and publicized. The conference report was completed; however, resource restraints and political pressures limited its public availability.

During the year, the Muslim concept of "dia" was debated throughout the country. Dia, which involves a payment to the family of a murder victim or victim of a crime based on the decision of a local religious tribunal, was widely practiced in the northern, Muslim areas of the country. Non-Muslim groups, who supported implementation of a civil code, challenged the spread of the dia system, arguing that it was incompatible with the Constitution. Such groups further accused the Government of supporting dia practices by permitting the existence of local tribunals. No resolution was reached by year's end.

The Government and human rights organizations reported that there were no political prisoners during the year. However, the whereabouts of some individuals arrested on suspicion of subversive activities against the Government were unknown at year's end. There were reports of several military and immigration prisons, but human rights or other organizations were denied access.

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 unlawful searches at any time. Security forces also stopped citizens daily, extorting money or confiscating belongings.

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.

There were no new developments in the 2002 or 2001 cases of arbitrary interference.

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, it limited freedom of the press.

The Government, which owned the newspaper Info Tchad and influenced another, Le Progrès, did not dominate the press.

A number of private newspapers, many of which were extremely critical of government policies and leaders, were published and circulated freely in the capital.

Due to widespread illiteracy and the relatively high cost of newspapers and television, radio remained the most important medium of mass communication and information. The Government owned one radio station, Radiodiffusion Nationale Tchadienne. The Catholic Church-owned La Voix du Paysan broadcast locally-produced programming, including news and political commentary, in French and indigenous languages over a 140-mile range from the southern town of Doba. The licensing fee set by the High Council on Communication (HCC) for a commercial radio station was prohibitively high at approximately \$10,000 (6 million FCFA) per year, 10 times the fee for radio stations owned by nonprofit NGOs. Despite this fee, the number of private FM stations increased by year's end. Stations run by nonprofit groups were subject to close official scrutiny.

The Government owned and operated the only domestic television station, Teletchad. A new private television station was registered in 2001, but demand for private television was limited by economic conditions, such as the lack of a sizeable audience with the required purchasing power. There was one privately owned satellite television company that distributed both a package of French-language and English-language channels. Arabic programming was also available via satellite. The Government did not interfere with these channels.

Some journalists in the rural provinces reported that government officials warned them that democracy was for N'Djamena, not the regions, meaning that journalists should temper any contentious political reporting. In addition, some domestic journalists claimed that the Government restricted their ability to cover some events or visit certain locations and limited their access to high-ranking officials, restrictions which the Government did not impose on foreign journalist.

During the year, there were fewer reports that the Government threatened journalists with legal retaliation for publishing material on the rebellion in the northern part of the country, about senior government officials accused of corruption, or responsibility for attacks on Chadian citizens in Libya.

Libel law was used to suppress criticism of political leaders. If compensation was provided to the victim, violators could face 1 year's imprisonment or a suspended sentence of 1 year with a fine. During the year, the Government arrested several journalists for libel.

On February 6, the editor and deputy editor of the independent newspaper Notre Temps, Nadjikimo Benoudjita and Mbainaye Betoubam, were arrested for libel against a woman related to President Deby. They were initially sentenced to 6 months' imprisonment and a 1-year suspension of journalistic activities; their newspaper was also ordered closed for 3 months and fined \$1,600 (1 million FCFA), a sum equivalent to seven times the average per capita income. The verdict and the severity of the sentence triggered protests from human rights associations, political parties, press associations, and foreign diplomatic missions. The journalists, who appealed and received a reduced sentence, spent 2 months in prison and paid \$3,200 (2 million FCFA) to the libeled woman; the paper was allowed to continue operations, and the journalists were allowed to return to work immediately after release from prison.

On May 28, the deputy chief editor of the private weekly newspaper N'Djamena Bi-Hebdo, Djendoum Mbaininga, was arrested for photographing without permission an arrest of drug dealers; Mbaininga was released without charges shortly afterward.

On July 11, the editors of the radio station FM Liberte, François Doumnan and Nara Antoloum, were arrested for defamation against the Deputy Prosecutor of N'Djamena; they were released the same day without charge.

During the year, the Government filed a complaint with the HCC against Radio FM Liberte, which had broadcast criticism of the country's growing insecurity and compared President Deby's ruling tactics with those of former President Hissein Habre. Although the HCC has sole legal authority to take punitive measures against radio stations, the Ministry of Public Security shut down the station on October 22. On November 4, the Ministry of Territorial Administration announced that the station would be reopened the following day; however, when the staff arrived on November 5, police prevented their entry. After several additional weeks of negotiation, the station reopened in mid-December.

There were no developments concerning the 2002 appeal by the University of N'Djamena against a court ruling that favored the independent weekly paper Notre Temps.

The Government placed limits on radio broadcasting, including a 3-week ban on one radio station and the confiscation by local authorities of a radio journalist's equipment; however, Radio Brakos, which authorities shut down the previous year, was allowed to resume broadcasting.

Government-owned and -controlled media were subject to informal censorship; however, at times they were critical of the Government.

The government-owned telecommunications monopoly provided the sole Internet access server in the country. The Government did not restrict access to the Internet; however, the government-owned firm reportedly set prices. In July, the firm granted licenses to private companies to deliver high-speed wireless Internet services to the country; however, these services were not available by year's end.

The Government did 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; however, they permitted demonstrations in support of the Government and its policies.

The CNDH criticized the police for killing one student and injuring others during a student demonstration in the southern town of Gounou-Gaya on March 11 and 12. Students had gathered to protest a recent teachers' strike, and police used excessive force to disperse the unarmed protesters. No action was taken against those members of the police by year's end.

On March 18, students from several N'Djamena secondary schools demonstrated in support of teachers, who had been on strike since March 10 to protest contract issues. As the protesters became violent, riot police fired tear gas into the crowd, injuring several protesters. On March 24 and 26, police again fired tear gas to break up other demonstrations; nine persons were injured, one seriously.

In August, the trial began on behalf of the women injured by riot police during a 2001 demonstration against voting irregularities. In November, the riot police were found not guilty due to lack of evidence.

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; however, at times, the Government limited this right. The Constitution also provides for a secular state; however, senior government officials were predominantly Muslim, and

some policies favored Islam. For example, the Government sponsored annual Hajj trips to Mecca for certain government officials.

The Government required religious groups, including both foreign missionary groups and domestic religious groups, to register with the Ministry of Interior's Department for Religious Affairs. Registration conferred official recognition but not any tax preferences or other benefits. There were 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 was unduly burdensome. In previous years, the Government denied official recognition to some Arab Muslim groups near the eastern border with Sudan, on the grounds that they had incorporated elements of traditional African religion, such as dancing and singing, into their worship.

In recent years, the Government arrested and sanctioned some fundamentalist Islamic imams believed to be promoting conflict among Muslims. The Islamic religious group Faid al-Djaria remained banned at year's end on the grounds that its religious customs, including the singing and dancing of men and women together in religious ceremonies, were un-Islamic.

Islamic congregations appeared to have an easier time obtaining official permission for their activities. Non-Islamic religious leaders reported a perceived governmental favoritism for Islam, but indicated that they did not feel overtly pressured by this favoritism. There were reports that Islamic officials and organizations received greater tax exemptions and unofficial financial support from the Government. State lands were reportedly given to Islamic leaders for the purpose of building mosques, while other religious denominations were obliged to purchase land at market rates.

Although the different religious communities generally coexisted without problems, there were reports of occasional tension between Christians and Muslims, including acts of vandalism of churches and chapels located in Muslim-dominated quarters of N'Djamena and certain towns. For example, in February, a church in the predominately Muslim town of Abeche was burned. According to both Christian and Muslim leaders, these were primarily isolated acts of individuals.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government imposed some limits in practice. The Government did not require special permission for travel in areas that it effectively controlled; however, elements of the security forces, rebels, and bandits continued to maintain roadblocks throughout the country, extorting money from travelers and often beating them. The Government did not officially condone such behavior by its security forces; however, it did not effectively discourage the practice. In addition, armed bandits operated on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters.

In May, security forces stopped an expatriate businessman at a checkpoint and pistol-whipped him; the businessman sustained severe head injuries as a result. There was no investigation or disciplinary action.

Chadian refugees were legally free to repatriate. According to the 2003 World Refugee Survey, approximately 7,000 of the country's citizens were refugees in Nigeria, Gabon, and the CAR at the end of 2002. Many Chadian refugees living in CAR returned to the country amid fighting immediately prior to a March seizure of power in CAR. Approximately 30,000 citizens were living in refugee circumstances in Cameroon but were assumed to be permanently settled.

The Constitution does not provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol. An official national structure, the National Committee for Welcoming and Reinsertion, handled domestic and foreign refugee affairs. In response to the influx of refugees from CAR early in the year, the UNHCR assigned a temporary employee its N'Djamena office, which had closed in 2001.

The Government provided temporary protection for refugees. According to the 2003 World Refugee Survey, the country hosted 15,000 Sudanese refugees at the end of 2002. In addition, at least 50,000 refugees fled from CAR into the southern part of the country as a result of the March seizure of power; few had returned to CAR by year's end. There were also small numbers of refugees from the Democratic

Republic of the Congo and a refugee flow into the eastern part of the country as a result of fighting in Sudan's Darfur region in August and September. The Government granted refugee and asylum status informally to persons from Sudan and the Republic of the Congo and allowed them to remain for resettlement.

In March, there were reports that soldiers in the southern border town of Gore harassed, beat, and stole from refugees fleeing CAR.

There was no reported action in the 2002 case of gendarmes who kidnapped and detained refugee Bienvenu Ngala Mambweni and approximately 100 other persons, all of whom were either voluntarily repatriated or otherwise resettled.

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 was headed by a prime minister, who was nominated by the President and confirmed by the National Assembly. In June, President Deby nominated his relative, Moussa Faki Mahamat, as Prime Minister, replacing Haroun Kabadi, who had served for 1 year. Despite protests from southern opposition leaders, Mahamat's nomination was approved by the National Assembly and reversed a 25-year trend of naming a southern Christian as Prime Minister. The executive branch dominated all other branches.

During the April 2002 legislative elections, President Deby's MPS party won 110 out of 155 seats in the National Assembly. The election results were largely determined in advance, due primarily to a faulty electoral census that the Government refused to revise, as well as to inaccurate registered voter lists. In addition, the MPS, running allied with another party in some districts, was the only political party to have a candidate in every district. Local NGOs reported numerous voting irregularities.

According to several observers, President Deby's first-round victory in 2001 was marred by irregularities, including voting by minors and unregistered voters, early and repeat voting by nomadic 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. In addition, prior to and following the presidential election, several cases of abuses against opposition supporters and candidates took place, and the Government restricted media coverage.

The independent Elections Commission, which is dominated by President Deby's MPS party, was ineffective in overseeing the April legislative election and the 2001 presidential elections. The Commission had 31 members, including 16 government representatives, 12 representatives of political parties holding seats in the National Assembly, and 3 representatives of political parties not holding seats in the National Assembly. Two of the Commission members were women.

The Government remained highly centralized. The national Government appointed all subnational government officials, who often relied on the central Government for funds and for administrative personnel. In a July 15 press release, human rights associations criticized the militarization of the administration, noting that most of the country's 17 new governors were formerly high-ranking military officials; they also criticized the new Director of Judiciary Police, who was implicated in several outstanding cases of judicial abuse.

There were an estimated 70 political parties in Chad. The Government allowed opposition political parties to form and operate and did not restrict membership in these groups, although parties allied with the regime generally received favorable treatment. Opposition political leaders have accused the Government of co-opting their most popular local politicians to run as MPS members in local elections and also alleged intimidation by the military against those party members who refused. Northerners, in particular members of President Deby's Bideyat and allied Zaghawa ethnic groups, continued to dominate the public sector and were over-represented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff.

In February, the Government began its constitutionally mandated decentralization process. Many opposition political parties objected to the Government's decentralization plan and presidentially decreed internal territorial divisions. A total of 14 prefectures were redesignated as 17 regions, and were headed by governors, not prefects. Governors were appointed by and reported directly to the Presidency. Prefects retained their titles but administered smaller departments within the regions.

Few women held senior leadership positions: There were 4 women in the 125-seat National Assembly and 2 women of cabinet rank.

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

The Government obstructed the work of human rights organizations during the year through arrest, detention, and intimidation; however, such groups still were able to investigate and publish their findings on human rights cases. Government officials generally were accessible to human rights advocates but generally unresponsive or hostile to their findings.

There were three primary human rights organizations: The ATPDH, The Association for the Promotion of Fundamental Liberties in Chad (APLFT), and the LTDH. These and smaller human rights organizations worked closely together through an umbrella organization, the Association of Human Rights (ADH), and their work included observing government detention practices, assisting individuals who have suffered human rights abuses, and holding public conferences and seminars.

Despite pressure from the Government, human rights groups were outspoken and often partisan in publicizing the abuses through reports, press releases, and the print media, but only occasionally were they able to intervene successfully with authorities. Most human rights groups were composed of opponents of the Government, which weakened their credibility with the Government and some international organizations.

In January, Souleymane Guengueng, founder of the Chadian Association of Victims of Political Repression and Crime, was fired from his position with the Lake Chad Basin Commission. Human Rights Watch (HRW) reported that the Commission took the measure in reprisal for his campaign to record and publicize the abuses of former president Hissene Habre and to bring criminal proceedings against members of the Habre regime.

In May, Bandala Tchatcho Pierre, president of the Kelo branch of the LTDH, was arrested at the request of the prefect of Kelo after criticizing the complicity of administrative and military authorities in intercommunity conflicts. He was released without charge after a short detention.

In June, the sub-prefect of the southern town of Krim-Krim made a death threat against Ahmat Macky Outman, a member of the Chadian Human Rights League, after Outman criticized human rights abuses committed by the sub-prefect against local citizens. No action was taken against the sub-prefect.

No action was taken against members of the police responsible for the October 2002 torture of Sylahorbe Maningonal and David Mamtadjinan, two members of the Maro branch of the LTDH or the beating and robbery by men in uniform of a local NGO coordinator.

International human rights organizations were restricted, although the Government began to permit more investigative activity. After several years of being prohibited from working in the country, during the year, Amnesty International assigned a representative to N'Djamena to examine human rights abuses in the country and work with human rights organizations.

Belgian courts continued their investigation of crimes against humanity committed by Habre following a 2002 visit to the country by a judicial mission from Belgium. The mission investigated crimes committed during Habre's rule from 1981 to 1990. At year's end, Habre was living in Senegal, and Belgian courts, along with human rights organizations, were trying to extradite him for trial in Belgium. No additional legal action was taken against Habre during the year. In July, a lawyer from HRW visited the country to ensure former victims of the Habre regime that recent modifications to the Belgian Law of Universal Jurisdiction would not affect the case against Habre.

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

The Constitution provides for equal rights for all citizens, regardless of origin, race, religion, political opinion, or social status; however, these rights were not always enforced. In practice, cultural traditions maintained women in a status subordinate to men, and the Government favored its ethnic supporters and allies. Societal discrimination against homosexuals, those afflicted with HIV/AIDS, and indigenous persons continued.

Women.—Domestic violence against women was common, although statistics were unavailable. By tradition, wives were subject to the authority of their husbands, and they only had limited legal recourse against abuse. Family or traditional authorities could act in such cases; however, police rarely intervened. The law prohibited rape, prostitution, and spousal abuse, but not sexual harassment; however, all were problems.

There were reports that family members killed women for breaking social customs. For example, in February, a man and his brother were charged with killing the man's daughter because she refused to marry her cousin. In July, Hadje

Khadidja was tortured and killed by her cousins because she spent the night at her boyfriend's house.

FGM was widespread and deeply rooted in tradition. A 2002 U.N. study estimated that approximately 60 percent of all women in the country had undergone FGM. The practice was especially prevalent among ethnic groups in the east and south, where it was introduced from Sudan. All three types of FGM were practiced. The least common but most dangerous and severe form of FGM, infibulation, was confined largely to the region on the eastern border with Sudan. FGM usually was performed prior to puberty as a rite of passage.

Opposition to the elimination of FGM was strong; however, in March 2002, Parliament passed a law on reproductive health, which included a section banning violence against women, including FGM. Under the law, FGM is prosecutable as a form of assault, and charges can be brought against the parents of FGM victims, medical practitioners, or others involved in the action; no such suits were brought during the year. The Ministry of Social Action and the Family was responsible for coordinating activities to combat FGM.

Discrimination against women remained widespread. In practice, women did 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 based on the French code do not discriminate against women; however, most inheritance cases were adjudicated by local leaders, with traditional practice favoring men. A 1999 study found that 21 percent of housewives could not work outside the home because their husbands forbade them from doing so. The exploitation of women was pervasive especially in rural areas, where women did most of the agricultural labor and were discouraged from formal schooling. Illiteracy was estimated at 66 percent for women, compared with 41 percent for men.

The law sanctions polygyny; however, spouses may opt to declare a marriage monogamous. If a monogamous relationship is violated, the wife has the right to request that the marriage be dissolved; however, she must repay the bride price and other expenses related to the marriage.

Children.—The Government generally supported the activities of NGOs and international donors to improve children's rights and welfare, but had few resources to organize its own activities. Although the Government continued to modestly increase its assistance to the education sector, it was unable to adequately fund public education and medical care. Government education policy for children and youth focused on increasing classroom facilities and infrastructure.

Although the Constitution does not specify until which age, it does provide for compulsory education; however, the Government did not enforce this provision. The Constitution also provides for free education; however, parents complained that they must pay tuition to public schools. Approximately half of the teachers in Chad were hired and paid by parent-teacher associations without government reimbursement.

According to UNICEF, 39 percent of children were enrolled or attended primary school. 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.

Child abuse was a problem. For example, in April, a human rights organization reported that an 8-year-old girl in the southwestern town of Lere was tortured to death by her adoptive family.

The law considers any citizen under the age of 18 years a minor. Sexual relations before the age of 13 years, even with consent, are considered to be rape, and the prescribed sentence is hard labor into perpetuity. The age of consent is 14. Although the law prohibits sexual relations with a girl under the age of 14, even if married, this law rarely was enforced. Families arranged marriages for girls as young as the age of 12 or 13; the minimum age for engagements was 11 to 12. There were some forced marriages, and many young wives were forced to work long hours of physical labor for their husbands in fields or homes.

FGM was commonly practiced on young girls (see Section 5, Women).

Several human rights organizations reported on the problem of the "mahadjir" children. These children, who attended certain Islamic schools, were forced by their teachers to beg for food and money. There were no real estimates as to the number of mahadjir children.

Although the use of child soldiers was prohibited by law, UNICEF estimated that there were approximately 600 child soldiers in the country, within both the government military service and rebel groups. Unlike in previous years, there were no reports of the military conscripting children.

In 2002, UNICEF estimated that there were approximately 10,000 street children, and in April, the newspaper *Le Temps* reported the number was increasing. Accord-

ing to the article, the children were on the streets because either one or both parents have died, or because parents simply do not want to take care of them.

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

During the year, there were several programs to help children, including efforts to curb the widespread use of child herders in the south of the country. In April, UNICEF trained representatives from 35 NGOs to work with networks of parents, herders, and schools in the south to ensure that children had access to free education. In urban areas, UNICEF and other NGOs worked to educate homeless children and reintegrate them into their families or other social support networks.

Persons with Disabilities.—There was 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 that buildings be accessible to persons with disabilities. Several local NGOs provided skills training to the deaf and blind.

National/Racial/Ethnic Minorities.—There were approximately 200 ethnic groups, many of which were concentrated regionally and spoke 128 distinct primary languages. Although most ethnic groups were 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—migrations in response to urbanization and desertification resulted in the integration of these groups in some areas of the country.

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 self-segregation in urban neighborhoods, and in the paucity of interethnic marriages, especially across the north-south divide. The law prohibits state discrimination on the basis of ethnicity, although in practice, ethnicity continued to influence government appointments and political alliances (see Section 3). Political parties and groups generally had readily identifiable regional or ethnic bases.

The rebellion in the northern Tibesti region lost much of its strength during the year, with some former rebels reintegrating into the national army and others fleeing the country. Some remained in the Tibesti region, where sporadic fighting continued. The Government continued to exhibit a pattern of discrimination in selectively separating injured northerners, especially Zaghawa, 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.

In January, an interethnic conflict between the Kreda and Kouka groups in the northeastern part of the country resulted in 74 deaths and 182 injuries.

In July, the Alliance for Democratic Renewal reported that intercommunity clashes were increasing in the southern town of Moundou; however, the Government took no action to stem the conflict.

In August, an interethnic conflict arose on the country's border with Sudan, which reportedly resulted in disorder and banditry on the Chadian side of the border. President Deby participated directly in cease-fire negotiations, and an accord was reached on September 4.

In January, legislation was proposed to require the registration of nomadic herders to better document their movement. The bill was opposed primarily by the nomadic groups themselves, who did not want controls placed on their activities. As a result, the legislation did not pass.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes freedom of association and union membership, and the Government generally respected the right to organize in practice. In one instance, the Government encouraged the employees of the national water and energy company to form a union. All employees, except members of the armed forces, were free to join or form unions.

The main labor organization was the Chadian Syndicates' Union (UST), whose members were both individuals and smaller unions. The other major union was the Teacher's Union of Chad. Neither union had ties to the Government. A number of minor federations and unions also operated, some of which had ties to government officials. In the formal sector, more than 90 percent of employees belonged to unions; however, the majority of workers were nonunionized, unpaid subsistence cultivators or herders. The Government, which owned businesses that dominate many sectors of the formal economy, remained the largest employer.

The Labor Code protects unions against anti-union discrimination. A High Committee for Work and Social Security is the formal mechanism for addressing complaints, but it was overburdened and underfunded. The Government, in partnership

with the unions and others, worked toward the creation of a committee to oversee a National Social Dialogue, which would cover issues of dispute resolution.

There were reports that a 1962 ordinance requiring prior authorization from the Ministry of the Interior before an association can be formed remained in force. The ordinance also allowed for the immediate administrative dissolution of an association and permitted the authorities to oversee associations' funds. 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.

Labor unions have the right to affiliate internationally. The UST was affiliated 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, and authorizes the Government to intervene in the bargaining process under certain circumstances.

The Constitution recognizes the right to strike, and the Government generally respected this in practice. The law permitted imprisonment with forced labor for participation in strikes; however, no such punishment was imposed during the year, despite legal and illegal strikes in various sectors, particularly petroleum, education, and electricity.

The Chamber of Commerce and leading private business organizations organized a 1-day general strike to protest growing insecurity and the Government's failure to promote safety.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children; there were continuing 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 (see Section 6.d.). There were reports that prisoners were required to work to pay their back taxes.

The law permits imprisonment with forced labor for participation in strikes, a provision the ILO has asked the Government to repeal; however, the law remained in effect at year's end.

Unlike in previous years, there were no reports that Zaghawas were conscripted forcibly into the armed forces.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor, including forced child labor, was a problem. The Government has ratified key international treaties governing child labor but generally lacks the means to ensure enforcement.

The Labor Code stipulates that the minimum age for employment in the formal sector was 14 years; however, the Government did not enforce the law in practice. The labor law provides that anyone under the age of 18 is a child and prohibits children from undertaking "any work which, by its nature or the circumstances in which it was carried out, was likely to harm the health, safety, or morals of children." According to a 2000 UNICEF study, 65.5 percent of minors worked, including those performing domestic chores for more than 4 hours per day, those working within the family (herding, microcommerce, etc.), and those who worked for someone outside the family but who were underage. Approximately one out of every five children between the ages of 6 and 18 years of age worked in the urban informal sector. Children worked in agriculture and herding throughout the country. Children were also employed in the commercial sector, particularly in the capital, as street vendors, manual laborers, and helpers in small shops. Young girls worked as domestic servants, mainly in N'Djamena.

By some estimates, abusive and exploitative child labor affected 20 percent of children between the ages of 6 and 18. There were cases of children being sold by their families in some southern regions. In some areas, local authorities began to fine parents caught selling their children into forced labor. In response, some families began to work with intermediaries to pass children from families directly to the farm owners.

No action was taken on the September 2002 letter from the quasi-official National Commission for Human Rights to the Prime Minister concerning reports of children being sold and exploited in Koumra and other cities in the Mandoul region.

During the year, 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. In one case, a 12-year-old boy was kidnapped in N'Djamena and forced to work without salary on a farm approximately 60 miles away. Some children worked as domestic servants in the households of relatives for

little compensation. In June, the governor of the southern Mandoul region acknowledged the existence of children sold by their parents to nomadic herders.

Some young girls were forced into marriages by their families and then forced to work in their husbands' fields or homes and to bear children while they were still too young to do so safely (see Section 5).

The Government worked with UNICEF to increase public awareness of child labor. During the year, UNICEF organized 16 workshops in regional towns to share information on the dangers of forced child labor and the benefits of education. The training left each town equipped with one individual charged with overseeing the continuing public relations campaign.

e. Acceptable Conditions of Work.—The Labor Code requires the Government to set minimum wages. The minimum wage at year's end was \$45 (25,480 FCFA) 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 it was largely ignored in the vast informal sector. During the year, the Government began to pay all employees at least the minimum wage for the first time, and government salaries increased overall by 5 percent. In some parts of the country, there were long delays in the payment of government salaries. Salary arrears remained a problem, although less so than in previous years. Low wages among customs, police, and military officials contributed to almost daily extortion of the civilian population along all major roads (see Section 1.f.).

The law limits most employment to 39 hours per week, with overtime paid for supplementary hours. Agricultural work was limited to 2,400 hours per year. All workers were entitled to an unbroken period of 48 hours of rest per week; however, 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 ILO reports noted that the labor inspection service does not have adequate resources to perform its duties.

Workers had the right to remove themselves from dangerous working conditions; however, in practice they could not leave without jeopardizing their employment.

The Labor Code explicitly protects all workers, including foreign and illegal workers, but the protections provided were not always respected in practice.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports of trafficking within the country. Children were trafficked for forced labor, primarily as herders.

The Penal Code makes trafficking in persons a crime punishable by 5 to 20 years in prison; however, no governmental agency or NGO focused explicitly on the problem, and no economic or financial aid was available unless a victim sought damages in court. UNICEF sponsored educational campaigns through the media to advise parents to instruct children about the danger of trusting strangers. The LTDH also handled cases in this area on an individual basis throughout the year.

In 2002, a 9-year-old girl was sold to a former subprefect to work as a maid. After 6 months, the girl fled and took refuge in national radio station. When the station aired an appeal for the parents to retrieve the child, the employer appeared, carrying a copy of a work contract signed by her parents, two witnesses, and the head of the gendarme brigade in her home department. Gendarmes who were present at the radio station contacted local human rights organizations and refused to return the child to her employer. In July 2002, the prosecutor summoned the employer to court; however, the employer did not appear, and the case was dropped.

COMOROS

The Union of Comoros is an emerging democracy ruled by President Azali Assoumani, who took power in a coup in April 1999 and subsequently was elected in April 2002 presidential elections described by international observers as free and fair. The country consists of three islands (Grande Comore, Anjouan, and Moheli) and claims a fourth, Mayotte, which is governed by France. Legislative elections, scheduled for March, did not take place during the year. A December ministerial meeting resolved the few remaining issues pertaining to national reconciliation. Among the issues decided at the reconciliation talks was the date for legislative assembly elections, after which a committee will be formed to draft a new constitution. Local elections for the three islands are scheduled to take place in March 2004 with

National Elections scheduled for April 2004. The Constitution provides for an independent judiciary, and it was independent in practice.

The Comorian Defense Force and the Gendarmerie are responsible for internal security under the President's direct control. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The economy was dominated by agriculture; the country's population was approximately 590,000. Revenues from the main crops continued to fall while the population grew at an annual rate of 2.7 percent. In 2001, per capita income was approximately \$356. The country depended heavily on foreign assistance.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Prison conditions remained poor. Unlike in previous years, security forces and the separatist authorities on Anjouan did not use arbitrary arrest and detention during the year. The Government restricted 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 the Government or its agents during the year.

In addition to the police and the military, there were many armed groups on Anjouan, including paramilitary forces, militias, and civilians. There were no reported killings by these groups 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 Constitution prohibits such practices, and there were no reports that government officials employed them.

On November 27, security forces reportedly forcibly dispersed a protest march (see Section 2.b.).

Prison conditions remained poor. A lack of proper sanitation, overcrowding, inadequate medical facilities, and poor diet were common problems. The Government has not taken action to remedy these problems.

Female prisoners were held separately from male prisoners. Juveniles were not imprisoned; they were returned to the custody of their parents. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by independent observers, and at least one such visit by the International Committee of the Red Cross occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, some people apprehended by the police were brought arbitrarily to military camps instead of jails and in some cases held without charge for over 24 hours, contrary to the law.

On Grand Comore, there were two police forces: The Gendarmerie, which was part of the national army and controlled by the national Government, and the local police forces, which were controlled by the local island governments and were also responsible for immigration. On Anjouan and Moheli, the Gendarmerie handled local policing.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision. The Head of State appoints magistrates by decree.

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 served as the High Court of the Republic and ruled on cases of constitutional law. Trials were open to the public except for limited exceptions defined by law. The legal system incorporates Islamic law as well as French legal codes. There were very few lawyers in the country, making it difficult to obtain legal representation. Most disputes were 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 Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were two independent newspapers that published regularly and one semi-official weekly *Al-Watwan*. The independent newspapers criticized the Government freely.

There were two national radio stations: The government-run radio station, Radio Comoros; and the opposition radio station, Radio Tropique. In addition, there were at least 10 regional and local stations, some of which were openly critical of the Government. Residents also received broadcasts from Mayotte Radio, as well as from French television, without government interference. A television station, whose construction was funded by the Chinese Government, was operational during most of the year but ceased operations by year's end. There were several private local television stations, and satellite antennas were popular. Amateur radio licenses were issued without restriction.

Foreign newspapers and books were available.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly, and the Government generally respected this right in practice. However, on November 27, police forcibly dispersed a march protesting government policies. At least 15 of the marchers were injured.

The Constitution does not provide specifically for the freedom of association; however, the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricted this right in practice.

The Constitution declares Islam the official religion, and the Government discouraged the practice of religions other than Islam. An overwhelming majority of the population was Sunni Muslim. Authorities restricted the right of Christians to practice their faith, and police regularly threatened and sometimes detained practicing Christians.

There were two Roman Catholic churches and one Protestant church; however, the Government restricted the use of these Christian churches to noncitizens. The Government permitted Christian missionaries to work in local hospitals and schools but did not permit them to proselytize.

There was 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.

There was widespread societal discrimination against Christians, who faced insults and threats of violence from members of their communities. Mobs harassed Christians in front of mosques, and religious authorities have summoned them for questioning. In some instances, families forced Christian members out of their homes or threatened them with a loss of financial support. Some Christians had their Bibles taken by family members. Local government officials, religious authorities, and family members attempted to force Christians to attend services at mosques against their will.

Unlike in the previous year, there were no reports that religious leaders on Anjouan and Grande Comore threatened Christians during radio broadcasts and sermons in mosques. Attempts have been made to isolate Christians from village life.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

During the year, there continued to be reports that persons fled Grande Comore and Anjouan for Mayotte; many of these persons reportedly drowned when they attempted to reach Mayotte on rafts or by swimming.

The Constitution does not provide for the granting of asylum or refugee status to persons who meet the definition in 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 or asylees. In practice, the Government provided protection against refoulement but did not routinely grant refugee or asylum status; it also provided temporary protection to certain individuals who do not qualify as refugees or asylees. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees.

Approximately 10 refugees from central Africa remained in the country, and they were awaiting placement by the UNHCR in other countries at year's end. There was one request for refugee status pending at year's end.

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

The Constitution provides specifically for the right of citizens to change their government in regularly scheduled elections, and in practice they were allowed to do so in the April 2002 presidential elections, which were characterized as free and fair by international observers. Three candidates advanced from the primary to the general election in which President Azali was elected with approximately 75 percent of the vote. Under the terms of the Constitution, a president will be elected from a different island every 4 years, based on a rotating schedule.

The country has been prone to coups and political insurrection since its independence in 1975, including an attempted coup in February that resulted in the arrest of 12 soldiers and 2 Ministers. All those arrested were released quickly, except for the Minister of the Interior for the Government of Grande Comore Island, who allegedly led the coup. He was reportedly detained on February 13 and released on May 30.

In 2001, the Constitution, which calls for the reincorporation of Anjouan, Grande Comoros, and Moheli into a new federation that grants the islands greater autonomy, was approved overwhelmingly in a referendum described by international observers as free and fair. Each of the three islands that constituted the Union has a separate elected President. An agreement was reached in December in Moroni between the President of the Union and the individual island presidents concerning the division of powers between the competing presidencies.

The Constitution provides that the Legislative Assembly will be composed of 33 members. Of these, citizens will elect directly 18, and the Government will appoint 15 (5 per island). Legislative Assembly elections, scheduled for March, were postponed. As part of the agreement reached in December, local island elections are scheduled for March 2004, and national elections are scheduled for April 2004.

There were no bans in effect on political parties, which continued to criticize the Government openly. There were 21 political parties in the country; 5 parties represented the Government, and 16 parties represented the opposition.

Village chiefs and Muslim religious leaders tended to dominate local politics. Traditional social, religious, and economic institutions also affected political life in important ways.

There was one woman in the Cabinet. Two women hold senior government positions: One was the President of the Tribunal of First Instance, and the other was legal counsel to President Azali.

An overwhelming majority of the population was Sunni Muslim, and all citizens, including the small number of Christians in the country, identified themselves as Muslims for safety reasons (see Section 2.c.). There were no Christians in the Government.

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

A few domestic and international nongovernmental organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The Comorian Association of Human Rights was not active during the year due to a lack of funds. In July 2002, the newly formed Haki Association for Human Rights ran a series of human rights seminars open to all persons.

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

The Constitution prohibits discrimination based on these factors; however, there was discrimination against women.

Women.—Domestic violence against women occurred, but medical authorities, the police, and women's groups believed that it was rare. A woman could seek protection through the courts in the case of violence, but the problem was addressed most often within the extended family or at the village level.

Prostitution is illegal, and most citizens did not consider it to be a problem.

Men have the dominant role in society. A matriarchal tradition afforded women some rights, especially in terms of landholding. Societal discrimination against women was most apparent in rural areas where women had farming and childrearing duties and fewer opportunities for education and wage employment. The status of women improved in the major towns, where growing numbers of women were in the labor force and generally earned wages comparable to those of

men engaged in similar work; however, few women held positions of responsibility in business. The Constitution provides for equality of persons, and in general inheritance and property rights do not discriminate against 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 was compulsory until the age of 10; however, attendance was not enforced. According to a 2002 UNICEF study, an estimated 69 percent of children attended primary school, while only 34 percent attended secondary school; 55 percent of boys attended school, and 45 percent of girls attended school.

Child abuse was rare but occurred.

Child prostitution and child pornography are illegal. Unmarried children under the age of 13 were considered minors, and they were protected legally from sexual exploitation, prostitution, and pornography.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, there were no laws that mandate access to buildings for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to unionize, and the Government has not prevented industries from unionizing. Most of the population was engaged in farming on small land holdings, subsistence fishing, and petty commerce. The wage labor force numbered less than 7,000 including government employees and less than 2,000 excluding them. Teachers, civil servants, and dockworkers were unionized. Unions were independent of the Government.

The Labor Code, which was rarely enforced, does not include a system for resolving labor disputes, and it does not prohibit anti-union discrimination by employers.

There were no restrictions on unions joining federations or affiliating with international bodies; however, no union was 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; however, employers set wages in the small private sector, and the Government, especially the Ministries of Finance and Labor, set them in the larger public sector.

The Constitution provides for the right to strike, and the Government generally respected this right in practice. In previous years, government workers, teachers, and hospital workers held strikes primarily because they were not paid for weeks at a time. There was one teachers' strike during the year. There were no laws protecting strikers from retribution, but there were no known instances of retribution.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor by adults; however, the Government did not prohibit forced and bonded labor by children, and there were some instances in which it occurred (see Section 6.d.).

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 had few resources to enforce this provision; however, child labor generally was not a problem due to the general lack of wage employment opportunities. Children generally worked in the informal sector for their families in the subsistence farming and fishing sectors.

Some families placed their children in the homes of others where they worked 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.

The Government has not ratified International Labor Organization Convention 182 on the worst forms of child labor; however, the Government adhered to its provisions in practice.

e. Acceptable Conditions of Work.—There was no minimum wage. In previous years, the Government paid workers late or failed to pay them at all; however, during the year, government workers were paid more regularly.

The Labor Code specifies a workweek of 37½ hours with 1 day off per week plus 1 month of paid vacation per year.

There were no safety or health standards for the very small manufacturing sector.

The law protects legal foreign workers; however, there were 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

During the first half of the year, the Democratic Republic of the Congo remained divided into territory controlled by the Government and territories controlled by several rebel factions, Ugandan troops, ethnically based militias, and other armed groups. President Joseph Kabila, who came to power in 2001 after the assassination of his father Laurent Desire Kabila, continued to rule by decree in the territory under government control. However, on June 30, the Government, major rebel groups, and members of the unarmed political opposition and civil society formed a national Transitional Government, in accordance with a new Transitional Constitution adopted on April 2. The Transitional Government is intended to prepare the country for elections in approximately 2 years. However, at year's end, territory held by former rebels was not yet under effective central government control, and the authority of the Transitional Government was limited. The former belligerents had not yet integrated key institutions such as the army, the police, and local administrations, and the condition of transportation and communications infrastructure remained poor. In addition, none of the main militias fighting for control of Ituri district in Orientale province were included in the Transitional Government. A series of cease-fire agreements were signed throughout the year, and although the presence of the U.N. mission MONUC has helped limit violence, the agreements were regularly violated. The law provides for an independent judiciary; however, in practice, in territory under central government control, it was underfunded, inefficient, ineffective, and subject to corruption and executive influence.

In territory under central government control, the Transitional Government's security forces consisted of a national police force and an immigration service, both under the Ministry of Interior; the National Intelligence Agency (ANR) and the Special Group for Presidential Security (GSSP), both reporting directly to the President; and the Armed Forces, which were integrated at headquarters level only by year's end. The Office for the Military Detection of Anti-Patriotic Activities (DEMIAP), the military's intelligence service, was technically disbanded but continued to operate under the new chief of military intelligence, who was the former chief of DEMIAP. The ANR was responsible for internal and external security, including border security matters. The Armed Forces retained some residual police functions. Military police had jurisdiction over armed forces personnel, but also had domestic security responsibilities, including the patrolling of urban areas. Security forces were poorly trained, poorly paid, and often undisciplined. Civilian authorities did not maintain effective control of the security forces, and there were frequent instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous human rights abuses.

The economy was dominated by subsistence agriculture, a large informal sector, and widespread barter; most sectors of the economy remained moribund. Production and incomes remained low, and the World Bank estimated that 80 percent of the population lived on less than 50 cents (185 francs) a day; however, gross domestic product (GDP) grew by approximately 5 percent during the year, and inflation remained below 20 percent. Infrastructure was in serious disrepair, financial institutions remained weak, and public education and health services continued to deteriorate. Restrictions during the first half of the year on commercial travel on the Congo River negatively affected the economy; however, commercial traffic resumed, albeit slowly, in July. Areas formerly controlled by rebel factions continued to be integrated financially and economically with the economies of Rwanda and Uganda; however, commercial air traffic and cellular phone service established during the year began to re-link the country. The petroleum and mining sectors supplied the Government the majority of its revenue through tax receipts and fiscal contributions. Government expenditures continued to far outstrip revenue. 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 and corruption in the civil administration.

In areas under central government control, the Government's human rights record remained poor; although there were some improvements, serious problems remained. Citizens did not have the right to change their government peacefully. Security forces committed unlawful killings, torture, beatings, acts of rape, extortion, and other abuses, largely with impunity. Prison conditions in hundreds of local de-

tention facilities, both legal and illegal, remained harsh and life threatening; however, conditions in some of the larger, centralized prisons improved. Arbitrary arrest and prolonged pre-trial detention remained problems. The Military Order Court (COM), a special military tribunal, tried some civilians for political offenses; however, President Kabila disbanded the COM in April. Security forces violated citizens' rights to privacy and looted homes. The Government supplied and coordinated operations with Mai Mai and other militia groups, who committed numerous, serious abuses, including killings, rape, torture, the kidnapping of civilians, and the recruitment of children as combatants.

The Government restricted freedoms of speech, the press, and assembly; it restricted freedoms of association and movement but did so less often than in the previous year. The war continued to result in large numbers of internally displaced persons (IDPs); however, most IDP movements were in conflict areas not under central government control. Violence and discrimination against women were problems. Female genital mutilation (FGM) persisted among isolated populations in the north. Discrimination against indigenous Pygmies continued. Unlike in previous years, there were no reports of violence or discrimination against members of the Tutsi ethnic minority. The Government restricted worker rights. Child labor, the use of child soldiers by the Armed Forces, child prostitution, and trafficking remained problems.

There were numerous reports that Mai-Mai groups and Hutu militias, some of whom received government support, committed serious abuses, including killings, rapes, torture, and kidnappings of civilians, in the east.

Rebel factions backed by the governments of Rwanda and Uganda, ethnic militias, and other armed groups continued to operate in more than half of the country during the year. There were continued, unconfirmed reports that Rwanda Defense Force (RDF) military advisors remained integrated with the Congolese Rally for Democracy (RCD/G) and Union of Congolese Patriots (UPC) forces. Approximately 5,000 Uganda People's Defense Forces (UPDF) troops remained in Ituri until early May. The largest rebel groups were the Rwandan-backed RCD/G, the Movement for the Liberation of Congo (MLC), and the Congolese Rally for Democracy based in Beni-Butembo (RCD/ML). The RCD/National (RCD/N), which was backed by the MLC, continued to operate.

In the Ituri district of Province Orientale, numerous tribally-based armed groups continued to fight for control of territory and resources during the year: The Lendu and Ngiti-dominated Front for the National Integration/Patriotic Force of Resistance in Ituri (FNI/FRPI), led by Floribert Njabu; the Hema-dominated UPC, led by Tomas Lubanga and supported by the governments of Uganda and Rwanda; the Hema-dominated Party for the Safeguarding of the Congo (PUSIC), which split from the UPC early in the year and was led by Chief Kawa Mandra; the mixed People's Army of Congo (FAPC), led by General Jerome Bakonde; and the Alur and Lugbara-dominated Popular Force for Democracy in Congo (FPDC) led by Thomas Unen Chen. In addition, there were numerous loosely affiliated Lendu militia groups. In June, a French-led multinational force, known as Artemis, or the Interim Emergency Multinational Force (IEMNF), was deployed with a U.N. mandate to protect civilians in Bunia. On September 1, the Ituri Brigade of the U.N. Observer Mission in Congo (MONUC), a U.N. force peacekeeping force, replaced IEMNF forces.

In North and South Kivu, a number of Hutu militia and Mai Mai groups operated. In South Kivu, there were also incursions by two Hutu rebel groups from Burundi, the Palipehutu/National Liberation Force (FNL) and the National Council for the Defense of Democracy/Forces for the Defense of Democracy (CNDD/FDD).

In areas controlled by Hutu militias, Mai Mai, ethnically based militias, or other armed groups, there were no organized security services; those with weapons controlled the population and extorted money, goods, and services. Civilian authorities of the rebel factions did not maintain effective control over their respective troops. Rebel soldiers and security services received orders from their civilian authorities and foreign governments, and acted independently. Rebel troops and their security services, and members of other armed groups committed numerous, serious human rights abuses.

The human rights record in areas not under central government control remained extremely poor, and rebel authorities continued to commit numerous, serious abuses, particularly in the east, including North and South Kivu and the Ituri district of Orientale province. The rebel groups severely restricted political freedom and did not tolerate political opposition or civil society activity that was critical of their rule. Rebel forces, Mai-Mai forces, Hutu militia, and other armed groups committed numerous, serious abuses with impunity against civilians, including deliberate large-scale killings, the burning of villages, disappearances, torture, rape, dismemberment, mutilation, looting, extortion, and robbery. Prison conditions, particu-

larly in underground prisons, were harsh and life-threatening. Arbitrary arrest and detention continued to be problems. The judiciary continued to be controlled and manipulated by the ruling authorities and subject to corruption. Rebel groups severely restricted freedoms of speech, assembly, association and movement in areas under their control, and respect for religious freedom remained poor. There were attacks against local and international nongovernmental organizations (NGOs) in rebel-held areas, and some NGO personnel and MONUC peacekeepers were killed. Rape and violence against women and children were severe problems and occurred with impunity. Discrimination against women and indigenous Pygmies were problems. The forcible recruitment of soldiers, including children, continued to be a serious problem. Combatants abducted women and children and forced them to perform labor, military services, and sexual services. Trafficking and child prostitution were problems. Ethnically based mob violence resulted in thousands of deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—In areas under government control, there were no reports of political killings; however, security forces committed other unlawful killings with impunity. The Government also materially supported Mai Mai and Hutu groups, some of whom were believed to be responsible for killing civilians (see Section 1.g.).

During the year, local NGOs reported that 69 persons died at Makala, including some who had been beaten severely in the custody of the Provincial Inspection of Kinshasa (IPK) and the Rapid Intervention Police (PIR), who were responsible for transferring them. Most of the remaining detainees died from poor prison conditions, malnourishment, mistreatment, and illness (see Section 1.c.).

The use of excessive force by security forces while dispersing demonstrations resulted in at least one death (see Section 2.b.).

Unlike in the previous year, there were no reports that persons died as a result of torture. No known action was taken against those responsible for torture-related deaths reported in 2002.

There reportedly was no action taken against the members of the security forces responsible for numerous killings in 2002 or 2001.

Unlike in the previous year, there were no reports that guards at parastatal mining concessions in Katanga province killed individuals for trespassing.

There were reports that unidentified armed men in police or military uniforms robbed, looted, and killed civilians during the year. For example, on August 26, men in uniform believed to be deserters from the military or the police killed Reverend Don Kavenadiambuku during an attack on his vehicle in Kavuya, Bas Congo. No action was taken against any of the perpetrators by year's end.

In territory not under central government control, landmines caused deaths and injuries (see Section 1.g.).

In areas not under central government control, rebel forces, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including summary executions, civilian massacres, acts of cannibalism, torture, looting and burning of houses, attacks on civilian areas, the forcible recruitment and use of child soldiers, and rape. Fighting between ethnically based Hema and Lendu militias and members of ethnic groups resulted in thousands of civilian deaths (see Section 1.g.).

In May, Amnesty International (AI) reported that Commander Jerome of the FAPC executed at least two persons, and tortured and detained several others in metal containers outside Aru in Ituri, following a failed coup attempt among the FAPC.

On May 25, an RCD/G soldier shot and killed Charles Katambayi, a member of the Association of Judicial Defenders, in Uvira. The next day, an RCD/G military officer located the soldier allegedly responsible for the killing and summarily executed him.

Rebels and other armed forces used excessive force against demonstrators, which resulted in deaths (see Section 2.b.).

There were reports that mobs killed suspected child sorcerers (see Section 5). There were no developments in 2001 cases of persons involved in such killings.

On March 5, a commission of inquiry comprised of human rights NGOs and the Human Rights Ministry found that nine illegal diamond miners died on February 21 when an artisanal mine caved in at a facility managed by the Minière de Bakwanga (MIBA) in Eastern Kasai province. Illegal miners who escaped the mine reported that local security guards blocked their exit.

b. Disappearance.—There were no reports of politically motivated disappearances. However, on February 23, approximately 30 prisoners disappeared from the

DEMIAP's Ouagadougou detention center in Kinshasa. Although 16 of the prisoners were found after having been transferred without notice to the Buluwo Prison in Katanga and the Minister of Human Rights asked about their whereabouts, the remaining 14 prisoners remained missing at year's end. There were persistent, unconfirmed reports that the prisoners were executed.

In areas not under central government control, there were numerous cases of disappearances and kidnappings (see Section 1.g.).

There continued to be reports that various armed groups abducted women and children from the villages they raided to perform labor, military services, and sexual services (see Sections 1.g. and 6.c.). Many of the victims have since disappeared.

There were no developments in any of the numerous cases of disappearance in 2002 and 2001, nor has any action been taken against the perpetrators.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, in territory under government control, security forces and prison officials often beat and tortured both detainees, while arresting or interrogating them, and prisoners. There were also unconfirmed reports that members of the security services tortured or abused civilians to settle personal scores for themselves or other members of the Government. Some members of the security forces raped civilians.

Security forces harassed and beat some journalists (see Section 2.a.).

Police and security forces used excessive force to disperse demonstrations (see Section 2.b.).

There was no known action taken against members of the security forces responsible for torture or abuse in 2002 and 2001.

There continued to be unconfirmed reports that soldiers and police harassed street children in Kinshasa. Unlike in the previous year, there were no credible reports that members of the police and military raped homeless girls (see Section 5).

In areas not under government control, rebel groups, including Mai Mai Forces and Hutu militias, tortured, raped, and otherwise physically abused numerous persons during the year; rebel groups beat and abused political figures, journalists, community leaders, and human rights advocates while arresting or detaining them (see Sections 1.g., 2.a., and 2.b.). For example, on May 28, RCD/G intelligence officers beat and detained Joseph Nkinzu; he was not charged with a crime and was released after 2 days. Numerous cases of abuse were unreported because these groups, particularly the RCD/G, denied access to NGOs.

No known action was taken against responsible members of the RCD/G or RDF in the 2002 or 2001 cases of torture, beatings, or rape.

The RCD/G violently dispersed demonstrations (see Section 2.b.).

Armed groups kidnapped, raped, and tortured numerous women (see Section 1.g.).

The conditions in most of the large, central prisons were harsh, and at times life threatening. The penal system continued to suffer from severe shortages of funds and trained personnel; however, the Government continued to make efforts to respond to NGO complaints about prison conditions, particularly at Makala. Health care and medical attention remained inadequate, and widespread infectious diseases were a problem; however, a prison doctor was available. There continued to be fewer reported cases of infectious disease. The government-provided food remained inadequate, and the Government did not provide any food to prisoners at Makala for several weeks during September. Prisoners were dependent on the personal resources of family or friends, and families were allowed to bring food and other necessities to prisoners during regular visiting hours 3 days a week. Local NGOs reported that in a few cases, family members were forced to pay bribes to bring food to prisoners. Makala remained overcrowded.

On August 16, 45 prisoners convicted for the assassination of former President Laurent Kabila began a hunger strike to protest prison conditions and to demand that they benefit from a presidential amnesty granted to many other prisoners in March. After 1 week, their detention conditions were improved slightly, and they were allowed to see family members for brief periods.

Conditions in small detention facilities (legal and illegal) also remained harsh and life threatening and resulted in an undetermined number of deaths, particularly from communicable diseases such as tuberculosis. These facilities were generally intended for short-term pre-trial detentions; however, in practice they were often used for lengthy detentions. Authorities often arbitrarily beat or tortured detainees. There usually were no toilets, mattresses, or medical care and inmates often received insufficient amounts of light, air, and water. Such prisons generally operated without a budget and with minimal government regulation or oversight. Local prison authorities or influential individuals frequently barred visitors or severely mistreated particular detainees. Petty corruption was common, and prison guards fre-

quently required bribes from family members and NGOs to visit or provide a detainee with food and other necessities.

The security services, particularly the ANR and the DEMIAP, continued to operate numerous illegal detention facilities, despite the 2001 presidential decree to close all such facilities. For example, there were reports that on September 19, 16 military cadets were detained incommunicado in an illegal jail on Ndolo military base in Kinshasa. They were released in October.

Conditions in these facilities also remained harsh and life threatening. Detainees systematically were abused, beaten, and tortured. Facilities lacked adequate food and water, toilets, mattresses, and medical care, and authorities routinely denied access to family members, friends, and lawyers.

Women and juveniles generally were detained separately from men. Pre-trial detainees were not separated from convicted prisoners.

The Government continued to detain soldiers in civilian prisons.

Unlike in the previous year, there were no prisoners of war (POWs) held in official detention centers.

Numerous persons died in prison due to mistreatment and neglect during the year. For example, Commander Jean-Calvin Kandolo, who was sentenced in connection with the assassination of former President Kabila in 2001, died on August 9 as a result of poor health conditions at the Bulwo prison in Likasi, Katanga. He was seriously ill for at least 2 months before he was hospitalized on July 20 in Likasi.

The Government allowed the International Committee of the Red Cross (ICRC) and many NGOs access to all official detention facilities; however, the ICRC and other NGOs did not have access to the illegal detention facilities maintained by security forces, where many detainees were held, questioned, and frequently subjected to abuse.

Prison conditions in areas outside of government control were extremely harsh and life threatening. Most detention facilities were not designed for detaining persons, and detainees often were kept in overcrowded rooms with little or no light or ventilation. For example, the RCD/G maintained underground prisons in Kavumu and Chibingu outside Bukavu, South Kivu, and the UPC maintained several underground prisons in and around Bunia. They ranged in size from approximately 2 feet wide by 4 feet by 2 feet deep for 1 person to 15 feet by 15 feet by 5 feet deep for 15 to 20 persons. Detainees typically slept on cement or dirt floors without bedding and had no access to sanitation, potable water, toilets, or adequate medical care. Tuberculosis, red diarrhea, and other infectious diseases were widespread. Little or no food was provided to detainees, and guards demanded bribes to allow family members or friends to bring food to prisoners. Prisoners frequently were subjected to torture, beatings, and other abuse with no medical attention. Unlike in previous years, there were no reports that rebel forces released prisoners to their families just in time to die.

Unlike in previous years, there were no confirmed reports that RCD/G forces detained persons in metal freight containers or in the private residences of military commanders. Unlike in the previous year, there were no reports that RDF forces detained persons in metal freight containers prior to the RDF's official withdrawal from the DRC.

In some cases, MONUC human rights officers, accompanied by MONUC military escorts, were allowed access to prisons in areas not under government control.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, in government-controlled territory, security forces arbitrarily arrested and detained persons, including journalists (see Section 2.a.).

In territories not under central government control, the police force was ineffective and corrupt, and impunity remained a problem. The police force handled basic criminal cases. Some members of the police, military, and security forces robbed and extorted money from civilians. The Government prosecuted and disciplined some abusers; however, others acted with impunity.

In September, in an effort to reduce a rising crime rate, the Government provided police in Kinshasa with new jeeps for night patrols.

In May, the Government sent approximately 500 police officers to Bunia; however, they were ineffective and unable to prevent a massacre of 350 persons. In addition, the officers were accused of supporting certain armed militias in the region and reportedly failed to intervene to prevent abuses committed by the militias. MONUC asked that the officers return to Kinshasa, and they returned several days later.

Under the law, police officers investigating offenses punishable by more than 6 months imprisonment are not required to obtain a warrant for a suspect's arrest. Only a law enforcement officer with "judicial police officer" status and senior officers of the security forces are empowered to authorize arrests. The law requires that de-

tainees be brought within 48 hours before a magistrate, who may authorize provisional detention for varying periods. In practice, these provisions were violated systematically.

Police often detained persons without filing charges. When authorities did press charges, the claims were rarely filed in a timely manner and were often contrived or overly vague. Security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody or allowing the detainees to have contact with family or legal counsel.

Security forces used the pretext of state security to arbitrarily arrest individuals linked to groups considered a threat by the Government, particularly the opposition political party UDPS. Individuals arrested and detained in the name of state security frequently were held without legal charge, presentation of evidence, access to a lawyer, or due process.

For example, on February 14, the ANR arrested journalist Bamporiki Chamira and his wife in Kinshasa on accusations of "subversive activities." Chamira, who had been arrested in 2002 for publishing an article critical of the Government, was placed in incommunicado detention, and security forces subsequently arrested Chamira's son and two other family members. Chamira and his son remained in detention at year's end; his daughter and son-in-law escaped unharmed.

On March 18, 11 UDPS members were arrested during a meeting in Kinshasa. They were held at the Inter-Arm Headquarters, a state military prison, and released on April 28.

On March 24, armed men in uniform arrested Bernard Nseka Makinu, President of the Association of the Bakongo, in Kinshasa; he was released on April 13.

On April 16, eight persons were arrested in Lubumbashi by order of the COM prosecutor for possessing a joint press statement issued by local human rights groups on April 15 severely criticizing the continued operation of the court. When two human rights activists, Prince Kumwamba Nsapu of the African Association for the Defense of Human Rights (ASADHO) and Gregoire Mulamba Tshisakamba of the Center for Human Rights and Humanitarian Law (CDH), went to the COM headquarters to seek information about the eight detainees, they were also arrested. The 10 were accused of "inciting rebellion." Kumwamba and Mulamba were released on April 19 and were acquitted on April 22. The other eight were released without charge on April 17.

On January 26, NGO lawyer Willy Wengahaman and rights activist N'Sii Luanda, both arrested by COM order in 2002, were released without being charged or tried for an offense. According to NGOs, Justin Nindaga, who was arrested by police in January 2002, remained in detention and had not appeared before a judge by year's end.

UDPS Economic Advisor Jean-Baptiste Mulumba, who was arrested in May 2002 by ANR officers in Katanga, was released on May 10 as part of the April general amnesty (see Section 1.e.).

Pre-trial detention was systematically prolonged. Human rights NGOs reported that less than 20 percent of the inmates at Makala had been charged or sentenced. Many prisoners released under an April amnesty likely served time without a fair trial or due process (see Section 1.e.).

Prisoners were often held in detention after their sentences had expired (see Section 2.a.). In a few instances, when these cases were brought to the attention of the Government, prisoners were released. For example, in September, 28 Rwandan Hutu soldiers and a civilian who had been detained for approximately 5 years were released from Makala after a July visit to the facility by the Human Rights Minister.

In areas not under central government control, rebel forces were responsible for a systematic pattern of arbitrary arrests and detentions. Although rebel groups frequently arrested, charged, detained, and tried persons, they operated outside of the central government's criminal justice system. RCD/G forces frequently shuffled prisoners among different cities under their control, which prevented family members or NGOs from monitoring them. Unlike in the previous year, there were no reports that detainees were transferred to Rwanda.

There were no reported developments in any of the 2002 or 2001 cases of arbitrary arrest and detention by RCD/G forces.

The law prohibits exile, and there were no reports that the Government used forced exile. In August, Banyamulenge civil society representative Enock Sebinezwa, who fled the country in fear for his life in June 2002, returned to Kinshasa.

In February, the UPC expelled Belgian Catholic priest Reverend Marc Denecker for offering "illegal hospitality" to internally displaced persons (IDPs). Denecker, the parish priest of Bunia, had severely criticized human rights violations committed against the population.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice, in government-controlled territory, the judiciary continued to be ineffective and corrupt. The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, continued to be largely dysfunctional. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

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, these rights were often not respected 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, except those cases adjudicated by the special military tribunals, whose jurisdiction is ill-defined. The law provided 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 often did not respect fully these provisions.

Military courts, headed by a military judge and following the military code inherited from Belgium, tried military and civilian defendants as directed by the Government. The courts are required to file charges within 48 hours of the arrest; however, long delays often occurred. The military courts, which were located in all military installations and in most urban areas, have no appeal process. The Government permitted, and in some cases provided, legal counsel; however, lawyers sometimes were not granted free or unmonitored access to defendants. Sentencing guidelines also were inherited from Belgian military law; however, in practice military courts had broad discretion to go outside of those sentencing guidelines. In many cases, trials were open to the public at the discretion of the military judge.

The COM, which AI has described as “a notoriously unfair military tribunal routinely used by the Congolese authorities as a means of suppressing dissent and imprisoning real or perceived opponents, including politicians, journalists, and human rights defenders,” handed down sentences on January 7 for those charged in the assassination of Laurent Kabila. The verdicts included: 45 acquittals, 26 death sentences, approximately 30 life sentences, and approximately 30 sentences ranging from 6 months to 20 years. COM verdicts cannot be appealed.

On April 24, following protests by national and international organizations, President Kabila closed the COM by presidential decree. In addition, the President granted amnesty for political crimes, crimes of opinion, and for members of political-religious movements, including UDPS members and Bundu dia Kongo followers, and 70 prisoners were released. Many persons had their sentences commuted. Amnesty was not granted to anyone sentenced in connection with the assassination of Laurent Kabila.

The death sentences of civilians and ex-Armed Forces of Zaire (FAZ) soldiers convicted in 2001 of coup plotting had not been carried out by year’s end.

There were no reports of political prisoners.

In the areas not under government control, the system of justice essentially remained nonfunctional. Judges and other public servants were not paid their salaries, and corruption was rampant. RCD/G officials and others with influence reportedly used the judicial system to arrest individuals on false charges and to extract money and property from these individuals. There also were reports of indiscriminate military justice in which persons, including children, were executed without a trial (see Sections 1.a. and 5). Persons incarcerated by rebel forces for political reasons generally were detained without being tried formally.

In response to international pressure, the RCD/G and MLC authorities conducted trials following massacres committed by their armies during 2002; however, these trials were widely and sharply criticized by NGOs and human rights observers and raised questions about the legitimacy and credibility of the trials. In the case of the May 2002 Kisangani massacre committed by the RCD/G, six of the nine defendants were acquitted of involvement; two escaped and only one defendant was still in prison at year’s end. The military judicial authorities who handled the inquiry overlooked reprisals that their soldiers took against the civilian population. On August 19, President Kabila promoted the two RCD/G officers charged with leading the massacres, Laurent Nkunda and Gabriel Amisi (also known as Tango Fort), to Brigadier-General.

In February, the MLC organized a trial of the presumed perpetrators of massive human rights violations committed between October 2002 and December 2002 in the Mambasa region of North Kivu (see Section 1.g.). Twenty-seven defendants were tried for extortion, rape, assassination, looting, and disobeying orders. Although a corporal and a lieutenant were sentenced to life imprisonment for murder, most de-

defendants received sentences that did not reflect the seriousness of the crimes committed. For example, 16 defendants received sentences ranging from 6 months to 3 years for crimes of desertion, disobedience, or rape. MLC Lieutenant-Colonel Freddy Ngalimo, who was in charge of the military operation, was found guilty of permitting insubordination by troops under his control, and was sentenced to 3 years' imprisonment. Seven others received "internal sanctions" for lack of discipline (see Section 1.g.).

On July 21, four of six persons held for political reasons and accused of involvement in a March 2002 grenade attack on a Catholic procession in Goma were released. In September, one of the remaining detainees was provisionally released after paying a \$300 (100,000 Congolese francs) deposit required by the Goma military court.

The courts in Bunia have been closed since 1998. In November, the President named new magistrates; however, they had not begun working by year's end.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions; however, in government-controlled territory, members of the security forces routinely ignored these provisions in practice. Members of security forces and deserters from the army and police continued to harass and rob citizens. Security forces routinely ignored legal requirements for search warrants and entered and searched homes or vehicles at will. In general, those responsible for these acts remained unidentified and unpunished.

Unlike in previous years, there were no reports that security forces raided private businesses and arrested employees accused of collaborating with rebel forces or attacking state security.

Police often looted the homes of the persons they arrested; occupants frequently were beaten and abused.

ANR security agents monitored mail passing through private express delivery companies and the very limited state mail service. The Government was believed to monitor some telephone communications.

There were credible reports that, when unable to locate a specific individual, authorities sometimes arrested or beat the closest family member.

In areas not under central government control, rebel forces, and other armed groups routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (see Section 1.g.). RCD/G soldiers conducted house-to-house searches, arrested suspected dissidents, and beat those who resisted. All armed groups seized livestock, and household goods. Mai Mai forces and Hutu militias routinely seized private property and looted homes to supply themselves.

Armed groups continued to recruit children from the areas in which they operated despite claims that they had stopped the practice (see Section 5).

There were credible reports that, when unable to locate a specific individual, rebels sometimes arrested or beat the closest family member.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—War broke out in 1998 between the Government and rebel forces backed by the Governments of Rwanda and Uganda. Following initial gains by the rebels, the Governments of Zimbabwe and Angola sent troops to support the Government, bringing the war to a stalemate. The Lusaka Accords, signed in July 1999, provided for a cease-fire and disengagement of troops, the deployment of a U.N. peace observation mission, the withdrawal of foreign troops, and an internal political dialogue leading to the formation of a transitional government. By July 2001, all parties generally complied with the disengagement plan outlined in the Lusaka Accords and withdrew to new defensive positions. In late 2001 and throughout 2002, U.N. International Facilitator Ketumile Masire convened the Inter-Congolese Dialogue (ICD), which included representatives of the Government, armed groups, political opposition, and civil society. The ICD culminated in a December 2002 agreement to form a transitional government, which was codified in the April transitional constitution. The Transitional Government was officially established in July. By mid-year, all foreign troops had formally withdrawn from the country, although the Governments of Rwanda and Uganda continued to support armed groups operating in the country, and there continued to be credible reports that Rwandan soldiers and officers remained in the country.

There were few reports that the Government violated humanitarian law in the ongoing war in territory under its control. The cease-fire was generally respected along the disengagement line between government and rebel or foreign-held territory, despite continued fighting in areas behind rebel lines in the East. Unlike in the previous year, there were no reports of the use of excessive force by government against Mai Mai.

No known action was taken against Government or Mai Mai troops who committed abuses against civilians in 2002.

In areas not under government control, rebel forces, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including civilian massacres, the looting and burning of houses, attacks on civilian areas, the forcible recruitment of child soldiers, and the rape of women and girls (see section 5). Unlike in the previous year, there were no confirmed reports of aerial bombardments. At times, verification of these reports was difficult, due to geographical remoteness, hazardous security conditions, and impediments imposed by the rebel authorities (see Section 2.d.); however, the presence of MONUC allowed international observers to gather more information than in previous years.

There were numerous credible reports that armed groups burned and destroyed entire villages, frequently killing, abducting, torturing, or raping some of the inhabitants, especially in rural areas of North and South Kivu provinces, Maniema province, and the Ituri district of Orientale province.

There have been no known credible attempts by any of the combatants in the conflict to investigate incidents in which their troops allegedly committed killings, rapes, pillaging, and other abuses in areas under their control. There were also no developments in the cases of ethnic massacres and killings reported in 2001 or 2002.

RCD/G forces committed numerous mass killings in areas under their control, often in reprisal for alleged Mai Mai attacks or civilian-Mai Mai cooperation. During the year, there were credible reports that the Government of Rwanda continued to provide material support for RCD/G forces and the Union of Congolese Patriots (UPC) forces in the Kivus.

In January, in South Kivu, RCD/G troops led by Commander Utchumbe (alias Makofi) summarily executed dozens of civilians suspected of links with the Mai Mai.

On March 6, fighting between Ugandan soldiers and the UPC rebels in Bunia resulted in numerous civilian deaths of approximately 200 were injured.

In South Kivu, during early April, fighting between the Mai Mai group Mundundu 40 and RCD/G troops in the area of Bukavu resulted in serious human rights violations against civilians, including summary executions, looting, kidnapping, rape, and limits on freedom of movement. RCD/G troops in Walikale reportedly mounted human heads on sticks and committed mass rapings of women and young girls and other abuses (see Section 5). Between April 7 and 14, RCD/G troops attacked numerous villages in Walungu territory and reportedly killed at least 55 persons, systematically raped women and girls, and looted churches, schools, health centers, and stores.

In Maniema province, April clashes between the RCD/G and Mai Mai groups led to numerous human rights violations, including deaths, arbitrary arrests, and kidnappings.

In North Kivu, on July 10 and 12, Hutu militiamen killed seven civilians outside of Goma.

Local NGOs reported that between September 15 and 21, Mai Mai forces executed 17 persons in Bukama, outside Kindu.

In early January, a MONUC team investigated a joint campaign by the RCD/N and MLC to capture Mambasa, North Kivu, which took place between October 2002 and December 2002 (see Section 1.e.). The campaign, "erase the blackboard," was led by Colonel Freddy Ngalimo (Grand Mopao), who reportedly described the operation as a "vaccination operation" involving the looting of each house and the raping of every female. During the military operation along the Beni-Mambasa axis, the soldiers systematically looted, raped, and executed the populations of entire villages. The U.N. confirmed 117 cases of arbitrary execution and 65 rapes, and local Red Cross officials reported that 185 victims were buried between October and December 2002. Many were executed in Mambasa, where two corpses were exposed to the population as a warning. Several of the victims were subjected to mutilation and in some cases were forced to eat their own flesh. Nande and Pygmy populations were targeted for mutilation and cannibalism, and in some cases, sexual organs were removed and hung around the necks of the soldiers as amulets. In one case, the body of an executed Pygmy was mutilated, with the heart taken out and sucked by the soldiers before family members.

Violations of humanitarian law were commonplace and peacekeepers and humanitarian workers were threatened, harassed, and killed in a number of cases. For example, on January 15, the Hema UPC attacked a feeding center for malnourished children at a church in Nioka. They arrested and beat the priests, looted the parish, and destroyed a food-storage warehouse.

On May 11, during fighting in Bunia, unidentified persons killed two volunteers from the local Red Cross Society.

In mid-May, unidentified forces killed, dismembered, and mutilated two unarmed MONUC military in Mongbwalu, in an area that was controlled by the FNI, north of Bunia.

On July 24, an alliance of members of the Burundian rebel group CNDD/FDD, former Armed Forces of Rwanda (ex-FAR), and Mai Mai militia in southeastern South Kivu killed 11 civilians working with the Water Committee of Baraka. Six of the 11 were killed at Atamba, and 5 were killed while being taken to Kafulo, where an armed group led by Commander Ngoga was based.

In the Ituri district, landmines resulted in deaths and injuries. For example, in January, Antoinette Manyosi lost her leg when she stepped on a landmine in Bunia. On March 6, Marie Dwagani lost her foot when she stepped on a landmine while fleeing fighting in Bunia.

On April 26, in Komanda, south of Bunia, a MONUC military observer was killed and another injured in a landmine accident on a road that previously had been used by MONUC patrols.

On August 16, a joint reconnaissance convoy of MONUC and a French NGO were involved in a landmine accident on the Beni-Komanda road, and two persons were injured.

In recent years, in the Ituri district of Orientale province, a series of loose alliances involving almost all of the region's ethnic groups has formed, effectively dividing them into two camps, one pro-Hema, the other pro-Lendu. Fighting between ethnically based militias, and members of the Lendu and Hema ethnic groups resulted in thousands of civilian deaths and the displacement of more than 500,000 persons. In part to exploit the region's resources, Uganda and Rwanda armed different groups in the Hema-Lendu conflict and manipulated ethnic tensions resulting from long-standing land disputes and colonial favoritism to the Hema. There have been reports that the Rwandan and Ugandan governments supplied and trained Hema militias led by Thomas Lubanga, while the pro-government RCD-ML supported Lendu combatants. According to Human Rights Watch (HRW), between July 2002 and July, combatants in Ituri killed approximately 5,000 civilians, and there were numerous cases of massacres.

For example, between January and March, during military operations, the Hema UPC killed at least 250 persons and abducted 30 women from the Lendu village of Lipr, near Bunia. The victims were either shot during the attacks or executed with machetes over a period of days following the attacks. In addition, the UPC burnt several villages and over the course of several attacks on the town of Bambu, looted the offices of Kilo Moto, the largest gold-mining company in the region, the hospital, schools, an orphanage, and religious structures.

There were reports that Lendu militias killed, some by execution, at least 345 unarmed civilians, mostly Hema, between February 7 and March 4 in Kakhwa village, 25 miles outside of Bunia; Bogoro; and Mandro.

On April 3, Lendu militias, using primarily child combatants, committed numerous atrocities in Drodro, Ituri District. The abuses included: 408 summary executions, including many women and children; 150 stores and numerous homes looted; massacres using edged weapons, machetes, axes, firearms; and the burning to death of persons. It is likely that the number of fatalities was higher than stated because the U.N. High Commission for Human Rights (UNHCHR) was not able to carry out a complete investigation.

Fierce fighting occurred between May 6, when the UPDF left Bunia, and May 17, when MONUC brokered a cease-fire between the Hema UPC; FAPC and PUSIC militias; and the FRPI/FNI. This fighting resulted in numerous civilian deaths and the displacement of thousands, including 2,000 IDPs who took refuge at the MONUC terminal. Reports indicated that more than half the population of Bunia fled the city. MONUC confirmed 438 cases of arbitrary killing, 150 by the UPC, 291 by Lendu and Ngiti combatants, and the remaining by unidentified perpetrators.

On May 10, Lendu militia members in Bunia tracked down 2 Hema priests and 16 Hema IDPs, including 4 children, who had taken refuge in the Nyakasanza church compound, sorted them by ethnicity, and killed them.

On May 16, Hema UPC soldiers in Bunia killed 12 civilians, mostly women and children, at the Lembabo Health Center.

Between May 31 and June 1, in the Drodro area, fighting between Hema and Lendu forces led to at least 350 casualties, including 37 persons whose throats had been cut or who had been hacked with machetes at the town hospital.

On May 31, Lendu militiamen attacked the predominantly Hema town of Tchomia near Lake Albert and massacred approximately 300 unarmed civilians, including patients at Tchomia hospital.

Between June 8 and 15, the Hema UPC committed numerous human rights violations in and around Bunia. Reports indicated that approximately 40 persons were

kidnapped. An undetermined number were subsequently killed at a former Ugandan military camp at Simbiliabo and at the former UPC Governor's residence. In addition, on June 11, Hema UPC killed 14 IDPs from Medu at the former governor's residence and their bodies were disposed of in a latrine.

On June 16 and July 15, Lendu militiamen killed 150 civilians, mutilated others, abducted 80 civilians, burned 250 homes, and looted a hospital in Nkora in Ituri and in Tchomia.

During July and August, there were at least three attacks by armed militias against the population in Fataki, a mixed Hema/Lendu area 75 miles northeast of Bunia. On July 19, the Lendu FNI attacked Fataki and killed approximately 50 persons; 50 persons disappeared. On July 31, another smaller massacre occurred. Between August 5 and 8, armed militias reportedly killed 30 villagers (mostly Hema, but also some Lendu) and injured more than 100. After the August attacks, much of the local population (Hema and Lendu) fled the area to Bunia, Drodro, or Uganda. Credible sources reported that persons who tried to return to Fataki were executed, and that entire villages in the area were looted and burned, including hospitals, convents, and churches. Credible sources also reported that there was cooperation between the Lendu FNI and the FAPC, and that in the Fataki attacks, many persons recognized their assailants as child soldiers from their own villages and families.

On August 5, the Lendu FNI killed nine civilians, primarily women and children, in Nyanda, 13 miles north of Bunia. According to witnesses, the attackers came from neighboring villages and were followed by civilians carrying weapons. The attackers fled when the U.N.-mandated Artemis force sent a helicopter to the village.

On October 6, Lendu militia hacked to death and shot and killed at least 65 Hema, mostly women and children, in the village of Katshele, northeast of Bunia.

During the year, there were no reports of any action taken against members of Ituri armed groups responsible for killings and other abuses in Ituri. In addition, there were no developments in the cases of ethnic massacres and killings reported in 2002 or 2001.

Foreign rebels also killed civilians during the year. On August 24, members of the Burundian rebel group the National Liberation Forces (FNL) killed 13 persons in Rusabagi, in South Kivu province. There were also reports that FNL troops committed numerous rapes of women and men.

On October 6, members of the Burundian rebel group the CNDD/FDD killed 16 civilians in Ndunda, north of Uvira.

Rebel groups raped women with impunity; a June 2002 HRW report and the Special Rapporteur of the Human Rights Situation in the Democratic Republic of the Congo, M. Iulia Motoc, charged that armed groups used rape as a tool of war (see Section 5). Between October 2002 and February 21, in the Uvira area, a women's association recorded 5,000 cases of rape, corresponding to an average of 40 per day.

Peacekeeping forces in eastern parts of the country killed and injured a number of individuals during the year. In all reported cases, MONUC and IEMNF forces were challenged by armed militia members before opening fire.

On August 19, three militiamen killed a man they were holding hostage after being intercepted by a MONUC patrol team outside Kasehe, in North Kivu. The patrol team killed one militiaman after being fired upon.

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 these rights in practice. During the year, there were approximately 50 reported abuses where members of the media were detained, threatened, or abused by government officials. Few journalists were formally charged or tried in court.

The Government arrested, detained, beat, harassed, and intimidated journalists, opposition politicians, and individuals critical of the Government or President Kabila's political party, the People's Party for Reconstruction and Development (PPRD). For example, on March 18, the ANR arrested Jean-Pierre Muteba, Secretary General of the New Labor Union Momentum, at the Grand Hotel in Kinshasa. He had been critical of the Government's management of the mineral parastatal Gecamines, and was to participate in a workshop on the exploitation of natural resources and conflict in the country. He was released on March 31.

According to the Government, 104 newspapers completed the mandatory licensing process and were authorized to publish in the country. Approximately 48 publications appeared regularly in Kinshasa; 8 were dailies and the others were published less frequently. There also was an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Many 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 was no official newspaper; however, the Government published the Daily Bulletin, which included decrees and official statements.

Due to limited literacy and the high costs of newspapers and television, radio remained the most important medium of public information. During the year, the number of private radio stations in Kinshasa increased from 18 to 25, of which 2 were state-owned and 23 were private or religious. The number of television stations increased from 16 to 22, of which 2 were state-owned and 20 were private or religious. Opposition parties were unable to gain access to state-owned radio, although state radio and television gave extensive coverage to the activities of ex-rebels and opposition figures participating in transition institutions. Private radio was markedly less critical of the Government than private newspapers. The Government threatened to shut down radio stations that had not paid their licensing fees; however, some stations did not pay the fee, and the Government took no action against them. MONUC's nationwide radio station, Radio Okapi, continued to broadcast national and local news and provide information on MONUC's mandate, activities, and demobilization and disarmament programs.

According to HRW, on July 12, police arrested, beat, and detained overnight Roger Salomon Lulemba bin Kiabululu, correspondent of the weekly *L'Veuil*, in Tshikapa, Western Kasai, reportedly for trying to contact officials at the town hall outside of normal business hours. The same day, police detained radio journalist Gustave Mpinganayi, representing the Radio Kilimandjaro, for 4 hours in Kamonia. According to HRW, earlier that day, Mpinganayi had reported on a dispute between two diamond traders.

On August 29, national police in Kinshasa arrested Guy Kasongo Kilembwe, editor of the satirical newspaper *Pot-Pourri*, following the publication of an article accusing a member of parliament of embezzlement of funds. He spent 2 days in police custody at the Kinshasa/Gombe Public Prosecutor's Office jail, was transferred to Makala on August 31, and was released on September 4 without being charged with a crime. His release was secured after he paid \$100 (36,929 francs) and promised to appear before the public prosecutor twice a week.

On March 6, Raymond Kabala, publications director of *Alerte Plus*, was released from Makala, 2 weeks after completing a 7-month prison sentence for "harmful accusations" and "falsification of a public document." Kabala was held for an extra 14 days reportedly because of a misunderstanding by the prison authorities.

On December 31, 2002, soldiers from the DEMIAP arrested Kadima Mukombe, a journalist at Radio Kilimandjaro in Tshikapa, Kasai Occidentale province, for "insulting the army." According to Reporters Without Borders, he received at least 50 lashes during the time of his arrest. He escaped from Tshikapa Central Prison on January 29.

Police in Kinshasa seized newspapers on at least one occasion during the year.

On March 1, the Province Director shut down Radiotelevision Amazone (RTA), a private broadcasting company based in Mbuji Mayi, for broadcasting a contentious report in February about a mining accident in which several illegal miners died on February 21 (see Section 1.a.). RTA was reopened on March 25.

On June 10, police raided the offices of a church-run radio and television station, Radiotélévision Message de vie (RTMV). Police physically threatened the director, Fernando Kutino, and RTMV journalists and confiscating their broadcast equipment and transmitters. Kutino had reportedly gained a substantial popular following in the weeks prior to the incident. On November 7, the ban was lifted.

During the year, *Journaliste en danger* (JED) criticized the Government for imposing what it deemed excessive taxation and licensing fees for media organizations.

The Press Law criminalizes media offenses such as criticism of authorities; it also regulates the newspaper industry and requires publishers to deposit copies of their publications with the Ministry of Communication and Press after publication. Authorities generally charged journalists who were arrested by security services with "endangering the State" or "insulting the military" through the publication or broadcast of political news or news of the war. In a few instances, charges were brought under the Press Law, which NGOs have criticized and asked the Government to revise.

On July 11, a court in Likasi, southern Katanga province, convicted in absentia Donatien Nyembo Kimuni, a reporter for the private weekly *La Tribune*, on a charge of defamation and sentenced him to 5 years in prison. The charge resulted from the publication of an article alleging that a public mining company provided poor working conditions for its employees. At year's end, Kimuni remained in hiding.

The Ministry of Human Rights and the Ministry of Communication and Press continued to operate throughout the year and intervened on behalf of journalists who were facing prosecution and held workshops on occasion during the year.

The Government did not restrict access to the Internet during the year; however, because of high costs, the Internet was not used widely.

Academic freedom continued to be restricted. The perceived threat of government harassment and intimidation resulted in self-censorship and the modification of lectures by professors; however, there were no reports of students or professors being overtly censored.

In areas not under government control, rebel groups continued to severely restrict freedom of speech and of the press; however, some independent media organizations, primarily the Catholic Church-sponsored news agency MISNA and MONUC-operated Radio Okapi, were allowed to operate. Rebel authorities controlled most local radio stations. Radio Maendeleo, the only independent Congolese-run radio station in Bukavu, was allowed to resume operations in July; it had been closed by an RCD/G decree in December 2002 for allegedly violating its mandate by broadcasting stories with political content.

Rebel forces continued to harass, intimidate, beat, and arrest local journalists. For example, on May 2, local RCD/G soldiers in Kindu beat Dieudonne Bulongo Muzaliwa, a journalist with the National Radio-Television (RTNC), after he conducted an interview with the commander of MONUC forces in which he asked if he thought certain members of the RCD/G who traveled to Kinshasa would be mistaken for Rwandans. After he was admitted to a hospital for treatment, the RTNC reportedly fired him.

During April and May, Ben Kabamba, director of a Catholic radio station in Bukavu, and Joseph Nkinzu, director of an Anglican community radio station in Bukavu, received anonymous threats on several occasions for broadcasting news deemed unfavorable to the RCD/G. On May 28, RCD/G intelligence officers arrested Nkinzu and beat him with a torn-up tire after he broadcast commentary about the RCD/G's decision to withdraw from ongoing discussions related to the inter-Congolese dialogue. He was not charged with a crime and was released after 2 days.

In early August, RCD/G members threatened Alimasi Mayanga, director of RTNC/Kisangani, for removing several programs that focused on the RCD/G from the station's programming schedule without receiving the provincial governor's permission. On August 5, he was summoned by Floribert Asiane, Vice-Governor of Orientale province, and ordered to resume broadcast of these programs, which he did.

Rebel forces continued to harass, intimidate, and arrest foreign and Radio Okapi journalists. During the first half of the year, there were unconfirmed reports that the RDG/G continued to threaten and otherwise intimidate Radio Okapi journalists, particularly when they reported human rights abuses; and in early May, a high-ranking member of RCD/G threatened to kill a Radio Okapi journalist. During the second half of the year, the situation for some Radio Okapi journalists improved, but others continued to face serious restrictions. For example, in September, a Mai Mai military official prevented a local Radio Okapi journalist from conducting interviews outside Bunyakiri, South Kivu, because she had failed to request advance permission.

In September, a British television crew reporting on the mining of columbite-tantalite, or coltan, had their equipment confiscated and were detained overnight by RCD/G officials. Their equipment was returned to them, and they were released the next day.

There were no known credible actions taken by any armed groups against their members who beat or otherwise abused journalists or persons critical of their groups in 2002 or 2001.

b. Freedom of Peaceful Assembly and Association.—The Transitional Constitution provides for freedom of peaceful assembly; however, the Transitional Government restricted this right in practice. The Government considered the right to assemble to be subordinate to the maintenance of “public order,” and continued to require all organizers to inform the local city government before holding a public event. According to the law, organizers automatically have permission to hold an event unless the city government denies permission in writing within 5 days of receiving the original notification. Some NGOs reported that in practice, the city administration sometimes denied permission for an event, mostly on the grounds of preserving public order, after the 5-day period by backdating the correspondence. Government security services often dispersed unregistered protests, marches, or meetings.

During the year, the Government occasionally harassed opposition parties during private meetings (see Section 1.d.).

During the year, police occasionally arrested peaceful demonstrators. For example, on September 8, police arrested and jailed nine persons in Lubumbashi who were

marching to the provincial governor's office to protest school fees. They were released on September 10 by order of the Human Rights Minister.

Security forces forcibly dispersed political party press conferences and rallies on several occasions, usually on the grounds that the party had not registered with the Ministry of the Interior, in accordance with the law on political activity, or that demonstration organizers had not notified city authorities of the event. The Government required political parties to apply for permits to hold press conferences; according to local NGOs, such permits frequently were denied.

On August 15, police severely beat José Mukenge, a member of the opposition party UDPS, during police efforts to disperse a UDPS rally. Mukenge later died as a result of injuries sustained in the beating. There was no action taken against those responsible.

On August 27, police arrested UDPS members Faustin Niati and Alpha Modimbi in connection with a funeral procession for José Mukenge, and beat them at the Lufungula police camp; they were released later that day.

On September 25, 9 policemen escorted UDPS Secretary General Norbert Luyeye to the mayor's office after a press conference in Kinshasa; he was released the same day.

No action was taken against security forces responsible for using excessive force during demonstrations in 2002 or 2001.

The Transitional Constitution provides for freedom of association; however, in practice, the Government sometimes restricted this right. On September 29, the Transitional Government issued a decree authorizing all parties, including former military organizations now operating as political parties, to function legally. Prior to the decree, some parties such as the UDPS and the MLC had refused to register under the previous law on the grounds that the former government was illegitimate. The former Government treated the UDPS as an illegal organization for part of the year, and frequently arrested or dispersed young UDPS supporters deemed to be violent who attempted to hold public functions.

Political parties and civil society groups were highly active during the year in preparation for and participation in the Transitional Government. During the year, government authorities generally did not harass political parties, with the exception of the UDPS.

In areas not under central government control, rebel forces and foreign troops continued to restrict severely freedom of assembly and association. Groups critical of the authorities, especially in RCD/G controlled territory, were subject to severe repression (see Sections 1.g. and 2.a.). On May 10, RCD/G agents in Bukavu fired upon, beat, and arrested activists who intended to welcome a delegation from Kinshasa; 38 persons were injured. On May 13, 3-year-old Marie-Vinciane Bazibuhe died from injuries she sustained after she was hit by a stray bullet. At least seven persons were arrested and detained for periods of 2 to 7 days. This delegation, dubbed the "caravan of peace," never arrived, because the RCD/G did not let the delegation's plane land at the airport.

Unlike in previous years, there were no confirmed reports that rebels forcibly dispersed religious services.

No action was taken against RCD/G troops who fired on demonstrators in Bukavu in 2001.

c. Freedom of Religion.—The Transitional Constitution does not specifically provide for freedom of religion; however, the Government generally respected freedom of religion in practice, provided that worshipers did not disturb public order or contradict commonly held morals. There were occasional reports that government forces committed abuses in government-controlled areas against religious figures. There were reports of abuses by rebel groups in territories not controlled by the Government.

Some abuses against churches or clergy occurred in government-controlled areas as a result of a lack of discipline of individual government soldiers, some of whom were reportedly deserters. There were no indications that these abuses, usually the harassing of priests at checkpoints or the theft of church property, were linked to any religious or politically motivated policy.

The law provides for the establishment and operation of religious institutions. Requirements for the establishment of a religious organization were simple and generally were not subject to abuse. The law grants civil servants the power to establish and dissolve religious groups; however, during the year, there were no reports that the Government suspended or dissolved a religious group. Bundu Dia Kongo, an ethnically based spiritual and political movement that called for the violent overthrow of the Government and the establishment of an "ethnically pure" kingdom for the Bakongo tribe, remained outlawed at year's end. Officially recognized religions

were free to establish places of worship and to train clergy. In practice, religious groups that were not recognized also worshipped freely.

While the Government generally did not interfere with foreign missionaries, they were not exempt from general restrictions by security forces, such as restrictions on freedom of movement imposed on all persons by security force members who erected and manned roadblocks, at which they often solicited bribes.

In areas not under government control, respect for religious freedom continued to be poor. RCD/G soldiers continued to commit significant abuses in these areas and deliberately targeted churches and religious leaders in the towns and villages under their control. These actions were believed to be part of an attempt to intimidate the population and in retaliation for the growing role of churches as one of the few remaining forums for community discussion and peaceful political activism. Abuses took the form of arbitrary killings of pastors, priests, and laymen; public threats against the lives of religious leaders; pillaging and destruction of church property; and the execution of civilians who took refuge in a church compound (see Section 1.g.).

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement; however, the Government at times restricted this right in areas under its control. There were fewer reports of such restrictions during the year. Resolutions adopted as part of the Inter-Congolese Dialogue process in 2001 and the Transition Constitution affirmed the right to free movement of persons and goods in the country, and the Government generally honored this stated commitment during the year. Unlike in previous years, it was not necessary to obtain a routine written document from the Ministry of Interior for travel within government-controlled territory. Movement between areas under central government control and areas not under central government control continued to be hazardous and sometimes impossible, except by U.N. flights and U.N.-accompanied river convoys. Commercial flights between former government-controlled territory and former rebel-held areas resumed after the Transitional Government took office.

In Kinshasa, the practice of police and soldiers erecting roadblocks for nighttime security checks and to protect government installations continued with less frequency than in previous years. In general, military police manning the roadblocks were better organized and more professional than in previous years, and there were fewer instances in which taxibus drivers and passengers were harassed or forced to pay bribes. However, underpaid traffic police continued to routinely harass citizens and demand bribes in the course of pulling vehicles over for ostensible traffic violations.

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.

Unlike in the previous year, the Government did not require exit visas for all foreign travel. Noncitizens, including missionaries, reportedly were required to obtain exit permits before leaving the country for employment purposes. The Government allowed opposition members and journalists to leave the country; however, there were reports that journalists had difficulty in obtaining visas and permits to travel abroad.

According to the U.N. High Commission for Refugees (UNHCR), by August, approximately 300,000 Congolese refugees lived in neighboring countries, including the Republic of the Congo, Tanzania and Uganda.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government granted refugee and asylum status, and unlike in the previous year, there were no reports of the forced return of persons to a country where they feared persecution. The Government also provided temporary protection to certain individuals who do not qualify as refugees or asylees. The Government cooperated with the UNHCR and other international agencies during the year; the Government generally allowed humanitarian workers free access to affected populations in areas under its control.

Refugees were accepted into the country from Angola and the Republic of the Congo during the year. According to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA), by August 2003, approximately 286,770 refugees from neighboring countries, including Angola (144,684), Sudan (69,486), Burundi (19,392), Uganda (18,925), the Republic of the Congo (6,988), and Rwanda (27,136) resided in the country.

In January and February, 13 of the 19 FDLR/ALIR officials detained by the Government in Kinshasa in October 2002 voluntarily repatriated to Rwanda. There was no further information on the other six at year's end.

In areas not under government control, freedom of movement was severely restricted during the year, partially as a result of fighting between rebel forces, Ugandan troops, Mai Mai, and Hutu militias. Rebel soldiers frequently prevented travel and harassed travelers. Several cities were cut off from the surrounding countryside by soldiers and armed groups, who controlled all road and river access into and out of the cities. Soldiers established roadblocks and routinely harassed and extorted civilians who attempted to enter or exit these cities to buy or sell food, or to visit family members. Such travel restrictions contributed to widespread hunger and economic hardship.

Rebel forces frequently imposed travel restrictions on NGOs, although in some cases they permitted NGOs and civil society groups to travel to conferences in foreign countries or government-controlled territory.

As of November, the OCHA estimated that there were 3.4 million IDPs in the country, which represents an increase of approximately 700,000 IDPs from December 2002. According to U.N. estimates, the majority of IDPs were reportedly in the eastern portion of the country, mostly concentrated in the Ituri area. In November, the OCHA reported that there were between 500,000 and 600,000 IDPs in the Ituri region. Many of the IDPs received no assistance because of ongoing fighting and the denial of access to NGOs, and many were forced to relocate numerous times to escape fighting (see Section 1.g.). For example, in rural areas of North and South Kivu, 80 percent of families had been displaced repeatedly since the start of the war.

From mid-2002 until mid-year, in the Ituri district of Orientale province, an area dominated by Ugandan-supported forces, fighting continued between members of the Lendu and Hema ethnic groups and their respective allied tribes, which reportedly resulted in 500,000 IDPs (see Section 5).

In late May, IDPs reported that militias attacked and fired upon them with guns as they attempted to flee Bunia. On May 27, in Bunia, the UPC said on a Radio Candip broadcast that displaced persons gathered at MONUC's base would be regarded as enemies, and a military team would be put in place to dislodge them from the camp; however, no action was taken against the IDPs. In addition, during May, militias established checkpoints along the road from Bunia to Beni where IDPs were required to pay for "travel permits" and show identity papers. There were reports that persons were targeted for attacks at these checkpoints based on language, place of birth, physical characteristics, and ethnicity.

On several occasions, the RCD/G and the UPC militia denied access to humanitarian organizations or obstructed their ability to deliver humanitarian relief supplies. For example, the RCD/G systematically refused to allow the U.N. and humanitarian agencies to provide relief supplies to Shabunda and other areas under Mai Mai control.

On May 24, Hema UPC militiamen looted the Bunia hospital and stole or destroyed 300,000 doses of vaccines intended for children of the Ituri district. They also pillaged the depot of the World Health Organization. UPC leader Thomas Lubanga informed MONUC that a few looters had been arrested, and some of the stolen material was returned.

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

Citizens did not have the right to change their government peacefully and have not been able to change their government through free elections since independence in 1960. President Joseph Kabila continued to be president of the country under the Transitional Government. Under the Transitional Constitution, four vice presidents were sworn into office in July, two from the main former rebel groups, one from the political opposition, and one from the President's political family. The bicameral parliament as established under the Transitional Constitution, includes members from these groups, and representatives of civil society and smaller rebel groups. Five independent commissions were created in accordance with the Transitional Constitution, including an electoral commission and truth and reconciliation commission. While the sharing of posts among the groups participating in the Transition Government is intended as a check on presidential authority, in practice these transition institutions had not yet begun to function fully by year's end. Former rebel-held areas had not been brought under effective central government authority by year's end. The Transition Constitution calls for elections to be held within 2 years of the installation of the Transitional Government, whose ministers were formally

appointed June 30. This period may be extended for two additional 6-month periods, with the approval of Parliament.

The law allows legally registered political parties to operate freely; however, the Government continued to arrest political activists and to block some activities, including marches and press conferences, particularly of parties who had not registered under the terms of the law (see Section 2.b.).

The State continued to be highly centralized in many ways. Under the Transition Constitution, the President has the authority to appoint governors throughout the country; however, by year's end, this authority had not been exercised, and the issue of who should appoint governors had been referred to the Supreme Court. The Government also can appoint territorial administrators.

On August 25, the Transitional Parliament inaugurated an anti-corruption bureau. The Transition Constitution provides for the creation of five citizen commissions: An Observatory for Human Rights, a Truth and Reconciliation Commission, a High Authority for Media, an Ethics and Anti-corruption Commission, and the Independent Electoral Commission; however, none of these institutions were operating at year's end.

On August 28, President Kabila submitted to Parliament a declaration of his wealth, in accordance with the Transitional Constitution, which requires that executive members of the Transitional Government submit written declarations of their assets, which all parties to the Transitional Government agreed to do to combat government corruption.

There were no official restrictions on the participation of women or minorities in politics. Six of 36 cabinet ministers and 2 of 24 vice ministers were women, and women held 42 of the 614 seats in Parliament, including 5 of the 120 Senators. Pygmies were not represented in the political process.

In areas not under central government control, citizens did not have the right to change their government peacefully. In RCD/G-controlled territory, rebel authorities appointed local officials. Each rebel group tended to be dominated by members of one ethnic group, often a minority ethnic group in the areas under their control. Rebel forces and foreign troops continued to severely limit political freedom (see Section 2.b.). During the first half of the year, the only political party allowed to operate openly in RCD/G-held territory was the UDPS, which signed a political alliance with the RCD/G in 2002. In September, unknown attackers fired on the Goma residence of an official from the pro-Kabila People's Party for Reconstruction and Development (PPRD) was fired upon by unknown attackers; RCD/G security forces were slow to respond. However, by year's end, political parties had begun to operate in these areas.

On April 13, the Ituri Pacification Commission adopted a series of interim measures to end hostilities and provide a provisional administration in the Ituri District, and in May it established the Ituri Interim Administration, led by Petronille Vaweke.

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

In areas under central government control, numerous domestic and international human rights NGOs continued to investigate and publish their findings on human rights cases. Unlike in the previous year, there were no reports that security forces harassed domestic NGO workers. The Human Rights Ministry worked with NGOs during the year and was responsive to their requests and recommendations.

The main domestic human rights organizations operating in the country included the Committee from Human Rights Now; the Voice of the Voiceless (VSV); Groupe Jeremie; the Committee of Human Rights Observers (CODHO); Toges Noires; and ASADHO.

The Government cooperated with international governmental organizations and NGOs, and permitted international humanitarian and human rights NGOs access to conflict areas. A number of U.N. representatives and international NGOs visited the country during the year. International NGOs published several reports on the human rights and humanitarian situation in the country, with a focus on the Ituri region of Orientale province. Amnesty International (AI), HRW, Refugees International, and Doctors Without Borders published major reports on the human rights and humanitarian situation in Ituri. AI and Watchlist on Children and Armed Conflict published major reports on the impact of ongoing violence in the east on children, with a focus on child soldiers (see Section 5).

In June, the U.N. Security Council mission to Central Africa found "gross and widespread violations of human rights that have accompanied the fighting in the eastern Democratic Republic of the Congo, including murder, rape, and the destruction of property, the large-scale displacement of civilians from their homes, the use

of child soldiers, the illegal exploitation of natural resources, and even the reported incidence of cannibalism.”

U.N. Special Rapporteur Motoc visited the country at least 3 times during the year and reported that the “uncontrolled presence of armed militias has resulted in massive human rights violations, summary executions, forced disappearances, abduction, torture, and obstruction of humanitarian aid.” The U.N. High Commissioner for Human Rights visited the country from January 12 to 15 and submitted his report to the U.N. Security Council in February. He found that the “widespread violations of human rights continue to be perpetrated . . . with impunity,” and that “prevailing human rights situation in the Democratic Republic of the Congo [is] alarming and a threat to the fragile peace process.” In addition, Motoc said there were indications that genocide may have occurred in the Ituri district. She noted a collegial and cooperative spirit in the Transitional Government but added that 10 requests to the Transitional Government for emergency action had received no response.

On October 30, a U.N. report established that revenues from gold and diamond plundering by militias and certain domestic and foreign companies enabled political and military actors to fund their military activities, including the purchase of arms, which significantly contributed to the extension of the war and serious human rights abuses. The report indicated that the volume of illegally exploited minerals decreased somewhat under the militias following the official withdrawal of Ugandan and Rwandan forces.

The Government continued to cooperate with the International Criminal Tribunal for Rwanda (ICTR), and senior members of the Government continued to request an ongoing presence in the country. ICTR investigators operated freely in government-held areas of the country, seeking a number of genocide indictees they believed might be living in the country.

In areas not under government control, there were fewer domestic and international human rights NGOs than in government-controlled territory; those that did operate were subjected to frequent harassment and abuse.

Domestic human rights organizations operating in areas outside government control included Heirs of Justice and Solidarity Exchange for Integral Development (SEDI), The Christian Network of Human Rights and Civic Education Organizations (RODHECIC), in South Kivu; Promotion and Support for Women’s Initiatives (PAIF), in the Kivus; Action for the Relaunch of the Congo (ARC); and Lotus Group, Friends of Nelson Mandela, and Justice and Liberation, in Kisangani.

Armed groups in Bunia did not always respect humanitarian workers or peacekeepers, and a number of humanitarian workers were killed (see Section 1.g.).

Rebel groups and militias frequently harassed, arrested, and tortured domestic NGO workers in an attempt to obstruct their reporting. According to a July report by HRW, intimidation of human rights activists by rebels and armed groups increased during the first half of the year. For example, in February, MLC authorities arrested David Aliana, a member of the NGO Les Amis de Nelson Mandela in Buta, Orientale province, for “betrayal of public security,” after he informed MONUC of human rights violations committed by MLC soldiers. There were no reports that he had been released by year’s end.

On February 5, UPC authorities raided the Bunia-based Justice Plus after its president, Maitre Honore Musoko, conducted an interview on international radio about human rights abuses in Ituri. UPC authorities also raided the office of a company owned by Musoko, arrested two workers, and seized satellite phone and computer equipment. The two were released after brief detentions, and other members of Justice Plus went into hiding. Musoko remained outside the country at year’s end.

On May 19, an RCD/G officer in Bukavu harassed and threatened Pascal Kabangulu Kibembi, the executive secretary of Heritiers de la Justice.

On June 24, RCD/G raided SEDI’s office in Uvira, and on June 27, RCD/G arrested Donatien Kisangani Mukatamwina, a SEDI member, at the Kavumvira border crossing to Burundi. He was detained for 13 days without charge and released.

Rebel forces frequently imposed travel restrictions on human rights NGOs and journalists (see Section 2.d.).

International NGOs active in areas not under government control included the ICRC and the International Human Rights Law Group. Various armed groups permitted international humanitarian and human rights NGOs access to conflict areas. Unlike in previous years, rebel groups cooperated with international investigative bodies, such as the U.N. Special Rapporteur, the UNHCHR, and MONUC. They also allowed international NGOs, such as AI and HRW, to conduct investigations and publish reports.

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

The Transitional Constitution prohibits discrimination based on ethnicity, sex, or religious affiliation; however, the Government was unable to enforce these prohibitions effectively. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women and indigenous Pygmies (Batwa).

Women.—Domestic violence against women, including rape, was common throughout the country; however, there were no known government or NGO statistics on the extent of this violence. Assault and rape are crimes, but police rarely intervened in domestic disputes and rapists were rarely prosecuted. There were no laws prohibiting spousal abuse or assault. It was commonplace for family members to instruct a rape victim to keep quiet about the incident, even to health care professionals, to save the reputation of the victim. The press rarely reported incidents of violence against women or children; press reports of rape generally appeared only if it occurred in conjunction with another crime, or if NGOs reported on the subject. Girls who had been raped often found it difficult to get married; married women who were raped were often abandoned by their husbands. For example, in late March, a local NGO reported that eight militia members in Fizi territory, South Kivu, raped a 22-year-old pregnant woman. As a result of these rapes, she miscarried, and her husband abandoned her and her four children.

Gang rapes by members of armed groups, which were common in the east, continued to be violent, sometimes involving props such as tree branches, and resulted in vaginal fistula, a rupture of vaginal tissue that leaves women unable to control bodily functions and vulnerable to enduring ostracism. Vaginal fistula is most often caused by child birth, but doctors in Goma, Bukavu, Shabunda, and several other cities with hospitals witnessed an increase in women seeking vaginal reconstructive operations, which cost approximately \$300 (111,000 francs).

According to the U.N. Special Rapporteur, in areas not controlled by the Government, there was “recurrent sexual violence against women and children in the east The use of mass rape and sexual violence as weapons of war intended to destroy the structure of the family has harmed Congolese society. Often rejected by their families or infected by sexually transmissible diseases or HIV, women have nowhere to turn for help. The climate of impunity continues unabated” (see Section 1.g.). In addition, armed groups forcibly abducted women and used them as sex slaves (see Section 6.c.).

The law did not prohibit the practice of FGM. FGM was not widespread, but it was practiced on young girls among isolated groups in the north. A 2002 presidential decree created the National Committee to Fight Harmful Traditional Practices/Female Genital Mutilation. The Committee developed a network of community leaders, women representatives, and health professionals dedicated to the prevention and treatment of FGM; however, the Committee lacked adequate resources for prevention and treatment.

The law does not prohibit prostitution except in cases involving children under the age of 14; prostitution, including child prostitution, was a problem and increased during the year due to poor economic conditions. There continued to be reports of women pressured to engage in prostitution by their families out of economic necessity. There was no information available on the extent of prostitution in the country. Security forces encouraged prostitution. In some areas of Kinshasa, prostitutes could be procured in shanties just a few steps from a police station. There were numerous credible reports that policemen were customers.

There were reports that women were trafficked (see Section 6.f.).

Women were relegated to a secondary role in society. They constituted the majority of primary agricultural laborers and small-scale traders, and they almost exclusively were responsible for child rearing. In the nontraditional sector, women commonly received less pay for comparable work. Only rarely did they occupy positions of authority or high responsibility.

Women were 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; however, in practice, women often were denied these rights, which in some cases was consistent with traditional law. Widows commonly were stripped of all possessions—as well as their dependent children—by the deceased husband’s family. Human rights groups and church organizations worked to combat this custom, but there was little government intervention or legal recourse available. In addition, women often did not realize that they could improve their legal inheritance claims by obtaining official documents that proved their marital status. Women also were denied custody of their children in divorce

cases, but they retained the right to visit them. Polygyny was practiced, although it was illegal. Father-child relationships resulting from polygynous unions were recognized legally, but only the first wife was 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 programs for children's welfare was almost nonexistent. Primary school education was not compulsory, free, or universal. In public schools, parents formally were required to pay a small fee, but parents often informally were expected to pay teachers' salaries. Extremely poor economic circumstances often hampered parents' ability to afford these added expenses and many children were not able to attend school. Most schools functioned only in areas where parents had formed cooperatives. According to UNICEF, the net primary school attendance during the year was 51 percent. In both the government-controlled and rebel-controlled areas, poverty brought on by the war led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer could afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school. In addition, in areas under control of RCD/G soldiers, there were numerous reports that girls dropped out of school due to threats of rape and sexual violence by soldiers targeting the schools (see Section 1.g.).

FGM was not widespread but still was performed on girls among isolated groups (see Section 5, Women).

The law prohibits prostitution by children under the age of 14; however, child prostitution was a serious problem. There were reports during the year that girls were forced into prostitution to earn money for their families.

The Armed Forces continued to have child soldiers in their ranks despite commitments to demobilization. By August, only 280 child soldiers had been released, out of a total 1,500 children scheduled for demobilization from 2001. There were no reports that the Government actively recruited children; however, according to Amnesty International, there were numerous reports that it provided military support to armed groups such as the Mai Mai and the RCD-ML, which continued to recruit and use child soldiers.

The Government participated in an international program to prevent children from becoming child soldiers and to combat child labor. The Government continued to collaborate with UNICEF to demobilize child soldiers in the military. During the year, the Government held workshops to facilitate the reintegration of former child soldiers into their home communities as part of its ongoing demobilization program enforced by the National Bureau for Demobilization and Reintegration.

The number of orphans and street children increased during the year. Soldiers and police subjected street children in Kinshasa to harassment. Unlike in the previous year, there were no reports that government forces rounded up children living on the street and transferred them to group facilities outside the city.

According to a November report by the U.N. Special Rapporteur, between 25,000 and 50,000 child refugees, war orphans, and "child sorcerers" roamed the streets throughout the entire country, although some of those who were not orphans returned to their families at day's end. Unsupervised and poor, many engaged in street crime, begging, and prostitution. Child sorcerers were accused of having mystical powers and their families often abandoned them, sometimes because of financial difficulties. In late June, persons accused an 11-year-old boy of sorcery and killed him; no action was taken against those responsible by year's end. On June 24, an 8-year-old boy in Kinshasa was accused of being a witch, tortured, and burned; he died 3 days later as a result of his injuries. No action had been taken against those responsible by year's end.

In territories not under central government control, children committed and were victims of serious crimes. Since 1998, the conflict has resulted in the destruction of 200 schools. In addition, approximately 200 health centers have been closed, resulting in the deaths of hundreds of thousands of children from malnutrition and other preventable diseases.

Armed groups continued to abduct and forcibly recruit children to serve as forced laborers, porters, combatants, "war wives," and sex slaves (see Sections 6.c. and 6.f.). Although most leaders of armed groups publicly opposed the recruitment of child soldiers, and publicly supported demobilization efforts, armed groups increased child recruitment efforts during the year. According to UNICEF, as many as one-third of the country's children may have been forced to take up arms. There were at least 10,000 child soldiers in Ituri alone, many of whom were very young, including a 7-year-old boy who served with PUSIC.

All armed groups in the east, including the North Kivu Local Defense Forces, continued to recruit children. Children made up a large percentage, and in some cases

the majority, of soldiers in an armed unit. For example, reliable reports indicated that children accounted for at least 40 percent of UPC, FAPC, FNI/FRPI, and APC forces, and up to 50 percent of Mundundu-40 forces.

Children were voluntarily and forcibly recruited; however, no reliable data was available on the number of children recruited willingly versus forcibly. Although a large number of Ituri's child soldiers enlisted voluntarily, most "volunteer" children came from families who were victims of killings or village attacks, and had lost some or all of their family and community safety net during the conflict. Many children joined an armed group based on their ethnic origins and their places in shifting military alliances; however, most made calculated decisions about their "best chances for survival" and aligned with whichever group looked most likely to support them.

For example, according to AI, in April, a 12-year-old Hema enlisted in the UPC after Lendu combatants killed his sister and underwent 5 weeks of combat training at Katoto. On May 11, in Bunia, his superiors ordered him to kill a number of civilians who were considered enemies.

There were a number of cases of recruitment targets and campaigns, forced recruitment, and recruitment of former child soldiers who had been demobilized. Many children were abducted from their families and from schools by various armed groups, including young girls who were frequently forced to serve as "war wives" and sex slaves for soldiers. For example, in January, RCD/G officials forcibly abducted children from a local school in Kalehe, North Kivu.

Idjwi Island, located in the middle of Lake Kivu, in South Kivu has been the site of intense child soldier recruitment, some of which was by force, since June. The RCD/G deliberately targeted former child soldiers who had left the army or been officially demobilized. For example, AI reported that a 17-year-old who was originally recruited by the RCD/G in 1998 but later fled the army was in hiding after RCD/G soldiers went several times to his house to forcibly recruit him. Another 16-year-old former soldier was forcibly recruited, at gunpoint, in front of his family.

According to AI, militias often used children they recruited as "cannon fodder". Many children were sent to the front lines of combat to serve as decoys, scouts, and bodyguards, and forced to commit abuses such as rape, killings, and cannibalistic and sexual acts with enemy corpses (see Section 1.g.). In January, a large number of children were killed during armed clashes in Uvira. In February, more than 40 child soldiers were killed in Ituri, in clashes at Lipri and Songolo.

In May and July, the PUSIC sent at least 250 children to Uganda for military training and there were reports that RCD/G sent children to Rwanda for military training.

Children were treated brutally if they failed to obey orders. Some were beaten or placed in detention for falling asleep while on guard duty, failure to obey orders, or desertion. In detention, they were often tortured and otherwise ill-treated. In addition, a number of children who were captured in battle suffered torture and imprisonment. According to a credible source, in April, a 16-year-old UPC combatant was involved in a battle against FNI forces south of Bunia. During the battle, he was captured, severely beaten, and had his front teeth knocked out with a rifle butt. Further beatings resulted in broken ribs and lesions. He was then thrown into a "Mabusu," or underground prison pit, for 3 weeks before he escaped.

Child soldiers have also been victims of extrajudicial executions. For example, on May 25, according to AI, a child soldier was arrested in Uvira, South Kivu by the RCD/G after allegedly killing a soldier while trying to steal his radio. He was not tried, and was executed in public the same day.

Girl soldiers were often assaulted, raped, and infected with HIV/AIDS. In Ituri, girls have been utilized as foot soldiers, domestics, and sex slaves. In some cases, sexual abuse was of a limited duration or was carried out in a sporadic manner, many times with different victimizers. For example, in October and November, the UPC and FNI forcibly abducted girls in Djugu Territory. Credible reports indicated that the UPC beat a woman to death after she tried to prevent her 15-year-old daughter from being forcibly taken. In addition, on November 30, two girls, aged 14 and 15, were reportedly taken by the same unit to be used as sexual slaves. There were also reports that beginning in September girls as young as 14 years were regularly abducted by members of the FNI.

Other girls were subjected to repeated rape over longer periods with one victimizer. These girls were commonly referred to as "war wives," who often served both as fighting elements in active combat and sexual slaves for their commanders.

Rebel groups and militias demobilized some child soldiers with assistance from MONUC, UNICEF, and NGOs; militias often did so when they could no longer feed the children. For example, between March and August, RCD/ML demobilized approximately 80 children at a demobilization center outside Beni, North Kivu. In Au-

gust, at least 37 children, including 5 girls under the age of 15 were released from the RCD/G Kavumu training camp and demobilized. However, demobilization efforts have been hampered in South Kivu by hostile attitudes of some RCD/G commanders and re-recruitment efforts. For example, AI reported that on July 19, a local human rights activist in Uvira was briefly detained and ordered to refuse to accept any children at the demobilization center, which his NGO managed.

In August, RCD/G authorities in Uvira, South Kivu announced on the radio that NGOs were no longer allowed to assist in the demobilization of children; however, NGOs were not prevented from assisting.

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

Persons with Disabilities.—The law does not mandate accessibility to buildings or government services for persons with disabilities. There were some special schools, many staffed with missionaries, that used private funds and limited public support to provide education and vocational training to students who were blind or had physical disabilities.

Persons with disabilities were subjected to discrimination in employment, education, and the provision of other government services. Persons with disabilities were exempt from some civil laws, such as paying some taxes, or in some cases paying customs duties.

Indigenous People.—There was 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. During the 2002 "erase the blackboard" campaign in Orientale province, Pygmies were targeted for cannibalism (see Section 1.g.).

In May, the U.N. Permanent Forum on Indigenous Issues heard testimony from Pygmies about alleged atrocities and discrimination.

There were unconfirmed reports that some tribes used Pygmies as slaves or as part of burial ceremonies.

National/Racial/Ethnic Minorities.—There were at least 200 separate ethnic groups, which generally were concentrated regionally and spoke distinct primary languages. There was no majority ethnic group; some of the largest ethnic groups were the Luba, Kongo, and Anamongo. Four indigenous languages, Kiswahili, Lingala, Kikongo, and Tshiluba, had official status. French was the language of government, commerce, and education. Societal discrimination on the basis of ethnicity was practiced widely by members of virtually all ethnic groups and was 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 was common in large cities.

Unlike in previous years, ethnic Tutsis were not subjected to serious abuses by government security forces or citizens. A cooperative effort between the Ministry of the Interior, ICRC, and international donors had supported a center in Kinshasa for Tutsis at risk since 1998; however, with the threat of abuses greatly diminished, the National Institute for Social Security (INSS) center was closed on June 30.

President Kabila's cabinet and office staff were geographically and ethnically diverse. However, a significant amount of political influence remained in the hands of individuals (both inside and outside the Government) from Katanga province. Katangans in the Armed Forces were more likely both to be promoted and to be paid than persons from other regions. The leadership of former rebel groups also was geographically and ethnically diverse. However, a significant amount of influence in the MLC continued to be held by members from the Equateur province, and in the RCD/G leadership by Tutsis. A significant number of ethnic groups were represented in the Transition Government.

Birth on national territory did not necessarily confer citizenship. The Government did not recognize the citizenship claims of some longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis from Rwanda. However, in ICD negotiations in Sun City in 2002, the Government and most other parties agreed to take a more inclusive approach to the Banyamulenge; however, by year's end, citizenship had not been granted to them. Citizenship and nationality questions were scheduled to be addressed by the Transition Government.

During the year, in the Ituri district of Orientale province, fighting between members of the Lendu and Hema ethnic groups (and other smaller tribes allied with either the Lendu or the Hema) resulted in hundreds of civilian deaths and the displacement of more than 500,000 persons (see Sections 1.g. and 2.d.).

There were reports that militias forced members of other ethnic groups to work in labor camps (see Section 6.c.).

On July 30, residents of Bunia stoned to death five Lendu men and a woman of the Nande ethnicity; the motivations behind the stonings remained unknown but may have been prompted by economically driven ethnic strife.

Section 6. Worker Rights

a. The Right of Association.—The law permits all workers, except magistrates and military personnel, to form without prior authorization and to join trade unions; workers formed unions in practice. The National Union of Congolese Workers (UNTC) remained the largest labor federation. The country's other large confederations were the Democratic Confederation of Labor (CDT) and the Congo Trade Union Confederation (CSC). Although very few workers were members of unions, there also were almost 100 other independent unions, which were registered with the Labor Ministry. Some of the independent unions were affiliated with political parties or associated with a single industry or geographic area; however, they also participated in larger confederations, such as the UNTC, which had more diverse membership. Since the vast majority of the country's economy was in the informal sector, only a small percentage of the country's workers were organized.

The collapse of the formal economy, which was exacerbated by the civil war, resulted in a decline in the influence of trade unions, a tendency of employers to ignore existing labor regulations, and a decrease in wages as jobs increasingly became scarce. The Labor Code prohibits discrimination against unions, although this regulation was not enforced effectively by the Ministry of Labor. The law also requires employers to reinstate workers fired for union activities.

Unlike in the previous year, there were no reports that police forcibly dispersed labor marches.

Unions could affiliate with international bodies. The UNTC participated in the Organization of African Trade Union Unity, and the Central Union of Congo was affiliated with the World Confederation of Labor. Both the UNTC and the CDT also were affiliated with the International Confederation of Free Trade Unions.

In areas not under government control, there were no reports of functioning labor unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to bargain collectively; however, collective bargaining was not used in practice. While collective bargaining still existed in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees. In the public sector, the Government set wages by decree; public sector unions acted only in an informal advisory capacity.

The law recognizes the right to strike; however, legal strikes rarely occurred because the law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures. Labor unions were not able to effectively defend the rights of workers in the deteriorating economic environment. The law prohibits employers or the Government from retaliating against strikers, but this prohibition was not enforced.

In areas under government control, civil servants salaries' were current by year's end, although arrears had not been addressed.

There are no export processing zones.

In territories not under central government control, there were no regulations in effect that governed employment or union memberships. Civil servants remained unpaid at year's end.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, in areas not under government control there were reports that Mai Mai groups and Hutu militias abducted men, women, and children and forced them to work in rural areas.

There were unconfirmed reports that some tribes used Pygmies as slaves.

There were reports that government-supported Mai Mai groups used forced labor.

The law does not specifically prohibit forced and bonded labor by children; however, the general law prohibiting forced or bonded labor applies, and forced and bonded labor by children was a problem (see Sections 6.d. and 6.f.).

In areas not under government control, there were numerous reports that rebel groups, Mai Mai, and Hutu militias used forced and bonded labor. Rebel soldiers routinely forced civilians to carry heavy loads for them for long distances, or to transport them without pay on their bicycles, which typically were used as taxis in many eastern cities.

Armed combatants on all sides abducted women and children and forced them to provide household labor or sexual services for periods ranging from several days to several months (see Section 5). Specific information was difficult to obtain because NGO access was hindered and because victims were reluctant to discuss their experiences because of possible reprisal from the perpetrators and the social stigma at-

tached. On December 3, U.N. forces freed at least 34 women and girls who were being used as sex slaves from Lendu militia camps near the town of Djugu, northwest of Bunia; the women and girls, who were between the ages of 12 and 23, were kept in underground prison cells.

RCD/G soldiers continued to forcibly conscript adults and children, often forcing those they had arbitrarily arrested to train and serve with RCD/G forces (see Section 5).

There were reports of forced labor camps in the provinces of Orientale and South Kivu, especially in the areas of Fataki, Shabunda and Mwenga. Around August 27, Lendu militias reportedly relocated approximately 100 Hema civilians to labor camps near Fataki, following their abduction during fighting in July and August.

Unlike in the previous year, there were no reports that the Rwandan army forced persons to mine coltan.

There were reports that CNDD/FDD soldiers forced villagers to perform labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem throughout the country, and the employment of children of all ages was common in the informal sector and in subsistence agriculture, which were the dominant portions of the economy. Such employment often was the only way a child or family could obtain money for food. The legal minimum age for full-time employment without parental consent 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. Larger enterprises did not exploit child labor. Neither the Ministry of Labor, which was responsible for enforcement, nor labor unions effectively enforced child labor laws.

There continued to be reports that forced child labor occurred (see Sections 5, 6.c., and 6.f.). Some parents forced their children to leave school and beg in the streets, or hunt or fish to earn money for their families.

In areas not under government control, there were numerous credible reports that rebel groups, Mai Mai, and Hutu militias used forced child labor, including the use of girls as sex slaves (see Section 6.c.).

Child soldiers, among other vulnerable children, have been involved in the illegal exploitation of natural resources in Ituri District to the benefit of their militia commanders. For example, there were credible reports that children aged between 10 and 18, many of them associated with the FNI, worked in gold mines in Djugu Territory. Active or former child soldiers, mostly between the ages of 11 and 15, also worked in gold mines in UPC-controlled area of Iga Barriere on behalf of their UPC commanders, who paid them very low wages to dig for them. Credible reports indicate that in the mining areas of Mongbwalu, Iga Barriere, and Centrale, an elevated number of re-recruitments of former child soldiers took place to secure mine labor for the armed groups, including the UPC and FNI. There continued to be reports that children worked in coltan mines, often because of economic necessity.

e. Acceptable Conditions of Work.—Most citizens were engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage did not provide a decent standard of living for a worker and family, and most workers relied on extended family and informal economic activity to survive. Minimum wage laws continued to be suspended at year's end. Civil servant salaries remained very low, ranging between \$4 (1,600 Congolese francs) and \$20 (8,000 Congolese francs) per month, and salary arrears continued to be a problem (see Section 6.b.). However, depending on their position, civil servants, including police and soldiers, frequently supplemented their incomes through extracting bribes and various other practices of corruption.

The maximum legal workweek (excluding voluntary overtime) was 48 hours. One 24-hour rest period was required every 7 days.

The Labor Code specifies health and safety standards; and although the Ministry of Labor officially was charged with enforcing these standards, it did 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.

In areas not under government control, rebel authorities did not address employment issues or health and safety standards. There were few jobs available in the formal sector. Employees of RCD/G-controlled parastatals remained unpaid. Most citizens in rebel-controlled territory were engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage did not provide a decent standard of living for a worker and family. Due to extended pillaging, extortion by armed groups, and instability forcing families to flee their homes and crops, poverty and economic hardship generally were more severe in areas held by rebels than in areas under government control. Most citizens relied on informal economic activity,

humanitarian aid, and scavenging in the forests. Salary arrears for police, soldiers, and other public officials encouraged extortion and theft from the population.

f. Trafficking in Persons.—There were no specific laws that prohibited trafficking in persons, and trafficking occurred. There were laws prohibiting the corruption or debauchery of minors under the age of 21; however, there was no information available on trafficking-related prosecutions under these laws. Internal trafficking for forced labor and forced sexual exploitation occurred. In addition, child prostitution was common in Kinshasa and other parts of the country (see Section 5). The forcible recruitment and use of child soldiers by rebel groups contributed to trafficking (see Section 5).

There were reports that government officials participated in or facilitated trafficking in humans. For example, in May, Vice President Jean-Pierre Bemba was sentenced in absentia by a Belgian court to 1 year in prison for “people trafficking.” He was accused of illegally bringing two domestic servants into Belgium with false papers and identifying them as crew members of an airline managed by the Bemba family in the late 1990s.

The Government had few programs in place to prevent trafficking. The Ministry of Family Affairs and Labor implemented an action plan against sexual exploitation in conjunction with an international organization. In addition, the Government coordinated with other countries on trafficking issues and has attended some regional meetings on trafficking in persons; however, government efforts to combat trafficking were limited by a lack of resources and information, and because much of the country’s trafficking problem occurred in areas controlled by rebel groups. The Government has not effectively investigated or prosecuted trafficking cases. The Government had few resources for training; however, it permitted training of officials by foreign governments and NGOs. The Government had no funding available for protection services. Victims were not prosecuted.

In areas not under central government control, there continued to be reports that the RCD/G, Mai Mai, Hutu militias, and other armed groups kidnapped men, women, and children and forced them to provide menial labor and sexual services for members of armed groups (see Section 6.c.). In addition, armed groups abducted children to serve as combatants in areas under their control (see Section 5).

The Government repeatedly has severely criticized the abduction of women and children by armed groups in areas of the country not under government control. In May 2002, the Government filed a case against Rwanda in the World Court, accusing Rwandan soldiers of killing, raping, and kidnapping civilians in the country.

REPUBLIC OF CONGO¹

The Republic of Congo is ruled by a government in which most of the decision-making authority is vested directly in the President and his administration. Denis Sassou-Nguesso was elected President in March 2002, and, in May and June 2002, legislative elections were held for the Senate and the National Assembly in all jurisdictions, except for the Pool region where an insurgency was most active. The President’s Congolese Workers’ Party (PCT) won the legislative elections and controlled 129 seats in the 137-seat National Assembly. Both the presidential and legislative elections were determined “not to contradict the will of the people” by independent monitors; however, there were some flaws and irregularities in the administration of the elections, which caused lingering credibility questions about the Government by opposition members and some persons in the international and local nongovernmental organization (NGO) communities. Because of security problems, elections in some jurisdictions in the Pool region had not yet been held. Until March, antigovernment Nsiloulou Ninja militiamen operated principally in the northern and central Pool regions and the conflict intensified. On March 17, the Government and the Ninjas signed a peace accord in which the Ninjas would have political representation in the southern Pool region and begin a disarmament, demobilization, and reintegration (DDR) program. At year’s end the DDR program had not begun. There were some improvements in the rule of law and parliamentary oversight dur-

¹The United States Embassy closed its facilities in the country during the 1997 civil war and subsequent years of instability. During those years, it operated out of the United States Embassy in Kinshasa, the Democratic Republic of the Congo; however, in late 2001, operations were no longer considered “suspended”, and American diplomats resumed working in the Republic of Congo only on a temporary duty basis. There is no American chancery or office space in the country. American diplomats are assigned to Kinshasa and travel by boat to Brazzaville for temporary duties.

ing the year; however, the judiciary remained corrupt, overburdened, underfinanced, and subject to political influence.

The security forces include the police, the Gendarmerie, and the armed forces; however, the functional distinction between these forces is not always clear. In theory, the police respond first to security incidents, with gendarmes and army units intervening later if necessary; however, in practice overlapping operations were common. At times, the Government did not have full control over some members or units of the security forces. The Angolan armed forces, under a bilateral agreement to provide security, had departed by year's end. Some members of the security forces committed serious human rights abuses.

The economy, which was in transition from a state-directed economy to a market-oriented economy, suffered serious revenue losses by year's end, mostly from a drop in oil prices and in revenue from the non-oil sector. However, oil exports remained the country's main sources of foreign exchange. Approximately 70 percent of the population lived in poverty. Lack of transparency and inefficient government operations hindered rehabilitation and development.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. At times during the year, security forces were responsible for unlawful killings, as well as summary executions, rapes, beatings, physical abuse of detainees and citizens, arbitrary arrest and detention, looting, and solicitation of bribes and theft. Prison conditions were poor. The judiciary was unable to ensure fair and expeditious trials. The Government controlled most domestic broadcast media; however, one private radio station and one private television station began broadcasting during the year. There were some limits on freedom of movement. Domestic violence and societal discrimination against women were problems. Discrimination on the basis of ethnicity remained widespread, including against minority indigenous Pygmies. Child labor was a problem. After the signing of the March Peace Accord, there were no reports of the recruitment of child soldiers. There were reports of trafficking in persons. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

In 2002, there were reports that rebel militias under Pasteur Ntumi, known as the "Ninjas," committed serious human rights abuses; however, there were fewer reports after the signing of the March 17 Peace Accord.

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 press reports that government forces killed civilians in the Pool region prior to the March signing of the Peace Accord between the Government and anti-government Ninja rebels. These reports indicated, that during the Government's attempts to fight the rebels, particularly when using air power, civilians were killed in the crossfire. Since the signing of the Peace Accord, there were reports that either uncontrolled security forces or Ninja elements committed unlawful killings against civilians in the Pool region. In October, five civilians died in a clash between government soldiers and Ninja rebels. In December, "uncontrolled" Government military forces launched an attack against Ntumi's Ninja elements in the BaCongo area of Brazzaville, killing six Ninjas. Also, a pro-government militia member, who was arrested because of his reported involvement in the December attacks against Ninjas members in Brazzaville, died while in the hospital in the presence of the General Prosecutor. According to the Government, he reportedly died of injuries sustained when he resisted arrest.

There was no action taken against security forces who reportedly summarily executed several soldiers for killing an entire family in 2002.

No action was taken, nor is any likely to be taken, against members of the security forces responsible for the 2001 killing of a suspected thief and the 2001 killing of a person believed to have threatened the security of a government minister.

From March 2002 until March, prior to the signing of the Peace Accords, Ninja forces reportedly killed many civilians during raids against villages in the Pool Region. In February, Ninjas attacked a freight train between Brazzaville and Pointe Noire. Also in February, Ninjas killed 10 civilians and a police commissioner in an attack on a police station in Yambu, Bouenza Province. Ninjas under Pasteur Ntumi also were reportedly responsible for robbery, intimidation, and looting villages from September until the year's end.

As part of the March Peace Accords, amnesty was provided to all Ninja rebels who fought against the Government, and an exchange of prisoners took place in May. The amnesty remained in effect, and all prisoners had been exchanged by year's end.

There were no developments in the 2002 alleged kidnapping and killing of a French priest by Ninja rebel militia members.

There continued to be occasional deaths due to mob violence, as civilians took vigilante action against presumed criminals, or as individuals settled private disputes; however, police at times intervened to stop such action. For example, in two incidents, longtime Rwandan storekeepers were attacked over private disputes, with one Rwandan killed.

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

During the year, daughters of two different employees of the same local NGO were reported missing. One was returned within 2 days; however, the other remained missing at year's end.

The whereabouts of at least 20 young men suspected of supporting the Ninja militia who were arrested in July 2002 remained unknown, and no known government action was taken by year's end.

A special commission of the National Transitional Council (CNT) investigated allegations that 353 young men who took refuge in the Democratic Republic of the Congo in 1999 were separated from their families by security forces upon returning to Brazzaville in May 1999 and subsequently disappeared. The Commission submitted its report, which included other disappearances due to civil hostilities since 1993, to the Ministry of Justice in August 2002, shortly before the CNT was dissolved and the newly elected National Assembly inaugurated. The Commission's report had not been made public by year's end; however, during the year, government officials implicated in the alleged disappearances spoke out in the press describing their view of events, claiming that they were not involved and do not know what happened to those who disappeared. In 2001, families of the disappeared filed suit in the International Court of Justice (ICJ) in Brussels accusing members of the Government, including President Sassou, of crimes against humanity. In 2002, a French court began an investigation into the case. In December 2002, the Government filed suit in the ICJ to prevent French courts from exercising jurisdiction over members of President Sassou's government. In June, the ICJ rejected the Government's request for an injunction; however, the Government was given until year's end to provide more persuasive arguments. The case was pending at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits acts of torture and cruel, inhuman, or degrading treatment; however, in practice, security forces sometimes used beatings to coerce confessions or to punish detainees. During the year, there were reports that abuses continued in the jail system; however, there were fewer reports that the security forces committed acts of extortion than in 2002. Some international organizations such as the U.N. High Commissioner for Refugees (UNHCR) cited credible reports from refugees in the outlying areas that security forces regularly harassed and extorted refugee returnees and residents in outlying areas.

In September, persons who identified themselves as members of the security forces reportedly attacked and robbed a Congolese participant on his way to participate in an international conference; however, it was unclear if they were members of the security forces or criminal elements posing as security forces.

In addition, there were reports that elements of Ntumi's Ninjas also were engaged in extortion and harassment.

During the year, there were reports that female detainees were raped and that members of the security forces beat citizens and, on occasion, looted their homes. No action was taken against those responsible for such abuses by year's end.

Until March, there were reports that undisciplined government forces committed abuses such as summary executions, rape, looting, and other violent acts, primarily in the Pool region but also in Brazzaville. In the Pool region, government forces allegedly included Angolan soldiers and government-sponsored mercenaries of Rwandan origin who reportedly severely mistreated the local population. There were reports that elements of Ntumi's Ninja rebels also engaged in similar acts against the civilian population. However, since the March Peace Accord, such reports diminished significantly, except between August and November when there were reports of a train robbery, village lootings, small clashes between security forces and Ninja elements, and harassment of international NGO workers. There were reports by NGOs and members of the private sector that these incidents were perpetrated both by uncontrolled members of the security forces and Ninja rebels.

There was no action taken by year's end against the soldiers responsible for the April 2002 robbing, beating, and, in some cases, raping of fleeing citizens in Brazzaville

There were no developments, nor were any likely, in the August 2001 case in which dissatisfied soldiers threw a grenade at the home of the Defense Minister.

Prison conditions remained poor due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons functioned in Brazzaville, 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; however, lack of funds hindered efforts to improve physical facilities and to provide food and medicine.

During the year, there continued to be reports that detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment.

Women were incarcerated with men, and juveniles were held with adults. Pretrial detainees were detained with convicted prisoners.

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, the Association for the Human Rights of the Incarcerated, the National Counsel for the Promotion and Protection of the Rights of Detained Persons, and a Catholic Church organization visited prisons during the year. The International Committee of the Red Cross (ICRC) continued regular visits to prisons and detention centers throughout the country.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces frequently committed such acts. For example, in February, security forces arrested and beat a teacher in Pointe Noire over a personal dispute with a friend of a police captain. The teacher filed a lawsuit, but no action was taken at year's end. In August, security forces in Brazzaville arrested and detained a bricklayer for arguing with his wife. He was detained for 2 days, subjected to beatings, and paid \$50 (25,000 CFA francs) to be released. He was not officially charged with a crime.

Police and the gendarmerie are responsible for maintaining domestic order. Although the Human Rights Commission was established for the public to report abuses, impunity for security forces who committed abuses and a lack of transparency remained a serious problems. In late December, the Government began a security and anti-crime campaign called Operation Hope, whose goal was to reduce the amount of insecurity, local drug use, and crime in the country. The campaign is expected to continue through March 2004. During the year, the U.N. and the ICRC provided resources for human rights training for police officers.

The Code of Penal Procedure requires that a person be apprehended openly, that a lawyer be present during initial questioning, 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. 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 could not afford to pay bail.

The Constitution prohibits forced exile; however, the Government 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. In September, Kolelas attempted to return but the Government closed the airport and the entry point on the Congo River from Kinshasa, Democratic Republic of the Congo. During a second attempt on December 6, Kolelas was turned back at the airport in Kinshasa and returned to Nairobi, Kenya.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, although there has been some improvements during the year, such as the formation of a High Court, a Constitutional Court, and some parliamentary scrutiny over judicial actions, in practice the judiciary continued to be corrupt, overburdened, underfinanced, and subject to both political influence and bribery. Lack of resources continued to be a severe problem; almost nothing remained of judicial records, case decisions, and law books following the looting during the civil wars of the late 1990s. The Ministry of Justice completed rehabilitation of its courthouses during the year.

The judicial system consists of local courts, courts of appeal, the Supreme Court, and traditional courts. In addition, two new judicial bodies were added under the new Constitution. By September, both the Constitutional Court, whose function is adjudicate the constitutionality of laws and judicial decisions, and the High Court of Justice, which also is to review judicial decisions as well as try the President and other high authorities for crimes in the conduct of their official duties, were operational.

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 reached the court system.

The Government established military tribunals to try soldiers for abuses committed during periods of conflict. During 2002, the tribunals were active; however, the sessions were not public. During the year, there was one report of a military tribunal to review actions by “uncontrolled elements” of the Republican Guard reportedly involved in the December attacks against the Ninjas in BaCongo. The results of the tribunal were unknown at year’s end.

In rural areas, traditional courts continued to handle many local disputes, particularly property and probate cases, and domestic conflicts that could not be resolved within the family.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, in practice security forces at times illegally entered, searched, and looted private homes. During the year, military, gendarmerie, and police forces occasionally beat civilians and looted their homes sometimes in revenge for complaints filed against them by the civilians. In the areas of the Pool, where security forces were fighting the Ninjas, reports of such behavior by security forces were common until March; however, such reports diminished after the signing of the March Peace Accord. Early in the year, there also were similar reports of intimidation and harassment by the Ninjas of Pasteur Ntumi, which subsequently diminished after the March Peace Accord; however, in October and November, intimidation and harassment by either uncontrolled Ninja or security force elements increased according to reports from some international NGOs (see Sections 2.d. and 4).

Citizens generally believed that the Government 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 Constitution provides for freedom of speech and of the press, although the Constitution also criminalizes certain types of speech such as incitement to ethnic hatred, violence, or civil war, and the Government generally respected these rights. The Press Law allows for monetary penalties for defamation and incitement to violence but no longer requires prison terms for violators. The law also applies to the Internet and business public relations operations.

There was no state-owned newspaper; however, there were several closely allied with the Government. There were 15 to 20 private newspapers that appeared weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles disparaging authorities. Newspapers continued to publish on occasion open letters written by opponents of the Government who were in prison or lived abroad. The print media did not circulate widely beyond Brazzaville and the commercial center of Pointe Noire; however, it reached approximately two-thirds of the population.

Most citizens obtained their news from the radio or television broadcast media, primarily government-controlled radio. There was one privately owned radio station and one privately owned television station, which began operations during the year. There were two government-owned radio stations, Radio Congo and Radio Brazzaville and one television station, Tele Congo. There were several satellite television connections available, which permitted viewing of a range of news and entertainment programs. The news coverage and the editorial positions of the state-owned media reflected government priorities and views. A number of Brazzaville-based journalists represented international media, such as the British Broadcasting Corporation (BBC), Associated Press, Reuters, Voice of America (VOA), and TV5.

A local FM radio station rebroadcast Radio France International, VOA, and the BBC. Radio and television broadcasts from the Democratic Republic of the Congo were received in Brazzaville. The private independent radio station, Radio Liberte, continued to broadcast as well as the new privately owned radio station DR-Radio. Local rebroadcasts of the Gabon-based Africa Number One also continued during the year. A Christian missionary group in Pointe Noire broadcast during daylight hours; it voluntarily provided its material to the Government prior to broadcast.

Government broadcast media primarily focused their attention on the activities of government officials, but also provided news on other activities by international and local NGOs. During the year, the broadcasts included airing of alternative political

views of some opposition members in talk show format, but overall opposition political parties did not have access to the government-controlled media. Following the August 14 National Day speech, President Sassou held his first Western-style press roundtable, answering questions from both government and independent media. The event was covered on national television and radio.

The Government did not restrict access to the Internet. Internet service was available through two private companies in Brazzaville and two companies based in Kinshasa, Democratic Republic of the Congo. Several Internet cafes also provided access, and private persons with enough resources could access the Internet directly via satellite and service providers in Brazzaville, Pointe Noire, or the Democratic Republic Of The Congo.

The Government did not restrict academic freedom. However, there were several informal disputes at the Marion Ngoubi University. In one incident, students demanded payment of their scholarships, and, in another incident in September, teachers demanded payment of their salaries (see Section 6.b.). Other disputes involved students and teachers asking for replacement of the university rector due to his alleged corruption.

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. Groups that wished to hold public assemblies were required to inform the Ministry of Territorial Administration, which could withhold authorization for meetings that threatened public order. Political parties and civic associations held numerous meetings during the year. Public demonstrations were less common; however, in September, an opposition rally took place 2 weeks after permission was at first denied by the Minister of Territorial Administration. Nearly 3,000 persons attended, and a joint statement was issued by the opposition calling for freedom for exiles to return and more transparency in the oil sector. In December, there was one small public demonstration by former employees of the National Office of Post and Telecommunications (ONPT) seeking back pay (see Section 6.b.).

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. All groups, political, social, or economic, were generally required to register with the Ministry of Territorial Administration. Registration was not routine and was subject to political influence. No political parties were banned or suspended. The parties of some prominent leaders of the former government continued to operate and hold seats in Parliament, although some party leaders remained in exile.

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

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, in practice, the Government imposed some limitations. During the year, military and police checkpoints, which at times interfered with the movement of civilians, were instituted in connection with reports that opposition exile leader and former Prime Minister Bernard Kolelas was planning to return to the country (see Section 1.d.) and during the December attacks on Ninja elements in BaCongo. There were fewer reports of extortion during the year; however, there were reports that soldiers dressed as civilians extorted money from persons on trains carrying goods. In 2002, the Government restricted the movement of persons and organizations to the Pool region, due to the security situation; however, after the March Peace Accord, these restrictions were eased somewhat and citizens, as well as international and local NGOs, returned sporadically to certain accessible areas of the Pool region. By year's end, harassment and intimidation of international organizations was renewed by either uncontrolled elements of the Ninjas or security forces, and some organizations withdrew their expatriate staff from areas in the Pool region where projects had earlier been restarted.

Approximately 100,000 persons who had fled the fighting in the Pool region were internally displaced persons (IDPs) either in IDP camps outside Brazzaville or with families in Brazzaville at the end of 2002. At year's end, the Government, working with international and local NGOs, was assisting IDPs in returning to their villages in the Pool region and the number of IDPs had dropped to 6,000. A government pilot project with assistance from international organizations to provide food, shelter, clinics, and other resources to some accessible Pool region villages had not begun by year's end.

During the civil conflicts, tens of thousands of citizens fled into neighboring countries, particularly Gabon and the Democratic Republic of the Congo. Approximately 45,000 persons fled to Bas-Congo province, Democratic Republic of the Congo; however, all but approximately 5,000 had been repatriated to the country by the end of 2002. According to UNHCR, there were 803 returnees from the Democratic Republic of the Congo and 871 returnees from Gabon during the year. Approximately 15,000 citizens fled to Gabon and, according to U.N. figures, 9,000 persons remained, some of whom met with the UNHCR to consider repatriation under the Tripartite Agreement between the Government of the Republic of Congo, the Government of Gabon, and the UNHCR. The UNHCR in Gabon estimated that there were 13,400 Congolese refugees and another 5,700 Congolese asylum seekers currently in Gabon. According to the UNHCR office in Brazzaville, fewer than 700 such persons had returned to the country by year's end given that many had been fully integrated into Gabonese society.

The Constitution provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The country continued to host a few persons from the Central African Republic, a small number of Burundians, and approximately 3,000 mainly Hutu Rwandans, who remained within distinct Rwandan sectors and communities within villages or cities. At year's end, there was only one camp of less than 300 Hutu Rwandans located north of Brazzaville. The UNHCR reported that all Central African Republic refugees had returned home by year's end. During the year, UNHCR continued some assistance to Angolan refugees in Pointe Noire; however, most Angolan refugees either returned to Angola or were integrated into local communities.

In April 2002, authorities arrested and repatriated forcibly to the Democratic Republic of the Congo 19 asylum seekers. 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 possible involvement in human rights abuses as members of the former Zairian President Mobutu's army and security forces known as Ex-FAZ. Ex-FAZ families and colleagues, who had received provisional refugee status, remained in the country. At year's end, the Government and the Government of the Democratic Republic of the Congo had reached an agreement on repatriating members of the Ex-FAZ under the auspices of the International Office of Migration, although it is reported that only 1,200 of the reported 4,000 wish to return to Democratic Republic of the Congo. The repatriation process had not begun by year's end.

The Government also provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol.

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

With a Constitution and the holding of elections in 2002, citizens generally had the right to change their government peacefully. Independent observers determined that the 2002 presidential and legislative elections held over a period of nearly 6 months in two rounds per election did "not contradict the will of the people," despite obvious flaws like insufficient numbers of ballots at certain polling stations, confusion over their locations, and the boycott by some opposition members who claimed the elections were biased to ensure the victory of the President and his party. There were a few reports of intimidation of candidates and voters, and the opposition allegedly was responsible for about 40 percent of the incidents. In addition, the Constitution and the elections also were viewed by some international NGOs and foreign observers as designed to protect the status quo. The elections remained incomplete at year's end, since they had not taken place in the Pool region, and there were eight vacant seats in Parliament.

The Constitution gives the President strong executive powers. He presides over the Council of Ministers and proposes legislation. The President also directly appoints three members of the nine-person Constitutional court from a list of names recommended to him by members of his Council of Ministers, and the President of the Republic names the Court's president from among its members. Although the National Assembly votes on the budget, most of the daily responsibility for government operations resided with the executive branch. The President can decree a budget that the National Assembly has twice rejected.

The state remained highly centralized under the President; key regional and local leaders are appointed by the President. Sub-national government entities lacked an

independent revenue base and did not represent a significant check on central authority.

Major political parties included the ruling PCT, the Pan-African Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, and the Rally for Democracy and Social Progress. There were as many as 200 other parties; however, most generally were ineffective. Some party leaders remained in exile while other party officials willing to cooperate with the Government or to oppose it nonviolently remained in the country. There was no cohesive opposition, and many of the smaller political parties were more personality-centered than they were representative of a significant constituency. During the year, several opposition parties held a joint rally (see Section 2.b.).

The law permits the Government to exclude persons found guilty of genocide, war crimes, or crimes against humanity from the political process, such as former President Lissouba and former Prime Minister Kolelas.

There were no legal restrictions on political participation by women or minority populations. There were 9 women in the 66-seat Senate and 12 women in the 137-seat National Assembly. There were five female ministers, including the Minister of Agriculture, Commerce, Primary and Secondary Education, Social Affairs, and Minister Delegate of Agriculture and Women's Issues in the 33-member Cabinet. There was one female candidate in the 2002 presidential election.

Pygmies continued to be excluded 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 many members of the President's Mbochi ethnic group. Members of ethnic groups, who did not support the Government during the war, have been permitted to return to their former government jobs, and a number of southerners were in the Cabinet.

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

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were uncooperative and unresponsive to human rights groups.

At least two international organizations that began some operations in selected areas of the Pool region in August and September had pulled out international staff because of harassment by uncontrolled elements of Ninjas or security forces by year's end.

The ICRC maintained an office in Brazzaville. Access improved for humanitarian officials during the year.

The Constitution provides for the establishment of an autonomous Human Rights Commission, which was established in August. Its purpose is to act as a watchdog on the Government and react to public concerns on human rights issues.

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

The Constitution specifically prohibits official discrimination; however, societal discrimination persisted, particularly against women and Pygmies. Ethnic and regional differences continued.

Women.—Domestic violence against women, including rape and beatings, was widespread but rarely reported. Domestic violence usually was handled within the extended family, and only the more extreme incidents were brought to the police. There were 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. During the year, the Government began compiling nationwide data on violence against women; however, no figures were available by year's end. NGOs, such as the local Human Rights Center, Violence Against Women Group, the International Rescue Committee, the ICRC, and Doctors Without Borders, continued to draw attention to the issue and provided counseling and assistance to victims.

Female genital mutilation (FGM) was not practiced indigenously, but may have occurred in some of the small immigrant communities from countries where it was more common.

Prostitution is illegal but was an accepted practice in certain areas of Brazzaville, Pointe Noire, and other large cities.

The Constitution 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; however, in practice women were underrepresented in the formal sector. Most

women worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas especially were disadvantaged in terms of education and wage employment and were confined largely to family farming, petty commerce, and childrearing responsibilities. Many local and international NGOs have developed micro-credit and micro-finance programs to address this problem, and Government ministries such as Social Affairs and Agriculture were very active in addressing these problems. For example, women received assistance to set up dressmaking and beauty salons as well as gardening and manioc flour-making to provide an income for their families.

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 is transferred to the wife, in practice, the wife often lost all rights of inheritance upon the death of her spouse, particularly in the context of traditional or common law marriage. The symbolic nature of the dowry set in the Family Code often was not respected, and men were forced to pay excessive bride prices to the woman's family. As a result, the right to divorce was circumscribed for some women because they lacked the financial means to reimburse the bride price to the husband and his family. This problem was more prevalent in rural areas than in urban centers.

Children.—The Government was committed to protecting the rights and welfare of children. The Constitution provides children equal protection under the law. Education was compulsory and tuition free until the age of 16; however, families were required to pay for books, uniforms, school fees, etc. Girls and boys attended primary school in equal numbers; however, school attendance by girls declined precipitously at the high school and university levels. In 1997, the literacy rate was 77 percent for the total adult population but only 70 percent for women. The adult literacy rate was unknown but was believed to be approximately 40 percent due to the widespread destruction of schools during the civil conflict of the late 1990s.

Teenage girls were often pressured to exchange sex for better grades, which resulted in both the spread of HIV/AIDS and unwanted and unplanned pregnancies.

FGM may be performed on girls in some immigrant communities (see Section 5, Women).

There were reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the prevalence of the problem remained unclear.

Late in the year, there were a few reports that there was trafficking in children but not necessarily by citizens (see Section 6.f.).

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

During the 1997–2001 civil conflict, there were reports that children were recruited as soldiers for service in the war in the Pool region by both government and Ninja forces. In addition, following the 2002 shootings in Brazzaville, there were unconfirmed reports of street children being recruited for military service in the Pool region. The Government denied that recruitment of child soldiers was authorized and stated its opposition to child soldiers; however, unofficial sources indicated that the children were not forced, but rather enticed by offers of money and new clothing. There were no such reports since the signing of the March Peace Accords. During the year, the local office of the International Labor Organization (ILO) formally launched a child soldier program.

There were indigent street children in Brazzaville, and their numbers have grown as a result of civil conflict since 1997. In addition, children from the Democratic Republic of the Congo easily crossed the river by stowing away on the ferry, which crossed several times per day, to seek improved living conditions. UNICEF estimated that at least 20 percent of street children in Brazzaville were from the Democratic Republic of the Congo; however, other NGO estimates were as high as 50 percent or more; children from the Democratic Republic of the Congo also were found in Pointe Noire. Street 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 may have turned to prostitution or petty theft.

Persons with Disabilities.—The Constitution prohibits discrimination based on physical condition; however, in practice, this prohibition generally was not enforced because the Ministry responsible for implementation of this provision lacked the necessary funds. 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 Constitution prohibits discrimination based on ethnicity; however, the indigenous Pygmy ethnic group, who numbered in the tens of thousands and lived primarily in forest regions, did 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 and different cultural norms. Pygmies usually were considered socially inferior and had little political voice. Many of them were not aware of the concept of voting and had minimal ability to influence government decisions affecting their interests. During the year, human rights groups and environmentally focused NGOs addressed this issue, and there were seminars and programs on the rights of the Pygmies. In addition, Pygmy groups organized and worked with local NGOs. In September, a national conference representing Pygmy groups was held in Brazzaville. By year's end, no census on the number of Pygmies living in the country had been conducted as requested by the Pygmies.

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 little information regarding the extent of the problems during the year.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and, in practice, many citizens believed that ethnic discrimination persisted. However, former civilian employees of the Government were encouraged to return to their former jobs even though they were from ethnic groups that opposed the Government during the civil war and the disturbances that followed. Unlike in previous years, there were no reports that security forces targeted "southern" men for arrest.

There are several major ethnic groups in both the southern and northern areas of the country, which used either Kutuba or Lingala as their lingua franca in addition to their distinct ethnic languages. The largest southern ethnic group was the Kongo; however, there were numerous other key groups, such as the Lari, Vili, Sundi, Bembe, and Bahangala that, along with the Kongo, make up half the country's population. Other major ethnic groups included the Teke and Ngangoula of the central region, comprising approximately 13 percent of the population, and Mbochi, Mboko, Mbety, Bomitaba, Lekoba, and Mbongo of the four northern regions, comprising approximately 12 percent of the population. Societal ethnic discrimination was prevalent among all ethnic groups, was evident in government and private sector hiring and buying patterns, and apparent in the effective segregation of many urban neighborhoods. The relationship between ethnic, regional, and political cleavages was inexact; however, supporters of the Government included persons from mostly, but not solely, northern ethnic groups, such as the President's Mbochi group.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and Labor Code provide workers with the right to associate and form unions, and workers exercised this right in practice. Any worker, except members of the security forces, which included police, gendarmerie, and armed forces, was free to join a union of his choice. There were two recognized trade unions, the Confederation Union of Congolese Workers and The Confederation of Autonomous Trade Unions. Most workers in the formal wage sector were union members, and unions made efforts to organize informal sectors such as agriculture and retail trade. However, most unionized workers also were active in the informal sector to supplement their income.

Employers were 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.

Unions were free to affiliate with international trade unions, and they maintained cooperative accords with foreign trade union organizations, such as the ILO and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Code allows for collective bargaining, and this right was generally respected and practiced freely. However, collective bargaining was not widespread due to the severe economic conditions. The Government set industry-specific minimum wage scales; however, unions usually were able to negotiate higher wages for their members.

The Constitution also affirms workers' right to strike, subject to conditions established by law. Unions were free to strike after filing a letter of intent with the Ministry of Labor, which began a process of non-binding 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.

During the year, strikes and other work actions occurred. For example, a strike occurred in August when teachers of primary and secondary schools demanded payment of delinquent salaries and a salary increase. Many of the teachers had not been paid for almost 3 years. In December, the former employees of the ONPT publicly demonstrated seeking back pay. These workers of the former state-run ONPT, which was replaced by a new state-run organization called the Society of Telecommunications of Congo (SOTELCO), claimed that SOTELCO only hired 300 of the 1,200 former ONPT workers and provided no severance payment to those not hired. During the President's New Year's Eve speech, he promised to pay 1 month's salary to those civil servants who were owed unpaid wages.

The Government and most labor organizations continued to observe a "social truce" during the period of post-conflict reconstruction. The Government accepted certain conditions, such as regularization of salaries and rehiring of certain workers in several sectors; these conditions continued to be observed. Civil service retirees received some bank and pension payments, but they were minimal.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, such practices occurred. Bantus reportedly exploited Pygmies as indentured servants, possibly including children, although little information was available regarding the extent of the problem during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. Under the Constitution, children under age 16 are not permitted to work; however, in practice, this law generally was not enforced, particularly in rural areas and in the informal sector in cities. Children worked with their families on farms or in small businesses in the informal sector without government monitoring or supervision. The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its efforts only on the formal wage sector.

e. Acceptable Conditions of Work.—The Constitution provides that each citizen has the right to remuneration according to his work and merit. The minimum wage was approximately \$100 (50,000 CFA francs) per month in the formal sector. The wage was not sufficient to provide a worker and family with a decent standard of living. High urban prices and dependent extended families obliged many workers, including teachers and health workers, to seek secondary employment beyond their principal employment, mainly in the informal sector.

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.

Although health and safety regulations require twice yearly visits by inspectors from the Ministry of Labor, in practice such visits occurred less regularly. Unions generally were vigilant in calling attention to dangerous working conditions; however, the observance of safety standards often was 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. The country has a large West African community, and local NGOs working on trafficking claimed that members of the West African community were either responsible for or involved in trafficking incidents, but this has not been confirmed.

An ILO study conducted in 2000 in Yaounde, Douala, and Bamenda, Cameroon indicated that regional traffickers transported children between the Republic of Congo, and Nigeria, Benin, Niger, Chad, Togo, and the Central African Republic, through Cameroon.

During the year, local NGOs became more focused on this problem with programs and projects. The Ministry of Social Affairs supported local NGO efforts. A foreign government has provided funding for a countrywide information campaign on the issue of trafficking in children.

There were reports of isolated cases of child prostitution (see Section 5).

COTE D'IVOIRE

Laurent Gbagbo became the republic's third elected president in October 2000, ending an almost 10-month period of military rule. The election, which excluded two of the major parties, was marred by significant violence and irregularities. The Supreme Court declared Gbagbo the victor with 53 percent of the vote. In August 2002, President Gbagbo formed a government of National Unity, which included representation from all major political parties. In September 2002, rebellious exiled military members and co-conspirators in Abidjan simultaneously attacked government ministers and military/security facilities in Abidjan, Bouake, and Korhogo. The failed coup attempt evolved into a rebellion, splitting the country in two and escalating into the country's worst crisis since independence in 1960. Rebel "New Forces" (NF), composed of Patriotic Movement of Cote d'Ivoire (MPCI), Ivoirian Popular Movement of the Greater West (MPIGO), and Movement for Justice and Peace (MPJ), retained control in Bouake, Korhogo, and the northern half of the country. In January, the Economic Community Of West African States (ECOWAS) placed over 1,000 peacekeeping troops on the ground with 4,000 French peacekeepers, who maintained the east-west cease-fire line dividing the country. In late January, the political parties signed the French-brokered Linas-Marcoussis Accord ("Marcoussis Accord"), agreeing to a power-sharing national reconciliation government with rebel representatives. The parties agreed to work together on the problems of national identity, eligibility, and land tenure. The Marcoussis Accord also stipulated a U.N. Monitoring Committee to report on implementation of the accord. President Gbagbo appointed Seydou Diarra as the Prime Minister, and in March, Prime Minister Diarra formed a government of national reconciliation of 41 ministers. The full government did not meet until mid-April when international peacekeepers were in place to provide security.

On July 4, the National Armed Forces of Cote d'Ivoire (FANCI) and NF military signed an "End of the War" declaration, pledged their support for President Gbagbo, and vowed to work for the Marcoussis Accord and disarmament, demobilization, and reintegration (DDR). On September 13, President Gbagbo named neutral Defense and Security Ministers, after consulting with the political parties. The NF lacked confidence in the new ministers and citing continuing personal security concerns and accusing President Gbagbo of too slowly implementing the Marcoussis Accords suspended their participation in the national reconciliation government and the re-unification committee and boycotted the DDR program. By mid-December, the NF and government military forces took steps toward DDR, including pulling back heavy weapons, moving to cantonment sites, and releasing prisoners, and the NF ministers noted they would attend the first government meeting in 2004. The judiciary lacked transparency and was subject to executive branch and other outside influence.

Security forces under the Ministries of Defense and Interior include the Army, Navy, Air Force, Republican Guard, Presidential security force, and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement. The police forces are under the jurisdiction of the Ministry of Interior. There were major divisions within the military based on ethnic, religious, and political loyalties. Members of the military participated in seminars on human rights. The Government did not always maintain effective control of the security forces. There were numerous credible reports of instances in which security forces acted independently of government authority. The Government and NF security officials committed numerous human rights abuses.

The country, which has a population of 16 million, was generally poor but had a historically thriving modern sector. The largely market-based economy was heavily dependent on commercial agricultural, characterized by smallholder cash crop production, especially of cocoa and coffee. After assuming power, the Gbagbo Government began repaying international arrears and adhering to a balanced budget, steps that led to the resumption of foreign aid; however, widespread corruption and the lack of an accountable executive and judicial branch deterred investors. The September 2002 rebellion impeded commerce, as the division of the country hindered trade and caused international financial institutions to suspend their programs in the country. At year's end, the major international financial institutions resumed their consultations with the Government.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. In the beginning of the year, the Government and NF committed serious abuses, and there were credible reports of pro-government death squad activity, extrajudicial killings, and disappearances. The Government and NF employed mercenaries from Liberia; how-

ever, during the second half of the year, military and rebel forces worked together to reduce the number of Liberian fighters and abuses subsequently declined. Security forces frequently resorted to lethal force to combat widespread violent crime and sometimes beat detainees and prisoners. The Government generally failed to bring perpetrators of most abuses to justice, and members of security forces operated with relative impunity. Prison conditions improved but remained harsh and sometimes life threatening. Arbitrary arrests and detention were common; numerous persons, including opposition members, journalists, and military officers, were detained for long periods without trial. The judiciary did not ensure due process. An amnesty law was passed during the year for crimes committed "against the security of the state" between September 2000 and September 2002. Police harassment and abuse of non-citizen African immigrants continued. Privacy rights continued to be restricted severely. The Government restricted freedom of speech and the press, and state-owned media created an atmosphere of patriotism and nationalism. The Government restricted freedom of assembly and movement. The targeting of Muslims suspected of rebel ties diminished somewhat during the year, although Muslims and practitioners of indigenous religions were subject to discrimination. The Government allowed investigations into the human rights situation by Amnesty International (AI), Human Rights Watch (HRW), and observers from the U.N. Commission for Human Rights (UNCHR). Discrimination and violence against women, abuse of children, and female genital mutilation (FGM) remained serious problems. There were incidents of violent ethnic confrontation; societal discrimination based on ethnicity remained a problem. Child labor as well as some reports of forced child labor and trafficking in children and women also persisted.

The NF's human rights record was extremely poor. The rebels in the north summarily executed persons, killed numerous civilians, arbitrarily arrested and detained persons, and conducted arbitrary ad hoc justice. Mass graves were found during the year in rebel-held territory. In Bouake, the NF continued to operate the national television station and aired their leaders' speeches and deliberations. Citizens in the north were cut off from news aired in the south. The rebels severely limited freedom of movement within and from the territory they held and forcibly conscripted persons, including many child soldiers. Rebels and mercenaries committed particularly grave abuses in the western region of the country and in the north; under various rebel sub-leader warlords serious abuses were committed.

In May, the presence of impartial forces in the west led to most Liberian mercenaries departing the area. Subsequently, the number of reported abuses significantly decreased.

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 extrajudicial killings, some of which were believed to have been score settling as well as politically and ethnically motivated (see Section 1.g.). There were credible but unconfirmed reports that government-linked "death squads" and irregular forces (Liberian fighters, Liberian refugees, and civilians with ethnic ties to Liberia) committed and condoned extrajudicial killings. Security forces frequently resorted to lethal force to combat widespread crime. Rebel forces in the north also committed numerous extrajudicial killings (see Section 1.g.).

There were numerous reports of pro-government death squads operating in Abidjan during the first half of the year. Credible sources described "hit lists" of suspected rebels and rebel sympathizers circulated within secretive, loyalist security forces in Abidjan and other areas under government control (see Section 1.g.).

Journalists were killed during the year (see Section 2.a.).

There were credible reports of at least 10 cases in which security forces used excessive force that resulted in deaths; such cases often occurred when security forces apprehended suspects or tried to extort money from taxi drivers and merchants. There was an increased number of police officers detained for using excessive force during the year.

In May, a police officer in Abobo shot and killed Zougba Eustache Gogbeu, after his driver refused to stop at a policeman's order. The driver was injured.

In July, in Daloa, two men believed to be government soldiers shot and killed an unarmed adult and a child after they refused an order not to move. There were no known investigations at year's end.

In August, a policeman shot taxi driver Inza Doumbia for reportedly not paying a bribe on demand. For 3 days, taxi drivers and some other public transportation drivers went on strike to protest the killing. The policeman was arrested and de-

tained for the shooting; however, the trial had not begun by year's end. The victim's family received an apology and compensation from the Government.

On August 31, men in fatigues shot and killed farmer Konate Yaya in Koumassi. According to witnesses, Konate was shot because he was dressed like a beggar and he did not stop at the police's order.

On December 11 and 12, police and gendarme forces killed at least 21 persons that reportedly tried to break into the Ivoirian Television Radio (RTI) national station. There were reports that several vehicles containing approximately 20 people approached RTI during the night. Gendarmes stopped the vehicles at a roadblock when a fire broke out. Gendarmes immediately captured several of the combatants and executed them. Others in the vehicles fled, and security forces chased them. One soldier and one police officer also were killed. Defense Minister Rene Amani reported that he did not think the NF military were involved in the incident and added that he could not exclude the possibility that forces loyal to President Gbagbo were involved in the attack. The incident was still under investigation at year's end.

Three persons were killed when security forces razed a shantytown during the year (see Section 1.f.).

The investigations into the security force killings of taxi drivers Kalihou Keita and Seydou Konere, continued at year's end.

The following cases remained outstanding at year's end: The January 2002 beating of Julien Iboudo; the January 2002 police shooting of Belam Issiak; the March 2002 police shooting of Lemorifing Bamba, a taxi driver; the March 2002 death of alleged thief Adama Sylla; the June 2002 police killing of seven suspected criminals; the 2001 shooting by a police sergeant of a student; and the 2001 killing of Togolese electrician Dokli Kodjo by two gendarmes.

The investigation into the 2000 Yopougon massacre was reopened in 2001 and continued during the year.

In the western part of the country, there were numerous credible reports of atrocities including killings, rapes, and looting mostly by rebel forces and armed groups from Liberia (see Section 1.g.). Verification of all of these reports was difficult because of limited access.

There were numerous incidents of ethnic violence that resulted in deaths (see Section 5).

b. Disappearances.—There were several reports of disappearances during the year.

Several members of the opposition party Rally of Republicans (RDR) were missing at year's end. RDR activist Ibrahim Bakayoko reportedly has been missing since December 2002, shortly after "armed men in military fatigues" came looking for him. He reportedly was warned and eluded the "military men," however, his family reported him as missing ever since.

On May 20, youth RDR activist Mamadou Kone reportedly was missing after armed men threatened to kill Kone's wife and children before taking Kone in their vehicle. There was no investigation by year's end.

In January, Bionaho Mathias, a former member of the Union for Democracy and Peace in Cote d'Ivoire (UDPCI) party and a merchant from Bangolo, disappeared under unclear circumstances in the western part of the country. Also in January, University of Cocody student activist Mahe Hippolyte disappeared after participating in an opposition youth party meeting in Abidjan. There were no developments in either case at year's end.

In May, at least four attackers kidnapped Nigerian businessman Garba Amadou Dougourikoye. Local newspapers speculated that Dougourikoye's disappearance may be linked to his ties to the RDR party, but his family denied that he was politically active.

In May, newspapers reported that prominent businessman Herve Pamah Coulibaly was "alive and well" in Burkina Faso, after disappearing in November 2002, although his family maintained that they have not heard from him since he disappeared. His whereabouts remained unknown at year's end.

In October, two armed men entered the home of Alphonse Kobenan Kossonou and asked Kossonou to follow them to a police station. Kossonou, who is a leading member of the Democratic Party of Cote d'Ivoire (PDCI) opposition party, was held for 3 weeks before being released. On December 4, armed security forces abducted PDCI party members Gbane Aboubacar and his younger brother Ouattara Soule. Their whereabouts were unknown at year's end.

All of the more than 100 UDPCI and RDR members that were arrested after the September 2002 rebellion have been released.

Vakefa Malick Soumahoro and three gendarmes arrested in 2002 remained missing at year's end.

Persons reported missing in previous years remained missing at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, in practice security forces often beat detainees and prisoners to punish them or to extract confessions. Police officers forced detainees to perform degrading tasks under threat of physical harm. Police detained persons overnight in police stations where they often beat detainees and forced them to pay bribes (see Sections 1.d., 1.f., and 2.d.). Police also harassed persons of northern origin or with northern names.

There were numerous reports that police and gendarmes continued to harass, beat, extort, and commit other abuses with impunity.

Members of the security forces continued to beat and harass journalists regularly; however, there were fewer reports of beatings than in the previous year (see Section 2.a.).

There were several incidents during the year in which police used excessive or inappropriate force. In January, three plainclothes policeman detained and severely beat Adama Kone near Adjame in Abidjan after finding a large amount of money. They accused him of supporting rebel activities. Kone went to the hospital for treatment and filed a complaint. There were no arrests in this case by year's end.

In July, four police officers beat Kouao Henri Julien Yao N'Cho with pipes, chains, and sticks during his interrogation for allegedly stealing. Police later beat his cousin and friend when they arrived to inquire about Yao N'Cho. Upon release, the three men stated they would file a claim.

During the year, there were several reports that security forces conducted widespread neighborhood searches where they beat and robbed residents (see Section 1.f.).

During the year, security forces remained on heightened alert for potential rebel infiltrators or active sympathizers, erected numerous roadblocks, and searched Abidjan neighborhoods, frequently during nightly curfew. Individuals associated with opposition parties or rebellion leaders or believed to be sympathizers were subjected to increased harassment and abuse (see Sections 1.d. and 1.g.).

Noncitizen Africans, mostly from neighboring countries, complained after September 2002 that they were subject to increased police harassment, repeated document checks, increased security force extortion and racketeering, violence, and frequent neighborhood searches (see Sections 1.f. and 2.d.).

Police and security forces occasionally used excessive force to disperse demonstrations; however, there were fewer reports than in the previous year (see Section 2.b.).

There were no developments the March 2002 beating of Ivoirian Party For Democracy party President Faustin Leka; the April 2002 beating of Alexis Gouanou, the July 2002 beating of Francois Kouadio of the Presidency's Office of the Inspector General; or the beating and robbing of merchants in the Adjame district of Abidjan by 20 gendarmes.

There was no action taken against members of the security forces in the following 2001 incidents: The April shooting of a taxi driver in Daloa; the April beating of Dago Fabrice in Yopougon; the May beating of a man in Daloa; the May beating of eight persons, including a secondary school teacher and two girls; and the June forcible dispersal of a strike at Blohorn Unilever.

"Militia" groups, some reportedly armed while others had access to arms, continued their activities during the year (see Section 2.b.).

In the rebel-held part of the country, rebel military police operated with impunity in administering justice without legally constituted executive or judicial oversight. The rebels often harassed and abused local citizens with impunity, often on the basis of ethnic background. There were also several reports that rebel forces beat persons who supported President Gbagbo and his Ivoirian Popular Front (FPI) party. For example, in late 2002 and during the year, there were numerous reports that rebel soldiers tortured FPI party members near Danane, regardless of their ethnic background.

There were numerous incidents of ethnic violence during the year, some of which resulted in injuries (see Section 5).

Conditions were poor and in some cases life threatening in the country's 33 prisons, largely because of inadequate budgets and overcrowding. In November 2002, the main Abidjan Arrest and Correction Center (MACA) prison housed 5,200 detainees; it was built for 1,500. There were credible reports that prisoners frequently brutalized other prisoners for sleeping space and rations; however, there were no reports that guards brutalized prisoners. The daily food allowance per prisoner in the MACA was \$0.12 (80 CFA francs), the cost of one serving of corn meal mush. In other prisons, the daily allowance was \$0.18 (120 CFA francs). Families frequently supplemented the food ration and at some prisons inmates grew vegetables to feed themselves. The Red Cross helped feed prisoners with no family. Doctors Without Borders (MSF) supplemented the prison system's inadequate medical facilities. Sev-

eral small national and international charities also helped some prisoners. There were press reports of a flourishing drug trade and prostitution in the MACA.

In August, following several prison releases, Ministry of Justice Cabinet Director Mamadou Kone refuted allegations that his Ministry and the Minister of Justice Henriette Diabate, the RDR party's Secretary-General, favored RDR prisoners and suspects.

The Ministry of Justice reported that 39 prisoners died in MACA during the year due to malnutrition and poor conditions. On November 13, fighting between inmates and guards broke out in MACA because of a 3-day water shortage due to faulty plumbing. Prisoners injured a prison guard during the fighting.

In October, eight prisoners escaped from MACA prison. At least one guard was badly beaten during the escape. Several of the escaped prisoners had been serving 20-year prison sentences for robbery.

Men and women were held separately in prisons. Male minors were held separately from adult men, but the physical barriers at the main MACA prison were inadequate to enforce complete separation. Prison conditions for women and children remained particularly difficult. Female prisoners were segregated in a separate building under female guard. There were continued reports that female prisoners engaged in sexual relations with wardens to get food and privileges. There were no health facilities for women. Pregnant prisoners went to hospitals to give birth and then returned to prison with their babies. Some women prisoners were pregnant before being jailed. The penitentiary accepted no responsibility for the care or feeding of the infants; the women received help from local NGOs. The International Catholic Office for Children (BICE) reported that during the year, there were 20 pregnant women in MACA and that there were 20 women living in MACA with their infant children.

During the year, BICE conducted its annual study on youths in prisons, which revealed that 576 males under 18 were held in the Center for Observation of Minors in Abidjan during the year. Some of the 387 boys that were released during the year went to a rehabilitation center called "Herb Alois." BICE also helped conduct physiological tests to determine the age of some inmates who had no identification papers. There were 36 females in detention under the age of 18. BICE helped release 31 of these girls during the year. BICE also taught juvenile prisoners trades, such as sewing, carpentry, gardening, house painting, and drawing.

Pretrial detainees were held with convicted prisoners.

The Government permitted access to prisons by local and international NGOs including the International Committee for the Red Cross (ICRC), MSF, World Doctors, and International Prisons' Friendship. However, none of these NGOs monitored human rights conditions. The Ivoirian Human Rights League (LIDHO) and Ivoirian Human Rights Movement (MIDH) monitored human rights but had to await written permission from the warden.

In April, the ICRC released a report on its actions since the onset of the crisis in the country. The ICRC said that it was granted full access to detention centers controlled by the Government and the rebel groups MPCJ and MJP.

After taking control of the north, rebels maintained detention centers, and during the year, the ICRC was granted full access. Unlike in previous year, there were no reports that rebels forced prisoners into military service.

There were credible reports that the rebels killed prisoners (see Section 1.g.). The rebels reportedly considered the dozens of men they were holding to be loyalist infiltrators.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, in practice arbitrary arrest and detention remained common.

Police forces include paramilitary rapid intervention units such as the Anti-Riot Brigade (BAE) and the Republican Security Company, and the plain-clothes investigating unit, Directorate for Territorial Security (DST). A central security staff collected and distributed information about crime and coordinated the activities of the security forces. Security forces frequently resorted to excessive force (see Sections 1.a. and 1.c.).

Poor training and supervision of security forces, the public's fear of pressing charges, and continued impunity of those responsible for committing abuses contributed to the problem. There were credible reports of a few disciplinary or legal actions against some police officers for mistreating suspects and arrestees during the year; while still uneven and inadequate, disciplinary action against police officers increased during the year. Security forces still did not face sanctions for confiscating or destroying noncitizens' identification papers.

In April, members of the Cattle Traders Cooperative at the Port Bouet slaughterhouse detained two gendarmes for extorting money from merchants. Police handed

the suspects over to the gendarme station for disciplinary action; there was no further information at year's end.

In June, shopkeepers in Adjame detained seven military men who had beaten merchants and stolen money and goods from the market. The authorities opened an investigation into the incident; however, there were no results at year's end.

Security forces and police officials launched several initiatives during the year to combat police racketeering and corruption. For example, in May, Abidjan police introduced a new 280-person patrol unit called the Rules and Traffic Unit (URC) designed to oversee traffic and vehicle searches and combat police "disorder." In August, the URC launched a toll free hotline where citizens could call to report police racketeering and abuse.

There were instances where police racketeering has been addressed during the year. As a result of both decreased tensions in the country and continuing complaints of harassment, on December 4 and in subsequent meetings, the FANCI and NF military agreed to remove the vast majority of the checkpoints and barricades throughout the country. By year's end, many checkpoints in the country had been dismantled, but reports of harassment and racketeering continued. In addition, in November, the Government created a subcommission to fight racketeering and corruption.

Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for 48 hours without bringing charges, and in special cases, the law permits an additional 48-hour period. According to members of the jurists' union, police often held persons for more than the 48-hour legal limit without bringing charges, and magistrates often were unable to verify that detainees who were not charged were released. A magistrate could order preventive detention for up to 4 months but also had to provide the Minister of Justice with a written justification on a monthly basis for continued detention.

The DST was charged with collecting and analyzing information relating to national security. The DST has the authority to hold persons for up to 4 days without charges; however, human rights groups stated there were numerous cases of detentions exceeding the statutory limit.

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 believed that the suspect was not likely to flee.

Although the law prohibits it, police restricted access to some prisoners. There were reports that police and the DST denied detainees access to a lawyer or to their families. Police treatment of lawyers improved during the year.

There were many instances during the year in which gendarmes or other security forces arbitrarily arrested persons. National and international human rights groups were unable to give precise figures on detainees because authorities would not allow them to visit military installations where prisoners were held.

During the year, security forces arbitrarily arrested merchants and transporters, often in conjunction with harassment and requests for bribes. There was no further information on several merchants arrested in 2002 who were detained at an unknown location without access to family or counsel.

Police also detained journalists during the year (see Section 2.a.).

During the year, security forces continued to arrest and usually release persons of northern origins, RDR party members and officials, and those thought to be loyal to former junta leader General Guei. For example, in May, special forces arrested RDR member Idrissa Cisse in Grand Bassam, where Cisse leads the local RDR office. Cisse, a former member of Gbagbo's FPI party, had publicly criticized FPI hardliner Georges Ahoba, a professor at the College of Grand Bassam. He later was released.

On May 9, FANCI soldiers arrested Sinaly Kone, the chief of Dasso in center-west under NF control, at an Abidjan market and incarcerated him under suspicion of aiding the rebels. He later was released; it was unclear how long he was detained.

In late August, shortly after French police arrested Sergeant Ibrahim Coulibaly in Paris for allegedly plotting a coup against President Gbagbo, security forces in Abidjan arrested more than 20 collaborators, including members of the armed forces and President Gbagbo's personal security detail. One of those arrested was General Abdoulaye Coulibaly, formerly the Minister of Transportation and effectively the number three in General Guei's regime. In addition, security forces detained Police Chief Inspector General Alain Mouandou-Bi, General Diabakate Soumaila (formerly Chief of the Armed Forces during the Guei regime, which was known as the National Committee for Public Salvation, CNSP), FANCI Major Cherif Moussa, up to 20 soldiers, and several civilians, including an RDR elected official. Kone Dognon, RDR member of the General Council of Boundiali, was released on September 8. In a press conference, RDR officials accused the ruling FPI party of creating the coup

plot as a ruse to arrest its opponents. In early September, the Government released several of the arrestees, including General Coulibaly and RDR official Kone Dognon because there was no evidence that they were involved. After 3 weeks, French authorities released Ibrahim Coulibaly on bail. On December 24, the Abidjan court of criminal appeals ordered the release on bail of Generals Diabakate and Mouandou-Bi, along with six other detainees. At least two persons associated with the Coulibaly affair, Youssouf Ouattara and Anliou Sylla, remained in prison at year's end. Because of the civilians involved in the case, the military prosecutor transferred the file to the public prosecutor, and the civilian arrestees were indicted and jailed awaiting trial.

There were reports that pro-Gbagbo and FPI loyalists were unduly detained. In April, in Koumassi and Port-Bouet, the military detained several dozen men and held them in a gendarmerie camp for several hours before releasing them. One of the detainees complained to the press that pro-Gbagbo detainees were treated badly.

In the months after the death of rebel M'PINGO leader Sergeant Felix Doh in April, security forces in Abidjan detained several members of Doh's family, including Doh's sister, Clementine Allui, and Doh's daughter, Eugenie N'Guessan. They were held for being close to Doh, and thus considered accomplices; however, they were released by year's end.

Local and international human rights organizations continued to report that security forces frequently made arrests without warrants and frequently held persons beyond the statutory limits without bringing charges. There were credible reports that the police and gendarmes detained persons in various military camps in Abidjan. Few of these detainees entered the civil justice system. There also were credible reports of forced confessions.

In response to an alleged coup attempt in mid-October, police made large-scale arrests, including the detention of 11 RDR party members, who later were released.

On April 18, an Abidjan court released on bail 52 of the at least 115 suspects detained on suspicion of conspiring in the September 2002 and September 2001 coup attempts. Most of the suspects were arrested in their homes in the weeks after the failed coup and were held without trial. Attorneys pleaded for the release of all suspects pending their trial, but the court decided that some detainees were too great a threat to state security to let out on bail. In July, a further 42 prisoners were "provisionally released" pending trials. A Ministry of Justice official confirmed the releases occurred in the spirit of the Marcoussis/Accra agreements. In August, shortly after the National Assembly adopted the Amnesty Law, the remaining prisoners were released, including Aly Keita, RDR deputy-spokesman, and Hamed Bassam, manager of the prominent waste management company Ash International.

Early in the year, the RDR and UDPCI members reportedly detained by the Government in 2002 in what opposition parties deemed a "witch hunt" were released.

In June, Sergeant Alain Guei, son of former-junta leader General Robert Guei, was released from prison. No charges were filed.

Numerous persons arrested in 2001 and 2002 were released as part of the general amnesty in August including: Soro Tchorna Abou and Yeo Alassane; Ouattara Yaya, the RDR deputy mayor of Vavoua; Kamagate Lama; several RDR party members in Dimbokro; two of San Pedro's assistant mayors, both RDR members; 27 military personnel; RDR student leader Diarrassouba; newspaper journalist Bakayako; and fellow student leader Kamagate.

Also after the September 2002 rebellion, the Government established telephone hotlines and encouraged citizens to report persons believed to be "assailants." HRW and AI reported that authorities made numerous arrests based on hotline denunciations of persons for unproven sympathies with the rebels or "suspicious" activity.

Many inmates continued to suffer long detention periods in the MACA and other prisons while awaiting trial. A magistrate reported in November 2002 that more than 1,770 of the 5,370 detainees (31 percent) in the MACA prison were awaiting trial (see Section 1.c.). Despite the legal limit of 10 months of pretrial detention in civil cases and 22 months in criminal cases, some detainees were held in detention for many years awaiting trial.

In November 2002, President Gbagbo issued a communiqué accusing the rebels of responsibility for widespread arrests, illegal detentions, and disappearances, but mentioned no specific cases and stated only that the accusations were based on credible information. In December 2002, the UNCHR conducted a 1-week mission in government-held and rebel-held territories that corroborated reports of illegal arrests and detentions in both parts of the country.

In rebel-controlled territory, the NF also arbitrarily arrested and detained many persons thought to be loyal to President Gbagbo. In the north, AI and others reported that rebels arrested and mistreated persons based on a neighbor's denunciation or suspicion that an individual's sympathies were with the Government.

On May 20, NF officials released Nestor Kouakou Konan, prefect of the northern Savanes region, who had been detained since Korhogo was taken over by rebel forces in September 2002.

On June 28, NF and MPCFI forces arrested seven Telecom telephone technicians who were in Bouake on company business allegedly for being spies. The U.N. Monitoring Committee called the detention “unacceptable and arbitrary.” On July 6, NF forces released the workers and stated that they were “never imprisoned or detained” but were “under surveillance.”

On December 7, NF freed 40 FANCI military personnel and handed them over to the ICRC at Korhogo and Bouake. The ICRC reported that it has had access to all persons held in the country in connection with the rebellion.

In December 2002, rebels released six foreign nationals that had been held for over a week in the west. The rebels took the group from Toulepleu, Duekoue, Man, and Bouake, reportedly forcing them to assist injured rebel soldiers.

The Constitution specifically prohibits forced exile, and no persons were exiled forcibly during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was subject to executive branch, military, and other outside influences. Although the judiciary was independent in ordinary criminal cases, it followed the lead of the executive in national security or politically sensitive cases. Judges served at the discretion of the executive, and there were credible reports that they submitted to political pressure and financial influence. The judiciary was slow and inefficient.

On July 19, local lawyers launched an NGO called “Transparency Justice” that has the stated goal of removing corruption and bribery from the legal system.

During the year, there were several strikes by court clerks to demand improved working conditions and higher salaries (see Section 6.b.).

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts. In August, the newly constituted Constitutional Council took over from the earlier Constitutional Chamber of the Supreme Court in determining the eligibility of presidential candidates. In August, President Gbagbo appointed the seven members of the Constitutional Council, without consultation with the Government. President Gbagbo tasked the Council with, among other things, the determination of candidate eligibility in presidential and legislative elections, the announcement of final election results, the conduct of referendum, and the constitutionality of legislation. Gbagbo named three advisors to the Constitutional Council for 3-year terms, three other advisors to 6-year terms, and a president. At year’s end, Tia Kone remained president of the Supreme Court. The Constitution grants the President the power to replace the head of the court after a new parliament is convened.

The law provides for the right to public trial, although key evidence sometimes was given secretly. The Government did not always respect the presumption of innocence. During the year, there were no reports that defendants were not allowed to be present at their trial. Those convicted have the right of appeal, and although higher courts rarely overturned verdicts, it has occurred. Defendants accused of felonies or capital crimes have the right to legal counsel. The judicial system provides for court-appointed attorneys; however, no free legal assistance was available, except infrequently when members of the bar provided pro bono advice to defendants for limited periods.

In rural areas, traditional institutions often administered justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution was by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly was superseding these traditional mechanisms. The Constitution specifically provides for a Grand Mediator to bridge traditional and modern methods of dispute resolution. The President appoints the Grand Mediator, who since his nomination by the Bedie Government, has been Mathieu Ekra.

Military courts did not try civilians. Although there were 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 early August, the National Assembly passed a general amnesty law for “all offenses against the security of the state” committed between September 17, 2000 and September 19, 2002. The passage of an amnesty law was one of the conditions that all political parties agreed to in the Marcoussis Accord. War victims’ groups lobbied for a specific law to allow victims to be indemnified. The law said that “economic crimes,” would not be amnestied, though the law did not define the term.

There were no reports of political prisoners; however, HRW and AI have said that political leaders that were detained during the year were held primarily because of

their opposition political views rather than hard evidence of involvement in the coup and should be considered political prisoners.

There was little available information on the judicial system used by the NF in the northern and western regions; however, there have been several credible reports that rebels have executed suspected looters on the spot without detention or trial. In November 2002, a French press article described rebel military police bringing suspected thieves and racketeers to a "judge" dressed in fatigues who, in a quasi-judicial process, pronounced sentence, including imprisonment in the local jail. The rebels reported that they have imprisoned several dozen persons as common criminals in Bouake.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law provides for these rights; however, the events of September 2002 triggered a widespread suspension of privacy rights. Officials must have warrants to conduct searches, must have the prosecutor's agreement to retain any evidence seized in the search, and are required to have witnesses to the search, which may take place at any time of day or night; however, in practice police sometimes used a general search warrant without a name or address. Police frequently entered the homes of northern citizens and noncitizen Africans (or apprehended them at large), took them to local police stations, and extorted small amounts of money for alleged minor offenses, although there were fewer reports of such practices during the year. Police also searched the homes and offices of journalists (see Section 2.a.).

There were credible reports that several times during the year, security forces entered and searched opposition party officials' residences without search warrants, allegedly seeking weapons. For example, in March, armed security forces used tear gas to enter the residence of former PDCI minister Bernard Ehui. Also in March, gendarmes entered the home of Fofana Sorigbe, the local Secretary-General of the RDR for an Abidjan neighborhood. In June, four men armed with automatic weapons forcibly entered the home of Bramakote Cisse, a PDCI official for the Adjame section of Abidjan, again ostensibly to search for weapons. Reports of mosque searches diminished greatly during the year, and there were no reports that clerics' homes were searched.

During the year, security forces continued to conduct neighborhood searches where they would enter several homes at the same time, usually at night looking for arms. For example, on April 10, army and police forces conducted a search and arrest operation through most of the night in the Abobo-Sagbe neighborhood in Abidjan. The security forces entered several homes without search warrants and beat and arrested several residents.

In June, gendarmes stormed the Abobo-Avocatier district of Abidjan, where most residents come from the north or Burkina Faso. The gendarmes beat them and took several persons' money and identity papers.

In September, an off-duty gendarme ordered two foreign ambassadors accredited to the country to get out of their diplomatic vehicles while traveling near Bonoua in southwestern region. The gendarme, Kouassi Jean Koffi, aggressively accused the ambassadors of causing problems in the country and searched their vehicles before allowing them to leave. In October, an Abidjan court sentenced Koffi to 1 month in prison for misdemeanor assault against the ambassadors.

No action was taken against security forces who ransacked the offices of the Daloa mayor and other municipal officials in September 2002.

Security forces reportedly monitored private telephone conversations, but the extent of the practice was unknown. The Government admitted that it listened to fixed line and cellular telephone calls. Authorities monitored letters and parcels at the post office for potential criminal activity, and they were believed to monitor private correspondence, although there was no evidence of this.

Members of the Government reportedly continued to use students as informants.

Shortly after the September 2002 rebellion, security forces in Abidjan began destroying shantytowns near military installations inhabited by both noncitizen Africans and citizens. There was only one major razing of a shantytown neighborhood in Abidjan during the year. On July 5, gendarmes used bulldozers to raze most of a shantytown neighborhood in Abidjan's southeastern Port Bouet neighborhood. Gendarmes fired tear gas and live ammunition at residents that resisted the demolition, killing three persons. The neighborhood has been a flash-point in the past, with construction companies wanting to build new homes on the site. Human rights groups and U.N. agencies severely criticized the destruction of shantytowns and stated that the Government targeted foreigners, mainly from neighboring countries like Burkina Faso and Liberia, and northern citizens perceived to be opposed to the Government. Tens of thousands of persons remained displaced at year's end, and continued to live in inadequate social centers, were taken into the already crowded homes of friends or relatives, or they left the country.

In October, Prime Minister Diarra launched a \$17 million (9 billion CFA francs) program to assist residents who lost their homes in the months after the September 2002 rebellion. The program was under the Ministry of Territorial Administration and was intended to improve living conditions for vulnerable populations.

On January 25 and 26, after political party leaders signed the Marcoussis Accord, roving bands of “patriotic youths” rampaged in Abidjan to protest the signing, which they felt was overly generous to the rebel parties (see Section 2.b.). The youth groups, who were loyal to the President and his FPI party, caused widespread damage to French institutions and businesses, including French schools, the offices of Air France and Orange cellular phone company, and the French Cultural Center. Demonstrators also attacked the Embassy of Burkina Faso and other Burkinabe interests. There were no reports of deaths, injuries, or arrests.

There were no developments into the destruction of opposition leader Alassane Ouattara’s Abidjan house in September 2002 by unknown persons.

There were numerous reports that rebels confiscated property and vehicles of those suspected to be loyal to President Gbagbo or of persons who had abandoned their houses following the rebellion. In addition, there were credible reports that NF military looted and occupied several missionary houses in Bouna, Tiebessou, and Bouake.

After September 2002, in the northern towns of Bouake and Katiola, rebels monitored parcels for potential threats to their position; it was unknown if this practice continued during the year.

There were corroborated reports that the rebels forcibly conscripted locals to join their ranks. Those who refused reportedly disappeared. Many of the conscripts were youth or children, although there also were reports that many volunteered to join the rebels.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—There were numerous reports that pro-government death squads operated during the year. On February 5, the U.N. High Commission for Human Rights (UNHRC) published a report that accused the Government of backing death squads, which killed, kidnapped, and tortured persons with impunity. On February 22, Justice Minister Desire Tagro responded to the report in a televised address, denied that the Government supported death squads, and called for proof of the allegations. President Gbagbo publicly denied any knowledge of death squads and said that they were likely an attempt to discredit his government.

There were several reported incidents where security forces killed suspected rebels and rebel sympathizers and dumped their bodies in another part of town. For example, in January, gendarmes arrested Mamadou Ganame, a Koranic instructor in Bianoua, Ayame, whose body was later found in the Aboisso morgue. On February 1, uniformed personnel detained well-known television sitcom actor and RDR activist Yerefe Camara (known as “H”) an hour after curfew. On February 2, Camara’s body was found with several bullet wounds in a working class neighborhood in Abidjan. Local and international press blamed death squads for the killing.

On April 20, a group of students took Mouroulaye Kone, a former student leader who allegedly was close to rebel MPCFI leader Guillaume Soro, from his home and reportedly killed him. His body had not been found at year’s end.

In May, Acting Minister of Security Zemogo Fofana ordered the secret service to investigate the death squads. While no results of the investigation were released, reports of death squad activity diminished greatly following Fofana’s announcement.

The collaboration of government forces and irregular forces created a climate of fear and total impunity. In Duekoue in April, HRW confirmed that many northerners were regularly accused of being rebels and frequently beaten and executed.

Abidjan police and security forces in search of rebel sympathizers, infiltrators, and arms caches continued to use lethal force in neighborhood sweeps against citizens with northern origins and African immigrants. In February, during curfew hours, several gendarmes and police officers searched and looted several residences in Anyama, a predominantly Muslim district in Abidjan. During the search, gendarme officers killed Mory Fanny Cisse, an Islamic preacher, when he refused to open his door. Two others were injured when security forces shot several rounds to disperse the crowd that had gathered in an attempt to stop the removal of Cisse’s corpse.

In August, HRW released a report accusing the Government of committing several massacres in western towns in 2002, including government involvement in the November 2002 deaths of at least 100 civilians, mainly West African immigrants. The HRW report also accused government forces of executing dozens of opposition and suspected rebel supporters in the western town of Man.

There were numerous political killings committed with impunity by both security forces and rebels during the September 2002 coup attempt and rebellion.

There were no developments in the following cases of security force killings after September 2002: The September killing of Commander Aboubacar Dosso, aide-de-camp to RDR leader Ouattara; the October killing of Adama Cisse, head of the RDR party in M'Bahiakro; the October killings of Seydou and Lanzeni Coulibaly, related to RDR Deputy Secretary General Amadou Gon Coulibaly; the November killing of Emile Tehe, president of the RDR-aligned Ivoirian Popular Movement party (MPI); and the November killing of Benoit Dakoury-Tabley, medical doctor and brother of Louis Dakoury-Tabley, one of the political leaders of the rebel MPCI, now NF.

There was no action taken regarding the death of former military junta leader General Robert Guei, his wife Rose, a son, his aide-de-camp Captain Fabien Coulibaly, several army guards, and others in September 2002. AI and HRW concluded that the deaths of Guei and his family were extrajudicial killings.

During the year, no results were released from the Government's investigation into the October 2002 security force killings of more than 100 noncombatants in Daloa in evident reprisal against northerners living in the town, and those suspected of assisting rebels. The Government publicly denied its involvement. The results also were not released in the Government's investigation into the November 2002 death of 50 political party members and citizens.

There were no investigations of the mass graves found in 2002.

The Government used helicopter gunships to attack both government- and rebel-held territory, and numerous persons were killed. For example, on April 14 and 15, government helicopters attacked the western towns of Zouan-Hounien, Danane, and Mahapleu, striking both rebel and civilian targets including a Catholic church and a hospital. At least 4 civilians were killed and more than 20, mostly children, were injured in the assault.

On April 16, government forces used an MI-24 helicopter to attack rebels but hit a market, gas station, and gendarmerie in the rebel-held town of Vavoua, injuring at least 50, according to MSF. The U.N. Monitoring Committee and several other international bodies severely criticized the helicopter attacks. President Gbagbo responded that the rebels provoked the Government's attack.

There were credible reports describing serious abuses committed by armed forces working in complicity or in coordination with youth groups in the central and western parts of the country. HRW reported that in many attacks on civilians by paramilitary groups in Daloa, Duekoue, Guiglo, and Monoko-Zohi, local villagers from ethnic groups close to the Government provided names of foreigners, RDR members, northerners, and other alleged rebel supporters to the security forces. Self-defense committees manned checkpoints with the assent of security forces and conducted summary executions of Burkinabe and other northerners accused of being rebels.

Several human rights organizations accused the Government of encouraging and sometimes working in complicity with "civil militias" or irregular forces to attack immigrant villages and kill immigrant civilians in and around Duekoue, Daloa, and Toulepleu.

According to a HRW study, Liberians from Ivoirian refugee camps and from the Movement for Democracy in Liberia (MODEL) rebel faction fought for both the Government and the rebels and participated in mass killings, rapes, and other acts of violence against civilians in and around Toulepleu, Bangolo, and Bolekin in the west. Some of the violence was ethnically based. HRW further reported that government forces actively recruited Liberians from refugee and transit camps, mostly in west, including a number of child soldiers. The French military dubbed the government-backed Liberian forces as the "LIMA Forces." A U.N. Panel of Experts also confirmed that the Government supported the LIMA forces. The Government denied any link with the LIMA Forces.

In December, the NGO Group for Research on Democracy and Economic and Social Development (GERDDES-CI)'s President Honore Guie conducted a tour of the interior and western regions and reported that groups including MODEL and the LIMA forces were continuing a campaign of rape and torture against the civilian population. Guie said these groups have primarily targeted northerners and Burkinabe citizens but have also attacked others.

In March at least 60 civilians, including men, women, and children, were killed in the worst documented incident in Bangolo. French soldiers captured Liberian fighters who reportedly confirmed that they committed the massacre and that they were working for the Government as part of the LIMA Forces.

Several human rights organizations described numerous extrajudicial killings by rebels, particularly by the western rebel group MPIGO and its Liberian mercenaries. The rebels in the west targeted, beat, and sometimes killed gendarmes, government officials, and suspected FPI sympathizers, and committed sexual violence against girls and women, including rape and sexual slavery. The Liberian recruits helped MPIGO capture several western towns in January and committed a number

of atrocities including summary executions, rape, and looting. In early January, the MPCCI executed, without trial, one of its sergeants for allegedly trying to loot and embezzle MPCCI funds.

In April, rebel MPCCI forces detained several Buddhist missionaries traveling to Bouake, and accused them of being loyalist gendarmes in disguise. The MPCCI forces reportedly beat them before releasing them.

On May 8, Ousmane Coulibaly, MJP military commander in Man, told the media that 140 Liberians were being detained "for their own protection." Coulibaly said the MJP and other rebel groups were trying to disarm all Liberian combatants and send them back to Liberia. It was unclear if the MJP continued to detain the Liberians at year's end.

In late May, MPCCI forces in Korhogo executed Lago Bi Thuehi, a gendarme loyal to President Gbagbo who had been in detention.

Rebel groups were also responsible for numerous indiscriminate killings. For example, in what may have been a reprisal massacre for the March Bangolo killings, on March 22, MPIGO indiscriminately attacked and killed 40 civilians, from both northern and southern ethnic groups, in the western town of Dah. The MPIGO rebels employed many English-speaking Liberians in the attack. At the same time, MPIGO systematically looted the property of civilians in Danane, Zouan-Houien, and Toulepleu and committed numerous executions and other serious acts of violence against civilians.

In April, several sources reported that fighting between the western rebels, MPIGO, MJP, and their Liberian/Sierra Leonean allies resulted in execution of more than 50 Liberian mercenaries in the western region. A BBC reporter said he saw dead Liberian combatants with their hands tied and sometimes their heads and toes severed.

On May 13, the Government accused the MJP and MPIGO rebel groups of killing 150 persons and engaging in mass looting between May 8 and 10. In response, the Government reinstated a curfew in the western region. On May 20, the Government reported that armed men ambushed and killed an unspecified number of women in the Bangolo region.

In late September, there were reports of several mass graves discovered in the Bangolo. In Zeregbo and Bahably, there were four water wells found with human remains. Early reports indicated that western rebel groups who captured the area killed the persons in the mass graves and wells between December 2002 and January.

In late September, an attempted armed bank robbery by disgruntled ex-NF soldiers sparked 3 days of violence that killed 23 persons in Bouake, including several of the would-be bankrobbers. French and ECOWAS peacekeepers moved into the city to restore calm, and remained there at year's end. NF leaders imposed a curfew for 2 days in response to the shootings. In November, NF gunmen attacked a commercial bank in the northern city of Ferkessedougou, beginning a gunbattle with another group of rebels protecting it. Three combatants died.

A number of French peacekeepers were killed during clashes with rebels. For example, in August, NF soldiers killed two French soldiers in fighting near the central town of Sakassou. The soldiers were on a patrol in the demilitarized "zone of confidence" when they were attacked. The suspects were being tried in a government civilian court at year's end.

French peacekeepers were also injured during the year. On January 21, rebels clashed with French peacekeeping troops near the western town of Duekoue, and two French soldiers were injured and eight rebels killed or injured.

No action was taken against rebels who committed abuses in 2002 or during the year. In 2002, the rebel officers targeted and killed Interior Minister Emile Boga Doudou and attempted to kill then-Defense Minister Lida Kouassi. Rebels also killed Colonel Yode, Director of the Army Engineers in Abidjan; Dally Oble, Commander in Korhogo; and Dago Loula, Commander in Bouake. No government or NF investigation was conducted in the October 2002 executions of 60 gendarmes and 50 of their sons in Bouake, who were detained before their executions. Their bodies were found in mass graves.

On April 25, unknown assailants killed Felix Doh, leader of the rebel MPIGO group. According to Minister of Communications and MPCCI Secretary-General Guillaume Soro, Doh died in an ambush set up by "Sierra Leonean armed gangs" led by former Revolutionary United Front (RUF) commander Sam Bockarie. Others claim Doh was killed as part of an intra-rebel disagreement.

In late May, ECOWAS, FANCI, French forces, and NF launched an operation to "clean up" and stabilize the western region. Since its launch, atrocities and killings in the west have diminished. The operation was intended to reduce the number of

Liberian combatants in the country, which has not been a complete success. NF were more successful in removing Liberian fighters from the territory they control.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression; however, the Government restricted this right in practice. The September 2002 rebellion triggered significant self-censorship and a deterioration of press freedom. Journalists did not wish to appear “unpatriotic.” However, the situation improved somewhat during the year. Private newspapers frequently criticized government policy. The arrest, prosecution, and imprisonment of journalists decreased from the previous year. Nevertheless, members of the security forces continued to harass and sometimes beat journalists. Outspoken members of the press continued to receive death threats and suffer physical intimidation from groups aligned with the ruling FPI party. Journalists continued to practice self-censorship.

The media played a critical role in inflaming tensions, even before the September 2002 rebellion. In January, U.N. Special Humanitarian Envoy Caroline McAskie criticized the media for sending “messages of hatred” on the radio and in the written press that endangered the peace process in the country. In March, Jacques Lhuillery, the director of Agence France Presse (AFP) Africa, publicly criticized the media for creating a “climate of hostility and hate.”

In April, Guillaume Soro, MPC Secretary General, became Minister of Communications. Following his appointment, Soro received the local press, including newspaper editors, publishers, and chairmen of media associations, at his ministerial office and urged the press to exercise greater professionalism and to recognize its critical role in rebuilding the country.

The National Press Commission (CNP) was meant to enforce regulations relating to the creation, ownership, and freedom of the press. The only remaining government-owned daily newspaper, *Fraternite Matin*, which had the greatest circulation of any daily, rarely criticized government policy. There were a number of private newspapers: Approximately 20 dailies; 30 weeklies; 5 semi-monthlies; and 10 monthlies. Newspapers often ceased publication and were supplanted by others due to strong competition, a limited audience, and financial constraints. A few newspapers were politicized, sometimes resorting to fabricated stories to defame political opponents. The law requires the “right of response” in the same newspaper, thus newspapers often printed articles in opposition to an earlier article.

Because of low literacy rates, radio was the most important medium of mass communication. Newspapers and television were relatively expensive. The government-owned broadcast media company, RTI, owned two major radio stations; only the primary government radio station broadcast nationwide. Neither station offered criticism of the Government; both government-owned stations frequently criticized opposition parties and persons critical of the Government. Four major private international radio stations operated: Radio France Internationale (RFI), the British Broadcasting Company (BBC), Africa No. 1, and Radio Nostalgie. These stations broadcast on FM in Abidjan only, except for RFI, which broadcast via relay antennas to the north and center of the country. The RFI and BBC stations retransmitted internationally produced programming. The Africa No. 1 station, which was 51 percent locally owned, broadcast 6 hours of locally produced programming every day. Radio Nostalgie was 51 percent owned by Radio Nostalgie France, but it was considered a local radio station. The RFI, BBC, and Africa No. 1 stations all broadcast news and political commentary about the country.

There were approximately 50 community radio stations authorized under government regulations. They had limited broadcast range and were allowed no foreign language programming, no advertising, and only public announcements limited to the local area. Some of the stations did not broadcast for lack of resources.

The private radio stations, except for Radio Nostalgie, had complete control over their editorial content. The Government monitored Radio Nostalgie closely because the major shareholders of the company were close to RDR president Ouattara. National broadcast regulations forbade the transmission of any political commentary. Radio Nostalgie was ransacked on several occasions before and after September 2002 and briefly switched to an all-music format after patriotic youth groups loyal to President Gbagbo damaged the building in late January, which caused the station to close temporarily. On February 18, Radio Nostalgie returned to the air with normal programming.

Shortly after the September 2002 rebellion, the Government cut access to international, independent media, including RFI, BBC, and Africa No. 1 programming on FM frequencies. French channel TV5 was also cut, although it resumed telecasts within a few weeks. The combined blocks on both radio and television cut access to independent media programming for the majority of the population. Voice of

America radio continued broadcasting and government-controlled broadcasts continued uninterrupted. At the same time, the Government began a campaign to discredit the international press and its coverage of the national crisis. On February 18, the Government allowed RFI, BBC, and Africa No. 1 to resume broadcast on their FM frequencies.

The Government owned and operated two television stations (RTI 1 and RTI 2) that broadcast domestically produced programs. Only one broadcast nationwide. Neither station criticized the Government, but they frequently criticized the opposition or persons who opposed the Government's actions. There were two satellite television broadcasters: One French (Canal Horizon/TV5), and one South African (DS TV). They did not broadcast domestically produced programs. During the year, the Government did not receive or accept any applications to establish privately owned domestic television stations.

Private TVCI International began satellite television broadcasting in October 2002; however, in April and May, personnel at this station stopped work for 4 days to call attention to their differences with the station's chief financial manager. President Gbagbo founded TVCI International to improve the country's image abroad, but the station was no longer operating at year's end, pending a re-organization.

A journalist's association, the Observatory of Press Liberty and Ethics (OLPED), frequently wrote public letters to criticize government interference and harassment. On April 17, OLPED released a statement claiming various abuses by authorities against journalists, including: The harassment on several occasions of journalists from the PDCI-owned *Nouveau Reveil*; the preferential treatment granted to national television to the detriment of other public and private press organizations; and intimidation of the international press.

On October 21, police Sergeant Theodore Tolou Sery killed RFI reporter, and French citizen, Christian Baldensperger, who wrote under the name "Jean Helene," near the General Directorate of the National Police. Sery immediately turned himself in to his supervisors. Helene had visited the General Directorate to make inquiries on the RDR supporters who were jailed at the station and were to be released that evening. Helene was unarmed and was shot once in the head, and there were reports that he was beaten prior to his shooting. President Gbagbo, Prime Minister Diarra, and most other major politicians issued statements severely criticizing the killing. Several newspapers accused Gbagbo and other politicians of creating a "climate of hatred" that allowed the killing to occur. Three days after the shooting, Minister of Security Martin Bleou dismissed Police Chief Adelphe Baby while releasing a statement criticizing the killing. French public prosecutor Yves Bot came to Abidjan in mid-November to investigate the killing alongside the government investigation. Both reports were received by Gbagbo during his visit. At year's end, Sery's trial had not begun.

There were several reports that security forces beat journalists. For example, on July 5, gendarmes detained a journalist from independent local newspaper 24 Heures when he arrived to cover the demolition of a shantytown Abidjan neighborhood (see Section 1.f.). Gendarmes interrogated the journalist and confiscated his camera film, which included photographs of residents killed by the gendarmes.

On July 28, police in Abidjan beat Alakagni Hala and Doua Gouly, two correspondents for the government-owned *Fraternite Matin*. The National Union of Journalists in Cote d'Ivoire (UNJCI) released a statement severely criticizing the beatings and stated that police "shoved and manhandled" Hala when he tried to cover an incident between a policeman and a motorist. When Gouly went to secure the release of his colleague, UNJCI said that a policeman beat him for "contradicting the officer" and for his "journalistic approach." The police then forced Gouly to take off his clothes and sit in a cell. With the intervention of a police administrator, the two journalists were released.

In October, Congress of Young Patriots (COJEP) leader Charles Ble Goude led a nationwide campaign to confiscate and destroy several daily newspapers and prevent their distribution throughout the country. The newspapers included 24 Heures (independent), *Le Jour* (independent), *Le Patriote* (pro-RDR), *Le Liberal* (pro-RDR), *Le Nouveau Reveil* (pro-PDCI) and *Le Front* (pro-NF). Many newspaper vendors reported that the patriots verbally and physically threatened them, while some reported that they were physically attacked. The confiscations occurred in areas around Abidjan, and also in other government-controlled towns including Adzope, Agboville, Divo, Gagnoa, and San Pedro. Despite Ble Goude publicly claiming responsibility, there were no arrests. In protest of the confiscations and harassment, newspapers halted distribution, and the press distribution company Edipresse reported a loss of \$73,000 (40 million CFA francs). In November, there were credible reports that the same newspapers had again been confiscated, although on a smaller scale.

There were credible reports that security forces continued to harass journalists. For example, in January, Denis Kah Zion, publisher of *Le Nouveau Reveil*, which is close to the PDCI party, told the press that he had received several threats from death squads because of his newspaper's frequent criticism of President Gbagbo.

There also were several reports during the year that foreign journalists were subjected to government harassment and intimidation. For example, on January 7, authorities briefly detained Anne Boher, a Reuters journalist, and accused her of being a spy for the rebel MPCCI movement in the town of San Pedro. Authorities transferred Boher to Abidjan, released her, and called the incident "a misunderstanding." In early March, the AFP reported that police threatened to kill a group of French journalists who photographed a convoy of French soldiers being stoned by local youths. Also in March, at a press conference for President Gbagbo, French journalists complained that military officials yelled insults and harassed them. The Government denied that the journalists were physically attacked and said that there was only "an exchange of viewpoints" between the security forces and the reporters. The Government also said that the episode would have been avoided if the cameramen had stopped filming the President's security guards when asked. Because of security fears, some international reporters and the citizens who worked for foreign press agencies chose to leave the country temporarily.

No action was taken against members of the security forces who beat and harassed journalists in 2002 and 2001.

There were no further developments into the searches and ransacking of opposition newspaper offices that occurred in 2002.

On June 27, approximately 200 youths loyal to President Gbagbo attacked Minister of Communications Soro while he visited the RTI national TV and radio station. Soro remained trapped in the station for 2 hours before a gendarme unit arrived and extracted him. The Government severely criticized the assault as an "abominable act;" however, there have been no arrests and no explanation of how the youths were allowed to enter the compound. On July 2, Soro unilaterally suspended and replaced George Aboke and Jean-Paul Dahili, Director General and Deputy Director of the RTI, after the attack. After July 2, the television news noticeably increased coverage of the Prime Minister's activities and devoted considerable coverage to those engaged in reconciliation efforts. On July 14, Aboke and Dahili filed suit in the Supreme Court to demand that their jobs be reinstated, and in late August, the Supreme Court ruled the dismissals were inappropriate, and they resumed their work at RTI. Following the reinstatement of Aboke and Dahili, television news markedly increased its coverage of President Gbagbo. In order to help depoliticize broadcast policy, the Prime Minister reorganized RTI as a limited liability company with a board of directors in December.

Following the September 2002 rebellion, the Government gradually reduced press freedoms in the name of patriotism and national unity. Outspoken members of the press who questioned government policy reported physical intimidation and receiving death threats from groups aligned with the FPI party and the Government. Foreign journalists complained to the Government of similar threats. Several dozen staff members were denied access to work at the state-controlled RTI in 2002 allegedly because they were not partisans of the governing FPI party. They were all allowed to return to work a few weeks later.

The Government exercised considerable influence over the official media's program content and news coverage, using them 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 government officials. Minister of Communications Soro frequently complained that the Government has not freely accorded television airtime to opposition party members, including himself.

In April, in a sign of reduced tensions, a popular call-in talk show on the government radio station resumed after having been suspended since October 2002 reportedly because calls and comments were becoming increasingly critical of President Gbagbo and his handling of the crisis. In June, Abidjan TV aired interviews with several Burkinabe journalists who accused the media of exacerbating the country's crisis.

The law authorizes the Government to initiate criminal libel prosecutions against officials. In addition, the State may criminalize a civil libel suit at its discretion or at the request of the plaintiff. Criminal libel was punishable by from 3 months to 2 years in prison.

In October 2002, the trial of three journalists from *Le Jour* on defamation charges was slated to begin, but was deferred and had not taken place at year's end.

While there was still self-censorship in the press, some newspapers were significantly more critical of presidential and government actions than in the previous

year. Independent daily newspapers and opposition party dailies frequently examined and called into question the Government's policies and decisions.

In April, Yao Noel, a journalist from the government-owned *Fraternite Matin*, announced the formation of a pro-reconciliation media association called "Group Media for Reconciliation and Peace." On June 2, a group of journalists launched an association called "Journalists for Reconciliation in Cote d'Ivoire" (AJORP-CI) as an effort by journalists to contribute to the reconciliation process.

In August, editors and political columnists from various local newspapers attended a seminar on the "Promotion of the Free Press," with an emphasis on the role of the press in the national reconciliation process.

On October 28, the UNJCI and the OLPED conducted a workshop for local journalists and media directors on "the role of the media in the management of crisis in the national reconciliation process." The organizers stated they hoped the 2-day meeting would help to minimize tension generated by the media.

In rebel-held territory, rebels broadcast from Bouake, and aired their own programming, which included radio shows that were heard in towns and villages around Bouake and, according to some reports, in the political capital, Yamoussoukro. In the western part of the country, MJP rebels also broadcast on a local radio station around Man. At year's end, the NF had not allowed government TV or radio or French TV or radio to resume their broadcasts. The NF also have not allowed distribution of all pro-government papers and most independent newspapers in their territory.

In the rebel-held zones, rebel forces also beat, harassed, and sometimes killed journalists. According to Reporters Without Borders (RSF), in January, Liberians fighting alongside the army killed Press Agency Correspondent Kloueu Gonzreu, and the party he was traveling with, for unspecified reasons in the western rebel-held zone near Toulepleu. In February, MJP rebel forces arrested Rene Dessonh, press correspondent for private independent newspaper *Soir Info*, near Man on suspicion of spying. MJP forces released Dessonh after 3 days detention without explanation.

In August, a NF publication announced that NF in Bouake arrested Zabril Koukougnon, a journalist from the pro-ruling party, FPI-owned newspaper *Notre Voie*. The NF said that Koukougnon was spying and plotting an insurrection in NF territory. There were no further updates at year's end.

The Government did not restrict access to or distribution of other electronic media. There were 12 domestic Internet service providers, of which 4 were major providers. All 12 service providers were privately owned and relatively expensive. The licensing requirements imposed by the government telecommunications regulatory body, ATCI, reportedly were not unduly restrictive. Internet access remained limited in the country.

There is no law specifically concerning academic freedom; however, in practice the Government tolerated a considerable amount of academic freedom but inhibited political expression through its proprietary control of most educational facilities, even at the post-secondary level. A presidential decree required authorization for all meetings on campuses.

Many prominent scholars active in opposition politics retained their positions at state educational facilities; however, some teachers and professors suggested 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 statements, security forces continued to use students as informants to monitor political activities at the University of Abidjan.

Unlike in the previous year, there were no reports that the university and secondary students' association, Federation of Students and Scholars in Cote d'Ivoire (FESCI), attacked or intimidated teachers or had violent conflicts with rival groups. However, at least one person was killed and six injured during fighting at the annual FESCI Congress for the election of a new presidential candidate. In addition, there was violence attributed to FESCI in October following the killing of one of its members at a demonstration (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution allows for freedom of assembly; however, the Government sometimes 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 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 prohibited specific events deemed prejudicial to the public order; even if authorization was granted, it later could be revoked.

There were numerous demonstrations during the year. There were few instances of police forcibly dispersing demonstrations even when they deemed that public order was threatened; generally they allowed the demonstrations to proceed. However, security forces on occasion used excessive force to disperse demonstrators.

In March, security forces fired tear gas into a crowd of 500 persons approaching downtown Abidjan to demonstrate against the perceived failure of the French to stop rebel attacks in the west. On April 1, President Gbagbo and interim Security Minister Fofana apologized to the demonstrators, saying they were "mistakenly dispersed."

On July 29, university students protested in front of the Prime Minister's Office to complain about their school year being ruined and demanded compensation and financial assistance for their difficulties. On August 13, the students again demonstrated to demand the promised payments. The student demonstration was peaceful, but others took advantage of the confusion to commit acts of vandalism and robbery. Police arrested several people and fired tear gas to disperse the crowds.

On September 18, police shot Goboulessie Jean-Luc, a student and FESCI member in Abidjan, as they opened fire on several hundred students who were protesting the Government's failure to make a promised compensation payment for their living expenses. Police stated that riot police fired in the air to disperse the crowd, which included many nonstudents who took advantage of the chaos to join the demonstration to commit unlawful acts. The Government released a statement saying that it "deplored" the abuse "that could have been avoided with patience and understanding, and apologized for the incident." The Government began an investigation into the incident; however, there were no results by year's end. In late September, President Gbagbo received 16 FESCI members to discuss Goboulessie's killing and to try to resolve the students' concerns over promised compensation. In October, FESCI students ransacked the offices and attacked the staff of the mortuary that held Goboulessie's corpse because of a dispute over the viewing time. An IVOSEP staff-member was beaten, and there was some property damage to the offices. There were no arrests made in connection with this case.

On October 10, youths claiming to be members of the Group of Patriots for Peace (GPP) destroyed facilities of the Ivoirian Water Distribution Company, the Ivoirian Electricity Company, and Cote d'Ivoire Telecommunications. Demonstrators said they were protesting the "free" supply of water, electricity, and telephone in rebel-controlled areas. Minister of Telecommunications and New Technologies strongly criticized the violence and told his workers that President Gbagbo had reinforced security around their workplaces. At a Council of Ministers meeting on October 16, President Gbagbo announced that as a result of the October 10 violence, the GPP would be disbanded. There were no reports of GPP activity through year's end; however, in December, GPP leader Charles Grognet formed a new organization called Convention of Patriots For Peace (CPP), which was considered a reformulation of the banned GPP.

On October 16, the Council of Ministers suspended all marches and demonstrations for 3 months. Several youth groups, including the PDCI and RDR, claimed that the suspension of demonstration came in reaction to their plans to march in support of the Marcoussis Accord. These "pro-Marcoussis" youth groups called off a scheduled November 8 demonstration because of the suspension. Pro-Gbagbo/pro-FPI patriot groups, including COJEP and Union of Patriots for the Total Liberation of Cote d'Ivoire (UPLT-CI), continued to stage marches and demonstrations despite the suspension (see Section 1.f.). On November 30, 200 self-proclaimed patriots, along with some gendarme and military elements, went to Mbahiakro (40 miles east of Bouake) to confront French troops and to move through the "zone of confidence" to "liberate" NF-held towns. The French Licorne troops disabled one military armored vehicle, and on November 30 injured six persons who breached the internationally defined zone of confidence. From December 1-4, French soldiers fired stun grenades and tear gas to break up a patriot demonstration, which included COJEP leader Charles Ble Goude, and prevented them from approaching the security zone in front of the main gate of the French "BIMA" military base in Abidjan. There were no reported arrests at either the Mbahiakro or BIMA demonstrations.

French troops broke up protest to protect French citizen in danger. For example, on January 31, 300 patriots protested the anticipated arrival of the new Prime Minister at Abidjan's airport. Demonstrators broke windows and threw rocks at French troops and vehicles that arrived to secure the airport. When French troops intervened to disperse the crowd, one French officer was seriously injured. There were no reported arrests.

Persons with disabilities groups held several demonstrations during the year (see Section 5).

No action was taken against security forces who forcibly dispersed demonstrations in 2002 and 2001.

In early May, approximately 20 self-proclaimed young patriots disrupted a PDCI and a UDPCI meeting in Abidjan. On both occasions, the group surrounded the buildings and yelled threats. Police broke up the demonstrations, but made no arrests.

In NF controlled territory, there were numerous demonstrations throughout the year, usually organized by the MPCCI and in support of the NF and against President Gbagbo.

The Constitution provides for freedom of association and the Government generally respected this right in practice. The Government allowed the formation of political parties, trade unions, professional associations, and student and religious groups, all of which were numerous.

All parties and NGOs must register with the Ministry of Interior before commencing activities. To obtain registration, political parties had to provide information on their founding members and produce internal statutes and political platforms or goals consistent with the Constitution. There were no reports that the Government denied registration to any group, but processing rarely was expeditious. There were more than 100 legally recognized political parties, 7 of which were represented in the National Assembly (see Section 3).

The Constitution prohibits the formation of political parties along ethnic or religious lines; however, in practice ethnicity and religion were key factors in some parties' membership (see Sections 2.c. and 5).

During the year, loyalists of President Gbagbo's FPI party formed youth patriot groups with thousands of members in Abidjan neighborhoods and in towns and cities throughout southern, central, and western regions. The common factors with these groups were that they were linked to President Gbagbo and the FPI, were anti-French, anti-"foreigner", and anti-Marcoussis Accord. Gendarme and army officers led some groups in physical training. Belligerent patriot groups rallied in neighborhoods, called for "armed resistance" and hassled and intimidated residents and merchants. There were persistent reports that some patriot groups had arms or had ready access to arms. On May 18, the President asked the patriot groups that had formed to register with the Ministry of Interior and become official organizations. At year's end, there were no reports that they have done so. President Gbagbo said that if they registered and were not armed, they were not militias. The Presidency sponsored some of these groups, tolerated others, but did not have complete control over them.

In November, HRW reported that they received reports of Presidency-supported militias harassing and assaulting peasant farmers, many of whom were migrants from other West African countries. HRW reported that most of the militia members are Bete (the ethnic group of President Gbagbo) or members of groups related to Bete.

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respected that right; however, after September 2002, the Government targeted persons perceived to be perpetrators or supporters of the rebellion, who often were Muslim. Strong efforts by religious and civil society groups have helped prevent the crisis from becoming a religious conflict. The targeting of Muslims suspected of rebel ties diminished somewhat during the year.

There was no state religion; however, for historical as well as ethnic reasons, the Government informally favored Christianity, in particular the Roman Catholic Church. Catholic Church leaders had a stronger voice in government affairs than their Islamic counterparts, which led to feelings of disenfranchisement among some Muslims. The Government restructured the cabinet after the Marcoussis Accord, and 10 of the 41 ministers, along with the Prime Minister, are Muslims.

In July, military forces living near a mosque beat the muezzin at the Yopougon Mosque to stop his call to prayer. The military men also entered the mosque and told the worshippers to stop praying.

Following the conflict in September 2002 and during the year, there were credible reports of military and security forces committing abuses, including reprisal killings, against presumed rebel sympathizers, which included many Muslims (see Section 1.g.). There were credible reports that government forces and unknown assailants linked to the Government detained and questioned several Muslim leaders (see Section 1.g.). There were no reports of persons detained solely on religious grounds; however, there were reports of beatings.

The law requires religious groups desiring to operate in the country to register; however, registration is granted routinely. Although nontraditional religious groups, like all public secular associations, were required to register with the Government, no penalties were imposed on groups that failed to register.

Members of the country's largely Christianized or Islamic urban elites, which effectively controlled the State, generally were disinclined to accord to traditional indigenous religions the social status accorded to Christianity and Islam.

Some Muslims believed that their religious or ethnic affiliation made them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards. As northern Muslims shared names, style of dress, and customs with several of the country's predominantly Muslim neighboring countries, they sometimes were accused wrongly of attempting to obtain nationality cards illegally to vote or otherwise take advantage of citizenship. This created a hardship for a disproportionate number of Muslim citizens. The Marcoussis Accord calls for the resolution of the national identity question; however, no action was taken during the year.

In April, Minister of National Reconciliation Sebastian Dano Djedje met with Muslim leaders to hear their grievances. El Hadj Diaby Abass, the imam for the Central Mosque in Daloa, told Dano Djedje that gendarmes regularly entered Daloa mosques during curfew hours to conduct weapons searches. He noted that churches were not searched. No further action was reported by year's end.

On July 28, a new Islamic group called "The Converted People's Organization" formed and declared itself as an "apolitical" alternative to the Superior Council of Imams (CSI). The group's founder, El Hadj Yaya Legre, is from President Gbagbo's Bete ethnic group and has spoken out publicly in support of President Gbagbo.

Unlike in previous years, there were no reported incidents that FESCI perpetrated violence against competing or constituent student groups, including the Association of Muslim Students.

The Government has taken some positive steps to promote interfaith understanding. Government officials, including the President and his religious advisers, appear at major religious celebrations and events organized by a wide variety of faiths and groups. The Government often invited leaders of various religious communities (but not of traditional indigenous religious groups) to attend official ceremonies and to sit on deliberative and advisory committees, including the Mediation Committee for National Reconciliation. The Government created a Ministry of Religion to promote interfaith understanding.

There have been several reports of religious violence and increased Christian/Muslim tensions, generally in the north and west regions. In April, Maurice Dodo, a church leader in the western town of Daloa, reported that western rebels held him for 12 days.

Conflicts between and within religious groups have surfaced occasionally. The Celestial Christians have been divided because of a leadership struggle. In June, followers of rival leaders Blin Jacob Edimou and Louis Akeble Zagadou clashed over the ownership of a church under construction. Police officers arrested six men. Construction on the church remained suspended until the Minister of Religion has examined the dispute.

There was some societal discrimination against Muslims and followers of traditional indigenous religions (animists).

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution does not provide specifically for these rights, and the Government restricted freedom of movement during the year. The Government generally did not restrict internal travel. However, security forces and water, forestry, and customs officials frequently erected and operated roadblocks on major roads, where they demanded that motorists or passengers produce identity and vehicle papers and regularly extorted small amounts of money or goods for contrived or minor infractions. Extortion was particularly high for those intending to travel north from government-controlled areas to NF territory.

During the year, security forces or local civilian "self defense committees" erected numerous roadblocks and harassed and extorted travelers, commercial traffic and truckers, foreigners, refugees, U.N. High Commissioner for Refugees (UNHCR) workers, and others; however, there were fewer such reports by year's end (see Sections 1.d. and 1.g.). Uniformed forces and civilian committees demanded payment at each roadblock, sometimes reportedly beating and detaining those who could not pay.

On May 10, the Government lifted the nationwide curfew, which had been in effect since September 2002.

Persons living under NF authority regularly faced harassment and extortion when trying to travel between towns, and to the government-controlled south. Local military authorities regularly sold passes they required of travelers.

There were no reports during the year that opposition party members reported that they feared being arrested at the airport if they attempted to leave the country.

The Marcoussis Accord required that a revised citizen Identification and Naturalization Law be enacted within 6 months to settle citizenship and naturalization questions. At year's end, an identification and naturalization law had not been passed. The Marcoussis Accord also declared that the residence permit program for foreign residents should be replaced.

Thousands of persons, mostly noncitizens, remained displaced during the year following the Government's destruction of shantytowns in 2002. The Government razed one shantytown during the year (see Section 1.f.).

The Constitution does not provide for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law includes refugees but does not specify a separate legal status for them; however, in practice the Government provided protection against refoulement. The Government also cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Government maintains an entity within the Ministry of Foreign Affairs charged with assisting refugees and stateless persons.

The Government also provides temporary protection. In the second half of the year, the Government assisted with the resettlement of more than 4,000 at-risk Liberians. There were an estimated 67,000 refugees in the country, the vast majority of whom were Liberians. During the year, the Government has continued to allow in new Liberian refugees.

According to the Burkina Faso Minister of Social Action, 350,000 Burkinabes fled the country since the September 2002 rebellion to escape harassment and abuse. The Burkina Faso Government launched a program in February to help 125,000 of its returning citizens. The border with Burkina Faso reopened in September. In addition, in the months following the September 2002 rebellion, 1,000 Nigerians, Malians, and Guineans left the country. Various West African governments complained about the harassment their citizens faced in the country. The U.N. and other international organizations documented abuses against foreigners in Abidjan that included arbitrary arrest, beating, and theft of money and valuables. These complaints diminished during the year.

Security officials often did not honor identity documents issued to refugees by the UNHCR. There were frequent reports that security officials stopped refugees to ask for identity documents. When the refugee produced only a UNHCR document, the security officials often also demanded money. There also were credible reports that security forces destroyed refugees' identity documents, arbitrarily detained, and occasionally beat refugees. Unlike in the previous year, there were no reports that security forces harassed UNHCR. The identity card law included provision for the issuance of identity cards to refugees; however, the ID cards were not issued by year's end.

During the year, the Government continued to repatriate citizens who took refuge in Mali after the rebel takeover of the north.

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; however, significant violence and irregularities marred presidential elections held in October 2000 and legislative elections held in December 2000. The Constitution and Electoral Code provide for presidential elections and legislative elections every 5 years by a single and secret ballot. The Constitution, which was formally implemented in 2000, also continues the tradition of a strong presidency.

The 2000 presidential elections followed several postponements and a controversial Supreme Court decision disqualifying 14 of the 19 candidates, including all of the PDCI and RDR candidates. RDR leader Ouattara was excluded from running in the presidential and legislative elections following the Supreme Court's rulings that he had not demonstrated conclusively that he was of Ivoirian parentage. The Constitution includes language that is considered more restrictive than the Electoral Code on questions of parentage and eligibility requirements for candidates. Furthermore, the Court maintained that Ouattara had considered himself a citizen of Upper Volta (Burkina Faso) earlier in his career. The Court also disqualified Emile Constant Bombet, PDCI candidate and former Interior Minister, because of pending charges of abuse of office when he was Minister, and former President Bedie, who also was president of the PDCI party, because he did not submit the required medical certificate.

As a result of the Supreme Court decision, most international election observers declined to monitor the election. 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, on October 23, 2000, soldiers and gendarmes entered the National Elections Commission (CNE), 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 protested, demanding a full vote count. Mass demonstrations resulted in numerous deaths and injuries, and on October 25, 2000, national radio and television reported that General Guei had stepped down. When Gbagbo was inaugurated on October 26, 2000, gendarmes loyal to him violently suppressed RDR street demonstrators demanding new presidential elections.

The December 2000 National Assembly election was marred by violence, irregularities, and a very low participation rate. Largely because of the RDR boycott of the elections to protest the invalidation of Ouattara's candidacy, the participation rate in the legislative election was only 33 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 election officials. Security forces violently dispersed RDR demonstrations protesting Ouattara's ineligibility.

Following the legislative by-elections in 2001, 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 of 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.

An Abidjan court in June 2002 issued Ouattara a certificate of nationality, valid for only 3 months. It was not clear if his certificate of nationality was renewed beyond the end of 2002, and at year's end his citizenship and electoral eligibility remained unresolved.

Citizens' ability to elect subnational governments was limited. The State remained highly centralized. Subnational government entities existed on several levels and included 19 regions, 58 departments, 230 districts, and 196 communities. However, at the level of the region (regional prefect), the department (prefect), and the district (sub-prefect), the Government appointed office holders. Other departmental and community officials, including mayors, were elected, as were some traditional chieftains. Subnational governments relied on the central government for most of their revenues, but mayors had autonomy to hire and fire community administrative personnel.

In July 2002, the country held its first departmental (provincial) elections. Voters selected 58 departmental councils to oversee local infrastructure development and maintenance as well as economic and social development plans and projects. The elections were fraught with poorly administered distribution of voter cards, widespread voter intimidation, and other irregularities.

Following the Marcoussis Accord in January, President Gbagbo and Prime Minister Diarra formed a reconciliation government with ministers from all major political parties and the three rebel parties. Several ministries changed names and responsibilities and some new ministries were created, including: the Ministry of Territorial Administration; Ministry of National Reconciliation; and Ministry of War Victims, the Displaced, and People in Exile.

Of the 41 portfolios, the FPI maintained 10 ministerial posts; the PDCI, RDR, and MPC I 7 posts each; UDPCI and PIT 2 posts each; and MJP, Movement of Forces for the Future (MFA), Democratic and Citizen Union (UDCY), and MPIGO 1 post each. The Ministers of Defense and Security, named in September after several months of deadlocked negotiations, were neutral and not formally associated with any political party.

On April 11, President Gbagbo issued a decree listing the powers and duties of the new Prime Minister. The 16 duties include: Disarmament; the reestablishment of the territorial integrity of the country; the liberation of prisoners of war; the reformulation of defense and security forces; an amnesty for all those detained or exiled for actions against the state; the reestablishment of normal economic, social, and administrative functions; the reform of the naturalization process; the preparation of the organizational framework for the conduct of future elections; the regulation and promotion of a free and neutral media; the reinsertion of military units previously demobilized; and application of laws related to human rights.

The Constitutional and Electoral Consultative Commission (CCCE), created by General Guei's CNSP, drafted the Constitution in 2000. Members of major political parties and civil society comprised the CCCE; however, the CNSP and General Guei made changes to the CCCE's text prior to implementation.

The youth wings of political parties were allowed to organize and were active. The youth wing of the governing FPI party (JFPI) was a less of a political force than in previous years. JFPI activity was ongoing; however, youth patriot groups conducted most activities during the year (see Section 2.b.). Many of the members of the JFPI were likely members of some of these patriot groups. After the September 2002 rebellion, on several occasions the JFPI, closely allied with COJEP led by self-declared "young patriot" Charles Ble Goude, and the Patriots for the Total Liberation of Cote d'Ivoire (UPLT-CI) led by Eugene Djue, drew tens of thousands of marchers to pro-government, anti-French, anti-Marcoussis, and anti-northerner rallies (see Section 2.b.). The youth wings of the PDCI and RDR kept a low profile, especially after September 2002, but staged some activities during the year.

On May 22, Ble Goude led protesters to remove about 10 meters of railroad track in Abidjan. While police were on the scene, no one was arrested. Ble Goude, who is closely associated with President Gbagbo, stated that he removed the tracks to protest the restart of the train between the country and Burkina Faso.

In late June, Prime Minister Diarra and U.N. Special Representative Albert Tevoedjre publicly criticized the youth groups, saying that they were endangering the Marcoussis reconciliation process. President Gbagbo instructed the police to "rigorously" apply criminal law against the militia leaders if they engaged in illegal activities; however, there were no reports of police action control of or action against the militias or patriot groups who continued training openly in various parts of the country.

Women held 19 of 225 seats in the National Assembly. The first vice president of the National Assembly was a woman. Women held 7 of the 41 ministerial positions in the cabinet. Of the 41 Supreme Court justices, 4 were women. Henriette Dagri Diabate served as Secretary General of the RDR, the party's second ranking position, and is also the Minister of Justice.

Following the Marcoussis Accord, 10 of the 41 ministers were Muslim, along with the Prime Minister.

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 LIDHO, MIDH, Justice Action, and the Committee of Victims of Cote d'Ivoire (CVCI), generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The Government occasionally met with some of these groups. One human rights group had its offices ransacked by unknown assailants during the year.

During the year, LIDHO, MIDH, and other human rights groups gathered evidence and testimony on events. They also frequently published letters and statements in certain independent local daily newspapers who would publish them, often criticizing state security forces. On April 5, unknown persons broke into the Abidjan offices of MIDH, ransacked the premises, and stole several of the organization's documents. MIDH officials expressed suspicion that the assailants were looking for a draft report about the human rights situation in the country. MIDH officials also stated that they were constantly threatened and that two members had been living in hiding for several months. Authorities said they would investigate the incident, but there were no reports of an investigation or arrests at year's end.

In September, President Gbagbo named law professor and LIDHO president Martin Bleou Security Minister. Since the September 2002 rebellion, Bleou's organization had been openly critical of both rebel and government human rights violations.

There were no reports that the Government suppressed international human rights groups or denied them visas; however, on occasion the Government has restricted their access to certain areas that the Government deemed sensitive and often denigrated their work.

Local newspapers covered reports by several international human rights organizations that were critical of both the Government's and the rebels' human rights records. On February 26, AI reported that unpunished crimes in the country have resulted in retribution killings. On April 14, HRW sent a letter to the U.N. Security Council describing the deteriorating human rights situation in the west and on August 5 published an extensive study of violence against civilians in the region (see Section 1.g.).

During the year, the Government regularly permitted access to the World Food Program (WFP), the ICRC, and other international humanitarian organizations. Eleven U.N. agencies, including the International Labor Organization (ILO) and the World Health Organization (WHO), were resident and active throughout the year.

Section 5. Discrimination Based on Race, Sex, 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 occupied a subordinate role in society. Ethnic discrimination and division were problems.

Women.—Representatives of the Ivoirian Association for the Defense of Women (AIDF) stated that spousal abuse (usually wife beating) occurred frequently and often led to divorce. Female victims of domestic violence suffered severe social stigma and as a result often did not discuss domestic violence. The courts and police viewed domestic violence as a family problem unless serious bodily harm was inflicted, or the victim lodged a complaint, in which case they could initiate criminal proceedings. However, a victim's own parents often urged withdrawal of a complaint because of the shame that attached to the entire family. The Government did not collect statistics on rape or other physical abuse of women. The Civil Code prohibits, and provides criminal penalties for, forced or early marriage and sexual harassment, but contains nothing about spousal abuse, and the Government had no clear policy regarding spousal abuse.

Women's advocacy groups continued to protest the indifference of authorities to female victims of violence. The groups also reported that victims of rape or domestic violence often were ignored when they attempted to bring the violence to the attention of the police. AIDF and the Republican Sisters, another women's NGO, continued to seek justice on behalf of rape victims but had made no progress by year's end. AIDF ran a house for battered girls and wives, which reportedly received approximately 18 battered women per week.

In November, the Minister of Women, Family, and Children's Affairs launched a campaign to stop violence against women and children. The Ministry also opened psychological assistance centers in the city of Abobo for battered women and children.

FGM was a serious problem. The law specifically forbids FGM and imposes on those who perform it criminal penalties of imprisonment for up to 5 years and a fine of approximately \$690 to \$3,800 (360,000 to 2 million CFA francs); double penalties apply to medical practitioners. FGM was practiced primarily among the rural populations in the north and west and to a lesser extent in the center. The procedure usually was performed on young girls or at puberty as a rite of passage, with techniques and hygiene that did not meet modern medical standards. According to WHO and the AIDF, as many as 60 percent of women have undergone FGM. Many families from the cities went back to their villages to have their daughters circumcised. The practice was declining in popularity, but persisted in many places. In August, newspapers reported that a family fled their home in Abidjan so their only daughter did not have to undergo FGM, which was being forced on them by their extended family.

Prostitution is not illegal as long as it occurred between consenting adults in private. Soliciting and pandering were both illegal and the Morals Squad sometimes enforced the law.

A local NGO estimated that 58 percent of the women prostitutes in Abidjan were not citizens. Women from nearby countries sometimes were trafficked the country, including for prostitution (see Section 6.f.).

The Constitution and the law prohibit discrimination on the basis of sex; however, women occupied a subordinate role in society. Government policy encouraged full participation by women in social and economic life; however, there was considerable informal resistance among employers to hiring women, whom they considered less dependable because of their potential pregnancy. Some women also encountered difficulty in obtaining loans, as they could not meet the lending criteria established by banks such as a title to a house and production of a profitable cash crop, specifically coffee and cocoa. Women in the formal sector usually were paid at the same rate as men (see Section 6.e.); however, because the tax code did not recognize women as heads of households, female workers frequently paid income tax at a higher rate than their male counterparts. In rural areas, women and men divided the labor, with men clearing the land and attending to cash crops such as cocoa and coffee, while women grew vegetables and other staples and performed most household tasks.

Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that excluded women, and other practices considered harmful to women and girls. Women's organizations also

campaigned during the year against the legal texts and procedures that discriminated against women. In March, psychologists and legal experts held a conference on the "Psychological Impact of War on Women." The conference focused on physical and mental illnesses that many women face after instability and war where women are often sexually attacked. In May, a group of women formed a new association called the Coalition of Women Leaders to promote women's accession to decision-making positions in the society.

In December 2002, the Minister of Family, Women, and Children's Affairs presented Prime Minister Diarra with a Women's National Action Plan (PNAF) that was being drafted since 1998. The specific objectives assigned in the PNAF were to increase women's income by 20 percent by 2007, as well as increase the proportion of women in decision-making structures from 6 percent in 2001 to 20 percent in 2007.

In September, Jeanne Peuhmond, a high RDR party official and Deputy Mayor of Abobo (district of Abidjan) was named Minister of Family, Women, and Children.

Children.—The Ministries of Public Health and of Employment, Public Service, and Social Security sought to safeguard the welfare of children, and the Government also encouraged the formation of NGOs such as the Abidjan Legal Center for the Defense of Children.

The Government strongly encouraged children to attend school; however, primary education was not compulsory. Primary education was tuition free but usually ended at age 13. In principle, students do not have to pay for books or fees; however, in practice some still must do so. In addition, they must pay for some school supplies, including photocopying paper. In at least one school, students had to bring their own bench to sit on. Poverty caused many children to leave the formal school system when they were between the ages of 12 and 14. Research in 2002 showed that 67 percent of children 6 to 17 years old attend school: Boys 73 percent, girls 61 percent. The WFP has worked with the Government to establish a countrywide system of school canteens that provided lunches for \$.04 (25 CFA francs). Pupils no longer were required to wear a uniform to primary schools.

Secondary school entrance was restricted by the difficulty of the exam, which changed each year, and the Government's ability to provide sufficient spaces for all who wished to attend. A student who fails the secondary school entrance exams does not qualify for free secondary education, and many families cannot afford to pay for schooling. Parental preference for educating boys rather than girls persisted, particularly in rural areas. The Minister of National Education stated that almost one-third of the female primary and secondary school dropout rate of 66 percent was attributable to pregnancies.

Many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favors in return for good grades or money. The penalty for statutory rape or attempted rape of either a girl or a boy aged 15 years or younger was a 1- to 3-year prison sentence and a fine of \$190 to \$1,900 (100,000 to 1 million CFA francs).

The Ministry of Health operated a nationwide network of clinics for children, infants, and prenatal care staffed with nurses and doctors who served the local residents, whether citizens or noncitizens, free or at low cost. The Health Ministry also conducted a nationwide vaccination program for measles, yellow fever, meningitis, and other diseases and publicized "well baby" contests. Rotary Clubs sponsored a polio vaccination campaign throughout the country. There were no reported differences in the treatment of boys and girls.

The health system in NF-controlled territory was seriously disrupted because of the conflict.

There were large populations of street children in the cities. In 2002, the government newspaper, *Fraternite Matin*, reported 215,000 street children in the country, of whom 50,000 were in Abidjan. According to the AIDF, the BICE, the Ministry of Family, Women, and Children's Affairs, and press reports, some children were employed as domestics and were subject to sexual abuse, harassment, and other mistreatment by their employers (see Section 6.d.). A forum of 15 NGOs worked with approximately 8,000 street children in training centers, similar to halfway houses. The NGOs paid the children a small subsistence sum while teaching them vocational and budgeting skills. The Ministry reported that many street children were reluctant to stay in training centers where they earned no money and were subject to strict discipline.

In a study released in March, the NGO SOS Sexual Violence surveyed 500 schoolchildren in Abidjan and its suburbs and reported that 27 percent of children had been victims of sexual abuse; 74 percent of the victims were girls and 26 percent boys. Approximately 33 percent had been raped, 15 percent had been the victims of attempted rape; 42 percent had been fondled, and 11 percent were victims of sex-

sexual harassment. An estimated 74 percent of the assailants were men. When the sexual abuse occurred in the family, 54 percent of the assailants were male cousins, 11 percent were female cousins, 5 percent were guardians, and 3 percent were the brothers and sisters.

In May, U.N. Special Representative for Children and Armed Conflict visited Abidjan and said that conflicts, poverty, and education disruptions were putting children in danger. A knowledgeable U.N. representative reported that in government-held territory, it was common for pro-government militias to recruit children, both on a voluntary and a forced basis.

In some parts of the country, FGM was commonly performed on girls (see Section 5, Women).

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

Child labor remained a problem (see Sections 6.d. and 6.f.).

In the NF-controlled north and west, many schools continued to operate despite the Ministry of Education's opposition to funding schools in rebel-held territory zones. UNESCO and UNICEF called on the Government to keep the schools open to reduce youth inactivity and curb their recruitment into rebel forces. At year's end, it remained unclear whether the Ministry of Education would validate the school year and allow exams to be held in the rebel-held territory.

There were credible reports that the rebel forces that controlled the north and the west used child soldiers who they recruited and armed after September 2002. NGOs reported that in the west, rebel forces were actively recruiting child soldiers from refugee camps and other areas. In the north, many rebel soldiers volunteered at ages 15 or younger.

Persons with Disabilities.—The law requires the Government to educate and train persons with physical, mental, visual, auditory, and cerebral motor 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; however, wheelchair accessible facilities for persons with disabilities were not common, and there were few training and job assistance programs for persons with disabilities. The Government was working to implement these requirements at year's end. Emphasis and awareness of disability issues increased during the year. Following the Marcoussis Accord in January, the Ministry of Solidarity, Social Security, and the Handicapped was created.

The law also prohibits the abandonment of persons with mental or physical disabilities and acts of violence directed at them. Adults with disabilities were not specific targets of abuse, but they encountered serious difficulties in employment and education. The Government supported special schools, associations, and artisans' cooperatives for persons with disabilities, but many persons with physical disabilities begged on urban streets and in commercial zones. Persons with mental disabilities often lived in the streets.

There were several demonstrations during the year by persons with disabilities. In February, persons with disabilities protested the Marcoussis Accord, saying that it would be dangerous for the country. On June 24, a guard injured a person with disabilities at the Prime Minister's offices during a protest demanding the further integration of the persons with disabilities into the society. In August, a group of students with disabilities marched at the University of Cocody campus to protest discrimination they face when entering the job market.

On March 10, the Federation of Associations for the Social Promotion of the Handicapped in Cote d'Ivoire called for the nomination of a person with a disability to be named Minister for Social Affairs and the Handicapped; however, the cabinet had no ministers with disabilities at year's end.

In October, television news began broadcasting with subtitles for the hearing impaired.

In November, the Organization For the Social Insertion of the Handicapped (OIHPA) in the Department of Adzope began a credit fund for persons with disabilities. OIHPA President Emmanuel Kouadio stated that the fund was intended to alleviate the poverty and education levels of persons with disabilities. OIHPA released statistics indicating that 98 percent of the country's persons with disabilities had only had minimal education. The fund is estimated to have more than \$30,000 (15 million CFA francs).

During the year, the Mayor of Yopougon gave approximately \$18,000 (10 million CFA francs) for projects for persons with disabilities in the Yopougon district of Abidjan.

Also during the year, the Rotary Club of Abidjan and the Foundation of Development for Professional Training provided 60 students with disabilities with scholarships for computer and technical training.

Traditional practices, beliefs, and superstitions varied, but infanticide in cases of serious birth defects was less common than in previous years.

National/Racial/Ethnic Minorities.—The country's population was ethnically diverse. Citizens born in the country derived from 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, was the Baoule. Approximately 18 percent of citizens belonged to the northern Mande family, of which the Malinke were the largest group. Approximately 11 percent of citizens belonged to the Krou family, of which the Bete were the largest group. The Voltaic family accounted for 18 percent of the population, and the Senoufo were the largest Voltaic group. Approximately 10 percent belonged to the southern Mande family, of which the Yacouba were the largest group. Major ethnic groups generally had their own primary languages, and their nonurban populations tended to be concentrated regionally.

All ethnic groups sometimes practiced societal discrimination on the basis of ethnicity. Urban neighborhoods still had identifiable ethnic characteristics, and major political parties tended to have identifiable ethnic and regional bases, although interethnic marriage increasingly was common in urban areas.

At least 26 percent of the population was foreign, and of that group, 95 percent were other Africans. There were more than 5 million West African immigrants living in the country. Most of the Africans were from neighboring countries, with half of them from Burkina Faso. Birth in the country did not automatically confer citizenship. Outdated or inadequate land ownership laws resulted in conflicts with an ethnic and anti-foreigner aspect.

Some ethnic groups included many noncitizens, while other ethnic groups included few noncitizens. There were societal and political tensions between these two sets of ethnic groups. This cleavage corresponded to some extent to regional differences. Members of northern ethnic groups that were found in neighboring countries as well as in the country often were required to document their citizenship, whereas members of formerly or presently politically powerful ethnic groups of the south and center reportedly were not required to do so. Police routinely abused and harassed noncitizen Africans residing in the country (see Section 1.c.). Official harassment reflected the frequently encountered belief that foreigners were responsible for high crime rates, as well as a concern for identity card fraud. After the September 2002 rebellion, harassment of northerners increased markedly; however, there were fewer reports by year's end.

After September 2002, President Gbagbo accused "a neighboring country" of being behind the rebellion. The Government razed shantytowns where many poor West African immigrants and citizens lived, rendering tens of thousands persons homeless (see Section 1.f.).

Since the September 2002 rebellion, there were many instances of anti-French and anti-Burkinabe sentiment. Following the violence in January and February after the signing of the Marcoussis Accord, many private French citizens left the country. Approximately 350,000 Burkinabe returned to Burkina Faso.

Ethnic tensions led to fighting and deaths, especially in the western areas of the country. During the year, We and Yacouba ethnic groups in the west continued fighting, and hundreds reportedly were killed.

In November, local Bete tribesmen and farmers from other areas of the country clashed over land rights and the buying of cocoa beans. According to humanitarian agencies, citizens from other parts of the country, as well as Burkinabe and Malians, were targeted by longtime residents, who called themselves patriots. Sources reported that gangs of youths forced 500 local cocoa farmers to abandon their farms after refusing to join local cooperatives. The youth groups burned several homes and reportedly poisoned two wells. Soldiers called in to stop the fighting killed numerous persons. Minister of National Reconciliation Sebastian Djedje acknowledged the dispute between the villagers and said he would work to end the violence. There were persistent reports throughout the year from humanitarian aid agencies and others that ethnic killings and retributions occurred in the west and center-western part of the country.

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, and worker exercised these rights in practice. Registration of a new union required 3 months. The three largest labor federations were the General Union of Workers of Cote d'Ivoire (UGTCI), the Federation of Autonomous Trade Unions of Cote d'Ivoire, and Dignite, which became inactive. Unions legally are free to join federations other than the UGTCI.

Only a small percentage of the workforce was organized, and most laborers worked in the informal sector that included small farms, small roadside and street side shops, and urban workshops. However, large industrial farms and some trades were organized. There was an agricultural workers union.

The law prohibits anti-union discrimination. There have been no known prosecutions or convictions under this law, nor have there been reports of anti-union discrimination.

Unions were free to join international bodies, and the UGTCI was affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects persons working in the formal sector (approximately 1.5 million workers or 15 percent of the workforce) from employer interference in their right to organize and administer unions, and this was observed in practice. 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 were in effect in many major business enterprises and sectors of the civil service. In most cases in which wages were not established in direct negotiations between unions and employers, the Ministry of Employment and Civil Service established salaries by job categories (see Section 6.e.).

The Constitution and statutes provide for the right to strike, and the Government generally protected this right in practice. However, 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. Workers in the private and government sectors continued to strike over working conditions and terms of employment, and the Government generally tolerated the strikes, which rarely resulted in violence (see Section 2.b.).

There were several strikes during the year (see Section 2.b.). For example, on April 25, hundreds of former employees demonstrated at the National Identification Office (NIO), formerly the Security Identification Center, demanding 25 months in salary arrears. Despite continued meetings between former employees, labor inspectors, and NIO management, the former employees had not received their salary arrears by year's end.

In early June, a ministerial decree declared that chief court clerks must share among all judicial system workers, including judges, the fees they collected and traditionally kept. Previously they shared the fees only with other court clerks (*greffiers*). Some court clerks went on strike for 3 weeks. The Minister of Justice called for an independent audit of collections and warned the striking clerks that under the law they would be considered absent from their posts. At year's end, no clerks had been fired and no fees had been disbursed.

In early June, airport agents refused to handle Air France, Air Senegal, and some other flights for 3 days. They objected to being moved from the authority of the Ministry of Transportation to the Ministry of Economic Infrastructure. The handling agents feared losing claims to indemnities from the liquidation of defunct Air Afrique airline, their previous employer.

Also in June, more than 500 administrative personnel at the University of Cocody (Abidjan) conducted a 72-hour strike to object to the Minister of Higher Education appointing a new Director General to run the social and housing section of the university. The administrators' union also demanded that the Minister settle problems between the FESCI student union and the administrative personnel.

There were no developments in the cases of security forces who forcibly dispersed strikes in 2002 and 2001.

The Labor Ministry arbitrated more than 120 labor conflicts in 2002 in spite of the "social truce" agreed to in 2001. Employees could appeal decisions made by labor inspectors to labor courts.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remained a problem. In most instances, the legal minimum working age is 14; however, the Ministry of Employment and Civil Service enforced 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 worked on family farms, and some children routinely acted as vendors, shoe shiners, errand boys, domestic helpers, street restaurant vendors, and car washers and washers in the informal sector in cities. Some girls begin work as domestic workers as early as 9 years of age, often within their extended family. There

were reliable reports of children laboring in “sweatshop” conditions in small workshops. Children also worked in family operated artisanal gold and diamond mines.

In April, the Ministry of Solidarity, Social Security, and the Handicapped completed a child labor study. The study was designed to cover all economic sectors across the entire country, but the political crisis confined the research to the southern half of the country. Regardless of school attendance, 28 percent of all children worked, with 20 percent working full time. About 23 percent of the children aged 10 to 14 and 55 percent of the children aged 5 to 17 carried out an “economic activity.” Most children worked in agriculture, but some also worked in small business, tailor and beauty shops, street restaurants, and manufacturing and repair shops in the informal sector. Child work varied inversely with school attendance.

Approximately 109,000 child laborers worked in hazardous conditions on cocoa farms in what has been described as the worst forms of child labor (see Section 6.f.); some of these children were forced or indentured workers but 70 percent worked on family farms or with their parents.

During the year, the employment agencies in charge of finding domestic employment for young girls launched the Association of Domestic Worker Placement in Cote d’Ivoire (ACPGM–CI), an association to legalize their agencies and eliminate all agencies that refuse to comply with the law or that try to exploit the young girls. ACPGM–CI worked under the auspices of BICE, which along with other NGOs, has been campaigning against child trafficking, child labor, and sexual abuse of children in the country.

e. Acceptable Conditions of Work.—The Government administratively determined monthly minimum wage rates, which last were adjusted in 1996. In 2002, President Gbagbo promised a comprehensive pay raise; however, only the police received an increase. Minimum wages varied according to occupation, with the lowest set at approximately \$70 (36,000 CFA francs) per month for the industrial sector; this wage was not sufficient to provide a decent standard of living for a worker and family. A slightly higher minimum wage rate applied for construction workers. The Government enforced 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 worked in agriculture or in the informal sector where the minimum wage did not apply. According to a Labor Ministry survey, workers in the agricultural and fishing sector received an average of \$1,460 (726,000 CFA francs) a year.

Labor federations attempted to fight for just treatment under the law for workers when companies failed to meet minimum salary requirements or discriminated between classes of workers, such as local and foreign workers. For example, the sanitary services company ASH continued to pay wages as low as \$23 (12,000 CFA francs) a month to female employees who swept the streets of Abidjan. According to their labor federation, labor inspectors continued to ignore this violation of the law. The shipbuilding company Carena continued to discriminate between European engineers who were paid on average \$15,600 (8 million CFA francs) a month and their African colleagues who received approximately \$1,500 (800,000 CFA francs) a month. Government labor and employment authorities did not take action in these cases.

Through the Ministry of Employment and the Civil Service, the Government enforced 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. Employees in the formal sector generally were protected against unjust compensation, excessive hours, and arbitrary discharge from employment. The standard legal workweek was 40 hours. The Labor Code requires overtime payment on a graduated scale for additional hours and provides for at least one 24-hour rest period per week.

Working conditions did not improve during the year and in some cases declined. Government labor inspectors could order employers to improve substandard conditions, and a labor court could levy fines if the employer failed to comply with the Labor Code. However, in the large informal sector of the economy, the Government enforced occupational health and safety regulations erratically, if at all. The practice of some labor inspectors accepting bribes was a continuing problem, and observers believed that it was widespread. Workers in the formal sector had the right 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 could not absent themselves from such labor without risking the loss of their employment.

Several million foreign workers, mostly from neighboring countries, typically worked in the informal labor sector, where labor laws did not apply.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and although the Government continued its anti-trafficking efforts, trafficking in persons remained a problem. Unlike in the previous year, there were no reports that the Government prosecuted traffickers using existing laws against the kidnapping of children. With the continuing crisis, the Government, U.N. agencies, and international humanitarian agencies concentrated on child soldiers and children displaced because of the war, but it was difficult to distinguish trafficked children. The country was a source and destination country for trafficking in women and children.

After September 2002, minimal law enforcement continued in government-held territory. The military fronts that divided the country inhibited northern workers from reaching the cocoa, coffee, and other rich agricultural zones in the south where labor demand is high. Furthermore, the Governments of Mali and Burkina Faso closed their borders with Cote d'Ivoire. The border with Burkina Faso reopened in September.

In September, there were news reports that a Bamako court convicted two Malian men of child trafficking for trying to smuggle five minors to Cote d'Ivoire to work on plantations.

Unlike in the previous year, authorities did not intercept persons involved in trafficking. There was no good overall estimate of the number of children intercepted or repatriated during the year.

There were no developments in the trafficking cases from 2002 and 2001.

The Government cooperated with neighboring countries, international organizations, and NGOs to combat trafficking in persons. During the year, the Ministries of Employment and of Family, Women, and Children's Affairs continued working with Malian authorities to prevent cross-border child trafficking and to repatriate Malian children from the country. They actively sought international funding for their work, but were hampered because there was no minister in place for much of the year. The Government also hoped to work with the Governments of Burkina Faso and Togo on an anti-trafficking in children and repatriation protocol, similar to the agreement with Mali, but talks have not been held since the September 2002 rebellion broke out. A national committee for the fight against child trafficking, which included representatives from numerous government Ministries; representatives from several national and international organizations and NGOs, such as UNICEF, REFAMP-CI (network of women ministers and parliamentarians); and the BICE continued its work during the year.

The extent of the problem was unknown. The country's cities and farms provided ample opportunities for traffickers, especially of children and women. The informal labor sectors were not regulated under existing labor laws, so domestics, most non-industrial farm laborers, and those who worked in the country's wide network of street shops and restaurants remained outside most government protection. Internal trafficking of girls aged 9 to 15 sent from all parts of the country to work as household domestics in Abidjan, and elsewhere in the more prosperous south, remained a problem.

The regular trafficking of children into the country from neighboring countries to work in the informal sector in exchange for finder's fees generally was accepted. Children were trafficked into the country from Mali, Burkina Faso, Ghana, Togo, Benin, and Mauritania for indentured or domestic servitude, farm labor, and sexual exploitation. In previous years, there were reports that children, some as young as 6 years of age, were trafficked from Benin to work as agricultural laborers and maids; however, there were no such reports during the year.

Women principally were trafficked to the country from Nigeria, Ghana, Liberia, and Asian countries. A local NGO estimated that 58 percent of the female prostitutes in Abidjan were not citizens and reported that a small number of Ivoirian women were trafficked to Europe and the Middle East for prostitution.

Women and children were trafficked from the country to African, European, and Middle Eastern countries.

The controversy over child labor in the cocoa sector in the country continued, and the U.S. Agency for International Development (USAID), the ILO, the Institute of Tropical Agriculture, and the Chocolate Manufacturers' Association financed studies to document the problem. The survey research, released in 2002, revealed that most children who were working in the cocoa sector worked on the family's farm (approximately 70 percent) or beside their parents. Of the 625,000 working children, 96.7 percent had a kinship relation to the farmer. Others, most frequently the children of extended family members or persons well known to them, indicated their or their family's agreement to leave their respective countries to work on farms in the country to earn money or in search of a better life.

The research suggested that perhaps 5,000 to 10,000 children were trafficked to or within the country to work full or part time in the cocoa sector. It also showed

an estimated 5,100 children employed as full-time permanent workers, approximately 3,000 of whom were from Burkina Faso. The survey found another 12,000 children working part time on cocoa farms who had no family ties with the farmer. The research showed that approximately 109,000 child laborers worked in hazardous conditions on cocoa farms in the country in what the study described as the worst forms of child labor. The studies estimated that 59 percent were from Burkina Faso, 24 percent were citizens, and the others were from Mali or other countries to the north.

The practice of importing and indenturing Malian boys for fieldwork on farms and plantations under abusive conditions continued during the year. Children recruited by Malians in the border town of Sikasso were promised easy and lucrative jobs in the country, transported across the border, and then sold to others who dispersed them throughout the farms and plantations of the central and western regions.

On August 25, the Government and the ILO agreed to take part in the "West African Project Against Abusive Child Labor in Commercial Agriculture" (WACAP). WACAP was expected to include 30 pilot projects reaching 6,000 displaced children in the country. The projects aimed to increase farmers' awareness, improve schooling for children, and provide better social services to families. In addition, on August 28, in Abgville, in the heart of the cocoa zone, Winrock International launched one of the projects: "Alternatives to Child Labor through Improved Education."

DJIBOUTI

Djibouti is a republic with a strong presidency and a weak legislature. In 1999, the country elected its second president since gaining independence in 1977. Ismael Omar Guelleh, the candidate of the ruling People's Rally for Progress (RPP) that has ruled the country since independence, won the election with 74 percent of the vote. In the 2002 legislative elections, the ruling party coalition won all 65 seats, amid opposition claims of massive fraud. The judiciary was not independent of the executive.

Security forces include the National Police Force and the Gendarmerie Nationale under the Ministry of Interior, the army under the Ministry of Defense, and an elite Republican Guard under the Presidency. An intelligence bureau under the direction of the National Security Advisor reports directly to the President. Civilian authorities generally maintained effective control of the security forces. Security forces committed serious human rights abuses.

The country's mixed economy has little industry and few natural resources; its population was estimated at 600,000. Outside the capital city, the primary economic activity was nomadic subsistence. The part of the annual gross domestic product not generated by and for the foreign community was estimated at no more than \$250 per capita annually. Much of the country's wealth was concentrated in the hands of a small elite.

The Government's human rights record remained poor, and it continued to commit serious abuses. The Government limited citizens' rights to change their government. There were reports that security forces beat and physically abused prisoners and detainees. Prison conditions remained harsh. The Government continued to detain persons arbitrarily. Prolonged detention and incommunicado detention were problems. The Government infringed on citizens' privacy rights. The Government restricted freedom of the press. The Government limited freedom of assembly, used force to disperse demonstrations and strikes, and restricted freedom of association. Violence and discrimination against women persisted, and, although the Government prohibited such practices, the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnicity, nationality, and clan background persisted. The Government restricted unions and harassed and intimidated their leaders. Child labor existed.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, on September 16, security forces shot and killed an undocumented foreigner fleeing capture during a roundup of illegal immigrants. There were other reports of deaths in connection with a government order for the expulsion of all undocumented foreigners (see Section 2.d.).

No action was taken in the April 2002 killing of a protestor by members of the presidential guard.

No action was taken, nor was any likely, against the members of the security forces responsible for the following killings in 2001: The police shooting of Mohamed Assa Ali; the police shooting of Asari Mohamed Moussa; and the military killing of one inhabitant of Hol-Hol refugee camp.

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 continued to be reports that police and gendarmes beat and physically abused prisoners and detainees. Unlike in previous years, there were no reports that security forces raped detainees.

Police beat protestors while dispersing several demonstrations during the year (see Section 2.b.).

Prison conditions were harsh, and overcrowding was a serious problem. The Government shortened some prison terms to reduce overcrowding, and 200 common law prisoners, including 13 in detention since 2000 for their role in a failed coup attempt, were released in June by presidential decree in conjunction with the annual independence day celebration. The expulsion of the illegal foreigners also reduced the number of prisoners (see Section 2.d.).

Conditions at Nagad detention center, where foreigners were held prior to deportation, also were extremely harsh. Detainees at Nagad were held in unsanitary conditions and often were not fed for several days before their deportation (see Section 2.d.).

Several prisoners were reported to be suffering from untreated illnesses or injuries received during arrest. Medical care was inadequate, and the prison infirmary lacked sufficient medication and medical staff. There were no educational or rehabilitation facilities within the prison. Unlike in the previous year, there were no reports that prisoners were forced to pay authorities to obtain food or to receive food brought by family members.

Women and men were held in separate cells. Unlike the previous year, there were no reports that prison guards raped female inmates. Children of female inmates under the age of 5 sometimes were allowed to stay with their mothers. In principle juveniles were housed separately from adult prisoners; however, in practice this was not always the case. Pretrial detainees usually were not held separately from convicted prisoners due to the lack of facilities.

Daher Ahmed Farah, editor of *Le Renouveau* and president of the opposition coalition member party Movement for Democratic Renovation (MRD), was held in isolated confinement reserved for “dangerous criminals” for over 3 months between April and August for his conviction on libel charges (see Section 2.a.). Farah was restricted from receiving all visitors except his mother, who was permitted to bring him a daily meal.

There was no further development, nor was any likely, in the July 2002 death of former police chief Yacin Yalah Galab while in prison.

An International Committee of the Red Cross (ICRC) delegate from Kenya made quarterly visits to the main prison. The president of the Djiboutian Human Rights League (LDDH) was granted permission to visit prisoners in Gabode Prison during the year; however, the LDDH was refused permission to visit Daher Ahmed Farah.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. The law stipulates that the Government 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. The law also provides for bail and expeditious trial; however, the police occasionally disregarded these procedures. Incommunicado detention was used.

The Government did not take steps to prosecute human rights abusers, and official impunity was a problem. The police are under the Minister of Interior. Corruption among officials was reported, particularly in the lower ranks on the streets. There were approximately 3,000 officers; however, in December, the Government released 400 officers as part of a plan to reduce the size of the Government’s bureaucracy.

The law prohibits forced exile; however, in the past, some released citizen prisoners were 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 was not independent of the executive. Constitutional provisions for a fair trial were not respected universally, even in non-political cases. The Minister of Justice was officially responsible for human rights.

The judiciary, based on the French Napoleonic code, was composed of a lower court, an appeals courts, and a Supreme Court. The Supreme Court may overrule

decisions of the lower courts. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties; however, its rulings did not always protect these rights.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Islamic law (Shari'a), and nomadic traditions. Urban crime was 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 is restricted to civil and family matters. Traditional law often was 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. Trials generally were public, except in politically sensitive cases when security measures effectively prevented public access. Legal counsel was supposed to be available to the indigent in criminal and civil matters; however, defendants often did not have legal representation. Court cases were heard in public before a presiding judge and two accompanying judges. The latter received assistance from two persons, lay assessors, who were not members of the bench, but who were considered to possess sufficient legal sophistication to comprehend court proceedings. The Government chose lay assessors from the public at large, but reports indicated that political and ethnic affiliations played a role in the selection.

In mid-January, the opposition coalition Union for a Democratic Alternative (UDA) filed a complaint with the Council of Claims under the direction of the Chamber of Appeals alleging abuses of power by the ruling party in January 10 legislative elections. The claim was unanswered at year's end, apparently because the position of the sitting judge on the Council of Claims had been unfilled since 1986 (see section 3).

On June 17, Daher Ahmed Farah was sentenced to 3 months in prison and 3 months suspended sentence with over \$65,000 in fines and damages on charges of libel (see Section 2.a.). The LDHH criticized his detention, citing it as purely political. Farah was released on August 5.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government did 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 did not always obtain warrants before conducting such searches, and it reportedly monitored and sometimes disrupted the communications of some government opponents.

On April 22, security forces entered the home of Daher Ahmed Farah and the offices of the Movement for Democratic Renovation (MRD) and confiscated typewriters, an amplifier, photocopiers, and files without a warrant. All materials were eventually returned.

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. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owned the principal newspaper, *La Nation*, which was published biweekly. In addition, each registered political party is permitted to publish a public journal. There were several opposition-run weekly and monthly publications that circulated freely and openly criticized the Government.

On March 15, Daher Ahmed Farah was arrested and detained for 1 day for "undermining army morale" and for libel charges brought against him by the Deputy Chief of the Army, General Zakaria Cheik Ibrahim. The charges stemmed from a March 6 article that accused the army command of carrying out politically motivated dismissals. General Zakaria brought a second libel charge against Farah for an April 17 article that stated the General "lacked neutrality" and alleged that the General required female members of the military's "Troupe Harbi" to entertain him in sports attire. Farah was imprisoned on April 20 and released on June 3; however, he was re-imprisoned on June 5, acquitted and released on June 23, but found guilty by an appeals court on July 9 and reimprisoned. He was released again on August 5 (see Section 1.d.). The Government imposed a 6-month ban on the publication of *Le Renouveau* from Farah's imprisonment on April 20 through October 20.

The importation and sale of the Somaliland newspapers *Jamhuuriya* and *The Republican* remained in effect at year's end.

The Government also owned the radio and television stations. The official media generally were uncritical of government leaders and government policy. Radio-Television Djibouti (RTD), the official government station, broadcast 24 hours a day in four languages on the radio. The British Broadcasting Corporation and Radio France Internationale also broadcast in the country. During the year, the International Broadcasting Board began both FM and medium-wave Voice of America and Radio Sawa broadcasts.

By year's end, the Government had not created a National Commission charged with surveying the respect for pluralism of information and with the authority to license radio, television, and journalistic organizations as outlined in the 1992 law on the liberty of communication.

The country had one government-owned Internet service provider. Unlike in the previous year, the Government did not prevent access to several opposition and human rights websites.

The Government generally did not restrict academic freedom. In general, teachers could speak and conduct research without restriction, provided that they did 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. Unlike in previous years, the Government approved opposition permits for peaceful assembly on several occasions. In February and March, the opposition held several demonstrations following legislative elections that remained peaceful despite a strong police presence. Some opposition leaders effectively practiced self-censorship and refrained from organizing popular demonstrations, rather than provoke a government crackdown.

On March 24, two students were seriously wounded when local police fired on anti-war demonstrators.

On August 16, police used force and gas to disrupt a demonstration protesting immigration policy. Police beat several protesters and reportedly transported approximately 50 individuals to the Ethiopian border.

There was no action taken against security forces who used excessive force to disperse demonstrations in 2002.

The Constitution provides for freedom of association provided that certain legal requirements are met; however, the Government restricted this right in practice. Political parties were required to be registered with the Government; however, in September 2002, the Government removed restrictions on the number of parties that could be formed. The Government continued to harass and intimidate members of groups who were viewed as opposed to the Government.

Nonpolitical associations also must register and be approved by the Ministry of Interior (MOI). Baha'i leaders reported they were refused the right to register.

c. Freedom of Religion.—The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respected this right in practice; however, proselytizing was discouraged. Although Islam is the state religion, the Government imposed no sanctions on those who choose to ignore Islamic teachings or practice other faiths. More than 99 percent of the population was Sunni Muslim.

The Government requires that religious groups be registered with the MOI. Baha'i leaders reported they were refused the right to register.

There is no legal prohibition against proselytizing; however, proselytizing was discouraged.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times limited these rights in practice.

For example, a judge may order a passport seized from persons under judicial surveillance or awaiting trial. There were no reports during the year that persons were restricted from leaving the country.

Landmines laid in Tadjoura and Obock districts in the 1990s restricted freedom of movement. The Government continued its demining efforts.

Unlike in previous years, there were no reports that women were not permitted to travel without the permission of an adult male relative.

The law provides for the granting of refugee status of asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement to persons under the responsibility of the U.N. High Commission for

Refugees (UNHCR); however, the Government did not routinely grant refugee or asylum status.

The country hosted an estimated 50,000 refugees and illegal foreigners at year's end. Although the Government officially did not recognize those refugees under the protection of UNHCR, the Government cooperated with UNHCR in providing assistance to more than 21,000 registered Somalis and Ethiopian residents of the two remaining refugee camps in Hol-Hol and Ali-Addeh.

On July 26, the Government announced that all undocumented foreigners—primarily from Ethiopia, Somalia, and Yemen—had until August 31 to depart the country. The deadline later was extended to September 15. In response to the expulsion order, thousands of illegal foreigners left the country ahead of the deadline. Reports indicated that there were numerous deaths related to the expulsion policy (see Section 1.a.). Some individuals died from exposure after security forces deposited them at the country's border. Other deaths were reported at the train station and the transit center of Aouraoussa, a former refugee camp, due to overcrowding and a lack of capacity. Authorities reported that more than 80,000 undocumented foreigners left the country as a result of the expulsion order; however, LDDH reported more than 110,000 had left.

Many foreigners who claimed a fear of persecution if returned to their countries of origin gathered at a stadium in the capital and were later transferred to the transit center in Aouraoussa. The Government's Office for Assistance to Refugees and Disaster Victims (ONARS) was responsible for the management of the transit center, in cooperation with UNHCR and other international organizations. The Government's National Eligibility Commission was reconstituted for the purpose of reviewing the asylum cases. UNHCR reviews each application for asylum, interviews the applicants, and forwards the packets to the commission for a determination. On November 8, the commission began reviewing the asylum cases from the transit center. Applicants who are granted asylum will be sent to a refugee camp; applicants who are not found eligible for asylum will be removed from the country. There were approximately 8,000 persons at the transit center who were seeking asylum, 4,000 of whom were believed to be southern Somalis with prima facie refugee status and 4,000 whose status was still pending at year's end.

During the year, the UNHCR repatriated 249 Somaliland refugees who had fled to the country during the Somaliland civil war.

There were unconfirmed reports of the forced return of persons to a country where they feared persecution, specifically Ethiopia. Unlike in the previous year, there were no reports that security forces used undocumented foreigners as forced labor on public works projects as well as for their own needs under threat of deportation.

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 limited this right in practice.

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. 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.

In January, the country held its first multiparty elections. The legislative elections were contested by the pro-government coalition Union for the Presidential Majority (UMP) and the opposition coalition Union for a Democratic Alternative (UAD). The UMP was dominated by the Popular Assembly for Progress (RPP), the ruling party since independence, and also consisted of the National Democratic Party (PND), the Front for the Restoration of Unity and Democracy (FRUD), and the Popular Party for Social Democracy (PPSD). The UAD was made up of the Republican Alliance for Democracy (ARD), the MRD, the Djiboutian Union for Democracy and Justice (UDJ), and the Djiboutian Party for Development (PDD). The RPP continued to carefully control the political system. Official tallies registered a UMP majority victory in all 5 voter districts and a sweep of all 65 legislative seats, despite the UAD receiving 37 percent of the vote count. Observers from the African Union, the Arab League, and the Inter-Governmental Agency of French-Speaking Countries noted the peaceful conditions during the election but also identified irregularities in the process. The opposition claims of massive fraud centered on the electoral list, which was not made public, and accusations that the Government stuffed ballot boxes, mobilized military units to vote multiple times and intimidate opposition sup-

porters, and changed vote counts in some districts. On February 20, the Constitutional Council rejected the UAD appeal to annul the elections.

There were 7 women in the 65-seat legislature. Seven legislative seats were reserved for women by presidential decree in the January elections. The country's first female parliament members took office when the UMP legislature convened in February. Hawa Ahmed Youssouf served as Minister of State for the Promotion of Women's, Family, and Social Affairs and reported to the Prime Minister. Khadija Abeba, President of the Supreme Court, was the highest-ranking female official and, according to the Constitution, would become interim President should that position become vacant.

There were 9 members of minorities—non-Issa Somali clans (Issaks, Gadaboursis, Darood, Fourlabe) and Arabs—in the 65-seat legislature. There were 3 members of minorities in the 20-seat cabinet. The President's subclan, the Issa Mamassans, wielded disproportionate power in affairs of state. Afars hold a number of senior ministerial posts; however, they were not well represented at lower levels. Somali clans other than the Issa and citizens of Yemeni origin were limited unofficially to one ministerial post each. There also were 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

A few domestic human rights groups generally operated without serious government restriction, doing limited investigating and sometimes publishing their findings on human rights cases. Government officials generally disregarded their views. The local human rights group 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) promoted the rights of women and children.

The ICRC maintained a small office that was staffed with locally hired personnel. The ICRC regional representative, who was based in Nairobi, made quarterly visits.

There was a government ombudsman, who also served as a legislator in the Parliament and whose specific responsibilities included mediation between governmental and non-governmental organizations (NGOs). There was no record of any successful mediation carried out by his office. The National Human Rights Committee for the Promotion and Protection of Human Rights was inactive during the year.

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

The Constitution prohibits discrimination on the basis of language, race, or sex; however, discrimination against women and ethnic minorities persists. The Government's enforcement of laws to protect women and children was ineffective.

Women.—Domestic violence against women existed but few cases were reported. Violence against women normally was dealt with within the family or clan structure rather than in the courts. The police rarely intervened in domestic violence incidents, and the media reported only the most extreme examples, such as murder. The law includes sentences of up to 20 years' imprisonment for rapists. The number of such cases prosecuted during the year was unknown.

It was believed that as many as 98 percent of females have undergone FGM. FGM traditionally was performed on girls between the ages of 7 and 10. 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 to educate women were having some effect in the capital city. Many believed that the incidence and severity of infibulation has decreased, although no systematic data were available on the problem. U.N. and other experts believed that lesser forms of FGM still were practiced widely and that infibulation still was common in rural areas.

Prostitution is illegal; however, it was a significant problem. In general, there were two categories of prostitutes, those with apartments and those on the streets. The first group was largely tolerated and catered to the foreign (particularly military) community. However, the police vice squad targeted the prostitutes on the streets and reportedly raped them as a precondition of their release. Refugees and girls from poor local families were at greater risk of becoming street prostitutes.

Women legally possessed full civil rights, but custom and traditional societal discrimination in education dictated that they play a secondary role in public life and have fewer employment opportunities than men. Women largely were confined to trade and secretarial fields. Customary law, which is based on Shari'a, discriminates against women in such areas as inheritance, divorce, and travel. Male children in-

herited larger percentages of an estate than do female children. The few women who were educated increasingly turned to the regular courts to defend their interests.

Children.—The Government devoted almost no public funds to the advancement of children's rights and welfare. A few charitable organizations worked with children. Primary education was compulsory; however, the Government did not monitor compliance. The Government provided tuition-free public education; however, there were extra expenses that could be prohibitive to poorer families, such as transportation, book fees, and chalk. School facilities continued to be inadequate. Teacher salaries continue to be in arrears, and a large percentage of highly qualified teachers have left the profession (see Section 6.e.). Approximately 20 percent of children who started secondary school completed their education. Only 62 percent of girls attended primary school, compared with 73 percent of boys, and only 23 percent of girls attended secondary school compared with 33 percent of boys. Only 32 percent of girls were literate, compared with 60 percent of boys, and more than 53 percent of the total population was illiterate. In rural areas, limited access to schools, a shortage of educational materials, and cultural attitudes led to significantly lower enrollment and greater disparities in enrollment between boys and girls.

Child abuse existed; however, except for FGM, it was not believed to be common. FGM was performed on as many as 98 percent of young girls (see Section 5, Women).

The Government has not addressed child abuse, which often was punished lightly. For example, when a child was raped or abused, the perpetrator usually was fined an amount sufficient to cover the child's medical care. The Government has not used existing provisions of the law to deal with child abuse more severely.

Persons with Disabilities.—The Government did 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 was no specific law that addressed the needs of persons with disabilities, and there were no laws or regulations that prevent job discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The Government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas were the majority ethnic group and controlled 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 in government and politics.

The Government conducted roundups of undocumented foreigners during the year (see Section 2.d.). The Government blamed undocumented foreigners—primarily from Ethiopia, Somalia, and Yemen—for the country's unemployment rate, rising crime, and disintegrating public works. Unlike in the previous year, there were no reports that security forces used undocumented foreigners as forced labor on public works projects as well as for their own needs under threat of deportation.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join unions and to strike; however, the Government restricted these rights.

A union must have government sanction to exist. The Government acted unilaterally in the drafting of a new labor code that restricts the establishment of trade unions. In recent years, the Government suppressed independent, representative unions by firing their leaders, preventing them from holding congresses, and created Government-sponsored shadow unions to replace them. The Djiboutian Union of Laborers (UDT) succeeded in holding an independent congress in September 2002; however, some government officials have since pressured members to disassociate from freely elected Secretary General Adan Abdou due to his participation in the opposition political coalition.

The law prohibits anti-union discrimination, and employers found legally guilty of discrimination were required to reinstate workers fired for union activities; however, the Government neither enforced nor complied with the law.

The law permits unions to maintain relations and exchanges with labor organizations abroad, and the Government did not restrict such contact. The nongovernment-controlled UDT was a member of the International Confederation of Free Trade Unions (ICFTU). The ICFTU cited the Government's lack of respect for trade union rights. The International Labor Organization (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 in 2002 indicated that little progress had been made and that the Government continued to vio-

late national labor law and did not adhere to provisions set forth in ILO conventions.

b. The Right to Organize and Bargain Collectively.—Although labor has the legal right to organize and bargain collectively, collective bargaining did not occur. Relations between employers and workers were informal and paternalistic. The Government could and did select labor representatives. Employers generally established wage rates on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encouraged direct resolution by labor representatives and employers. Workers or employers may request formal administrative hearings before the Ministry's inspection service; however, critics claimed that the service suffered from poor enforcement due to its low priority and inadequate funding.

The law requires representatives of employees who plan to strike to contact the Ministry of Interior 48 hours in advance. Kamil Hassan, a schoolteacher, who was reinstated in 2002 after leading a teacher's strike in 1997, was still not teaching at year's end.

There is an export processing zone, which was established in 1994; however, its activity level was low during the year.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children. Unlike in the previous year, there were no reports of forced labor during the year. There were no reports that security forces used undocumented foreigners as forced labor on public works projects as well as for their own needs under threat of deportation.

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 did not always enforce this prohibition effectively, and child labor, although not common, existed. Children generally were not employed in hazardous work. Children may and did work in family-owned businesses, such as restaurants and small shops, at all hours of the day and night. A shortage of labor inspectors reduced the likelihood of investigation into reports of child labor.

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

e. Acceptable Conditions of Work.—Only a small minority of the population was engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor was charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, was approximately \$125 (22,000 DF); however, it was not enforced in practice. The national minimum wage did not provide a decent standard of living for a worker and family. The Government owed 3 months' worth of salary arrears to teachers, security forces, and civil servants at year's end.

By law, the work week was 40 hours, normally spread over 6 days. The Ministry of Labor was responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement was ineffective, workers sometimes faced hazardous working conditions. Workers rarely protested, mainly due to fear that others willing to accept the risks would replace them. There were no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardizing their continued employment.

Only legal foreign workers were protected under the law. Undocumented foreign nationals frequently worked at lower wages. Undocumented workers were detained and deported during the expulsions (see Section 2.d.).

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports of persons being trafficked to, from, or within the country. Trafficking could be prosecuted under the Penal Code as "exploitation of the weakness or ignorance of persons."

EQUATORIAL GUINEA

Equatorial Guinea nominally is a multiparty constitutional republic; however, in practice President Teodoro Obiang Nguema and the small Mongomo sub-clan of the majority Fang tribe, which has ruled since the country's independence in 1968, dominated the Government. President Obiang, who has ruled since seizing power in a military coup d'etat in 1979, was re-elected with 97.1 percent of the vote and 98 percent of registered voters participating in a December 2002 election marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controlled the judiciary and the legislature; the latter was chosen

in elections in 1999 that were criticized widely by the international community as seriously flawed. The judiciary was not independent.

President Obiang exercises control over the police and security forces through the Minister of the Interior. The Director General of National Security is the President's brother, Armengol Ondo Nguema. Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which they acted independently of government authority. The security forces committed numerous serious human rights abuses.

Although the 2002 census estimated the population at approximately 1 million, credible estimates put the number at closer to 500,000. The majority of the population lives by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment were very high. Barter was a major aspect of the economy. The gross domestic product has increased substantially in the last 8 years; the rate of growth was approximately 10 to 14 percent during the year. Per capita income was estimated at nearly \$5,000; however, most of the growth in income was due to an increase in crude oil production, which averaged more than 350,000 barrels per day during the year. Poor fiscal management and a lack of transparency in public accounting of national finances have undermined the country's economic potential. Oil companies have paved roads in Malabo, upgraded the island's electricity generating system, and funded a variety of health and environment projects designed to improve citizens' well being; however, there was little evidence that the Government used the country's oil wealth for the public good. Most oil wealth appears to be concentrated in the hands of top government officials while the majority of the population remained poor. Most foreign economic assistance was suspended due to the lack of economic reform and the Government's poor human rights record.

The Government's human rights record remained poor; although there were some improvements in a few areas, numerous serious problems remained. Citizens' ability to change their government peacefully remained restricted. The security forces committed numerous abuses, including torture, beating, and other physical abuse of prisoners and suspects, which at times resulted in deaths; however, there were fewer reported incidents of torture and abuse than in previous years. Prison conditions remained harsh and life threatening. Prisoners often were tortured to coerce confessions. Members of the security forces generally committed abuses with impunity. Security forces used arbitrary arrest, detention, and incommunicado detention. The judicial system repeatedly failed to ensure due process. The Government released more than 30 political prisoners during the year. The Government restricted the right to privacy. The Government severely restricted freedom of speech and of the press. The Government continued to restrict the rights of assembly and association and limit freedom of religion and movement. There were no effective domestic human rights nongovernmental organizations (NGOs). Violence and discrimination against women remained serious problems. Discrimination against ethnic minorities, particularly the Bubi ethnic group, and foreigners continued. The Government restricted labor rights. Child labor persisted and forced prison labor was used. 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 political killings; however, security forces killed several persons through abuse and excessive force. For example, on July 2, border guards shot and killed Ana Isabel Sanchez Torralba, a Spanish aid worker, after firing on a bus that pulled away from a roadblock in Bata.

There were no developments in the 2002 killings by security forces of Juan Odo Nguema, Dimas Bueriberi, and Luis Obiang. In addition, there were no developments in the 2002 deaths by torture of three prisoners at the Black Beach prison.

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.

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 specifically prohibit torture, cruel, or inhuman punishment, and members of the security forces tortured, beat, and otherwise abused suspects, prisoners, and opposition politicians. The U.N. Commission on Human Rights (UNCHR) Special Representative Gustav Gallon has described torture as a "normal means of investigation." The Government does not provide medical care to prisoners or detainees.

Unlike in the previous year, there were no reports of deaths of prisoners due to torture and abuse by prison authorities.

There were reports that officials tortured opposition political activists prior to the 2002 coup trial. There were numerous reports that police authorities tied prisoners' arms and legs behind their backs and suspended them from a bar. During the trial, there was evidence that prisoners suffered dislocated wrists and elbows, and many walked with a limp.

Torture commonly was used to extract forced confessions, particularly from the group of 144 alleged coup plotters arrested in March 2002. For example, Felipe Ondo Obiang, leader of the banned Republican Democratic Front (FDR), reportedly was tortured at Black Beach Prison in Malabo and at Evinayong Prison, where he was moved without notice on June 9 (see Section 1.d.). His whereabouts were unknown for more than a day. According to reports, Ondo Obiang was chained to a wall by his leg in late July. He has reportedly received no treatment for medical problems including a swollen leg, frequent severe head pain, earaches, and depression.

Local authorities singled out foreigners from neighboring countries for harassment such as verbal intimidation and arbitrary arrest. Police routinely extorted money from citizens of Cameroon, Nigeria, Ghana, Togo, and Benin.

Security forces continued to harass oil company employees during the year (see Section 1.d.).

No action was taken against members of the security forces responsible for the following 2002 cases of abuse: The July beating at Black Beach prison of Bibiana Mico and the beating of an oil company employee for refusing to pay a bribe.

The conditions of jails and prisons in the country remained harsh and life threatening; inmates were not provided with food, medical care, working toilets, drinkable water, clean and healthful living space, and minimum equipment, such as beds. There were credible reports that conditions at Black Beach prison continued to improve; however, there also were credible reports that prison authorities tortured prisoners. Placido Mico, secretary general of Union for Social Democracy (CPDS), who was released in August under an amnesty (see Section 1.d.), described prison conditions as overcrowded, with prisoners kept in cells the size of cupboards. They were only allowed out for 1 to 2 minutes a day and forced to do labor. However, Mico said conditions had improved during the year, and he was allowed regular visits from his family.

Prison authorities and male prisoners sexually assaulted female prisoners. Credible reports were received of police gang-raping female prisoners in Malabo. Prisoners were used habitually as labor and as workers on construction projects for certain officials, without pay or other compensation. There were unconfirmed reports that judges used prisoners as domestic workers.

Male and female prisoners were not held in separate facilities, nor were juveniles held separately from adult prisoners. Pretrial detainees and political prisoners were not held separately from convicted prisoners.

Based on an October 2002 agreement with the Government, the International Committee of the Red Cross (ICRC) visited detainees and prisoners at prisons and police stations three times during the year. The ICRC historically has made recommendations to the Government. In the past, the government-controlled National Commission on Human Rights of Equatorial Guinea (CNDH) has reported that jail and prison conditions were harsh. Although the CNDH reported that prisoners were not mistreated, CNDH reports indicated there were food shortages and a lack of medical care. CNDH officials have taken partial credit for the improved conditions at Black Beach Prison.

d. Arbitrary Arrest, Detention, or Exile.—There were nominal legal procedural safeguards regarding detention, the requirement for search warrants, and other protection of citizens' rights; however, security forces systematically ignored these safeguards, and continued to arrest and detain persons arbitrarily and with impunity. Security forces often detained individuals "on orders from superiors" without any further formality.

Responsibility for policing is divided between the police, who are primarily responsible for security in urban centers, and the gendarmes, who have responsibility for the areas outside the cities and for special events within cities. Both are under the control of the Ministry of Interior. Corruption is endemic within these forces. Members of the security forces were rarely held accountable for abuses; impunity for police officers and gendarmes was a problem. There were no known reforms of the security forces proposed or enacted during the year.

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 were treated as being above the law.

In December, police arrested more than 30 civilian members of the Mongomo sub-clan and military personnel in Bata following rumors of a planned coup. They were reportedly transferred to Black Beach Prison in Malabo where they remained at year's end.

Police routinely detained prisoners incommunicado. Foreigners from neighboring countries sometimes were targeted for arbitrary mistreatment and random arrest (see Section 1.c.).

During the year, security forces harassed oil company employees. For example, in August, police arrested and detained for 2 hours two expatriates and asked them to pay \$100,000 (50 million CFA francs) to settle a dispute between their company and the Labor Ministry. They were not permitted to contact their embassies or lawyers.

Expatriate religious workers also were subject to harassment, ranging from demands for special documents and fees when entering the country to imprisonment. On April 25, Paul Young Hwa Stephan, whose parents were missionaries with the Unification Church in Malabo, was arrested and held without formal charge for 26 days at the central police station in Malabo. He had entered the country with a valid passport and an expired residency permit. Police informed Stephan's family that he would be released if they paid a bribe of approximately \$1,000 (500,000 CFA francs). The family did not pay the bribe. After a 26-day detention and an intervention with the Government by a Western diplomat, Stephan was released.

During the year, authorities reportedly detained members of political opposition parties for short periods. Some political detentions lasted more than a few months. It was difficult to estimate the number of political detainees, although it was believed to be fewer 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.

FDR leader Felipe Ondo Obiang, arrested in March 2002 in connection with an alleged coup plot, was detained at Black Beach Prison in Malabo until June 9, when he was moved to Evaniyong Prison on the mainland where he remained at year's end (see Section 1.c.). It was believed that fellow opposition leader Guillermo Nguema Ela remained detained at Black Beach Prison at year's end.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to cooperate (see Section 1.f.).

The Constitution does not permit forced exile; however, the Government used forced internal exile, including against five men reportedly restricted to Mongomo (see Section 1.f.). The Government did 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. The leaders of National Resistance of Equatorial Guinea Group reported that their attempts to return to the country were unsuccessful, and there were no reports of returnees during the year.

e. Denial of Fair Public Trial.—The Constitution provides for judicial independence; however, the judiciary was not independent. Judges served at the pleasure of the President, and they were appointed, transferred, and dismissed for political reasons. Judicial corruption was 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 was the most powerful influence on the judicial branch. There were 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. Some judges were regularly absent from their posts, resulting in delays in judicial proceedings. As a result of these absences, prisoners often remained in detention at police stations awaiting hearings for longer than the 72 hours prescribed by law; in addition, jails became even more overcrowded and unsanitary (see Section 1.c.). The Parliament's Complaints Commission was a de facto judicial authority, although it had no formal legal jurisdiction. According to local media, the Parliament's president acted as a court of last resort.

Tribal elders adjudicated civil claims and minor criminal matters in traditional courts in the countryside.

The Constitution and laws provide for legal representation in trials and the right to appeal; however, in practice the authorities often did not respect these provisions. Civil cases rarely came to public trial. Cases involving national security were tried by a military tribunal. Cases that essentially were political in nature frequently were referred to military courts, even when the defendants were civilians and the charges were 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. Military courts did not provide due process or other procedural safeguards, and proceedings were not made public.

In May 2002, a special tribunal convicted 68 prisoners and their relatives and sentenced them from 6 to 20 years in prison for a purported coup d'etat plot against President Obiang. There were numerous irregularities associated with the trial, including evidence of torture and a lack of substantive proof (see Section 1.c.). Since the trial, the presiding judge has been appointed to the Supreme Court. On August 3, the Government released CPDS Secretary General Placido Mico from prison as part of a general amnesty for 31 people convicted in May 2002 of coup conspiracy. The pardons, announced on the eve of the 24th anniversary of President Obiang's seizure of power in a coup, were granted on the condition that none of the pardoned men commit "crimes or errors" under amnesty for a period of 10 years. Of the approximately 144 persons tried in May 2002 for coup conspiracy, 76 were acquitted, 30 were pardoned in October 2002, 31 were pardoned in August, and 3 died in 2002, reportedly of injuries received during detention and interrogation. Members of the Bubi group, convicted following a 1998 revolt in Luba, were also included in the August amnesty.

Even with these releases, the Government continued to hold a number of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions; however, the Government did not respect these prohibitions in practice. There continued to be reports that security forces regularly searched homes and arrested occupants without warrants, generally with impunity.

There continued to be reports of government surveillance of members of the opposition parties and of foreign diplomats. During the year, journalists and citizens continued to report that they strongly suspected monitoring of their telephone calls and e-mails by the Government.

In December, police in Malabo rounded up a significant number of foreign nationals, mostly West Africans, to review their immigration status. Most were quickly released, although many complained about having to pay "fees" of \$100 to \$200 (50,000 to 100,000 CFA francs) to gain their release.

In 2002, approximately 500 Cameroonians were displaced or repatriated following a new government policy to prevent foreign nationals from benefiting from increasing petroleum wealth.

In December, one government official and one member of the legislature fled to Spain and requested asylum. It was unclear if they left because of criminal or political problems. In January 2002, UP Secretary General Nguema reported that authorities gave seven high ranking military officials, who had been forced to retire because of their affiliation with the UP, 4 days to leave Malabo for their respective villages. Nguema said the injunction was "without apparent reason" and contravened an accord signed by the Government prohibiting extrajudicial confinement. The officials reportedly went back to their villages voluntarily.

Membership in the PDGE generally was a prerequisite for hiring and promotion, both in the public and private sectors. Membership in a rival political organization was considered grounds for dismissal from any position, public or private. Opposition politicians who were not participating in the Government often claimed to have been dismissed from their jobs after joining alternate political groups.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to cooperate. For example, during the March 2002 arrests of 144 alleged coup plotters, family members of Felipe Ondo Obiang, including his pregnant niece, were detained incommunicado and tortured.

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 practiced self-censorship.

The Government did not tolerate criticism of public institutions and public sector mismanagement and permitted no criticism of the President or the security forces. Expatriates dependent on the Government did not voice complaints about the frequent abuses against them, ranging from the police demanding bribes for imaginary offenses to city, provincial, and federal officials extorting money for "licenses" for which there was no statutory basis. Complaints about official conduct in the country continued to be accompanied by requests not to be identified to avoid reprisals.

There were five general-interest newspapers that published irregularly: La Gaceta, a Malabo-based monthly publication with informal connections to the Government and printed in Spain; 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 publi-

cation of the Ministry of Information, Tourism, and Culture, which appeared approximately twice a month. Students at the National University have published a magazine, AYO, and the Guinean-Hispano Cultural Center also has published a monthly cultural review, El Patio. The PDGE published La Voz del Pueblo, and the opposition CPDS published La Verdad. There was very limited availability of foreign publications.

Radio was the most important and influential medium of mass communication. During the year, the Government continued to effectively dominate domestic radio broadcasting. It owned and operated the station Radio Malabo. In July, state radio described President Obiang as “the country’s God” who has all power over men and things. The program said the President is in permanent contact with the Almighty and “can decide to kill without anyone calling him to account.” The President’s son, Teodorino Obiang Nguema, who also was Minister of Forestry, Environment, and Fisheries, owned the only private local radio station, Radio Asonga. The Government has not approved the other applications for private radio stations that have been pending for several years.

The only domestic television station was government-controlled, and broadcast only a few hours a day. Television Asonga, owned by President Obiang and run by his son in coordination with Radio Asonga, broadcast by cable only in Bata. Foreign cable television was available, and provided the Cable News Network, French news, movies, sports events, and cartoons; however, relatively few citizens could afford cable. Satellite reception increasingly was available.

International electronic media was available and included Radio France International, which broadcast in Malabo, and Radio Exterior, the international short-wave service from Spain. Radio Exterior often broadcast news about the country and interviews with opposition politicians and was 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 were highly critical of the Government. The Government regularly accused Radio Exterior, sometimes with justification, of misrepresenting the situation in the country.

All journalists must be registered with the Ministry of Information. According to the Ministry, in 2001, there were 18 independent reporters registered, and between 35 and 45 reporters employed by the PDGE or the Government. Foreign journalists were allowed to travel and report independently. The law requires foreign media to obtain ministerial accreditation before entering the country. During the year, the Government permitted a crew of investigative journalists and cameramen from a foreign news program to report on the country. President Obiang and other members of the Government consented to on-camera interviews.

On November 2, police in Malabo arrested Rodrigo Angue Nguema, a correspondent for Agence France Presse, after he filed an October 29 report about an alleged coup plot. The Information Minister said publicly that the report was “completely wrong.” Police filed no charges against Nguema and detained him at the central police station for 8 days. The prosecutor’s office requested that Nguema remain available for further questioning. During the 2002 trial of alleged coup plotters, police authorities banned Nguema from entering the courtroom, even after Nguema showed his press card.

The law authorizes government censorship of all publications. 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.

The Government generally withheld access to domestic broadcasting from opposition parties and rarely referred to the opposition in anything but negative terms when broadcasting the news.

The Association of the Press of Equatorial Guinea (ASOPGE), prevented in previous years from organizing exhibitions and conferences, reported more freedom during the year and organized at least one conference and several other events. ASOPGE president Pedro Nolasco Ndong remained outside the country. Roberto Martin Prieto was the acting head of the association.

The Government did not appear to restrict Internet access; however, it was expensive, and computer ownership was not widespread. Private cyber cafes provided fairly reliable Internet access. In 2002, Reporters without Borders noted that several associative and political journalists complained of increasing difficulties accessing the Internet. There was one Internet service provided, which was affiliated with the Government.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricted this right in practice. Government authorization must be obtained for private home meetings of more than

10 persons for discussions that the Government considers political in nature. 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 monitored gatherings in public places, even small gatherings. The Government required notification for public events; however, it usually granted permission for such events.

In 2002, the Government required the Catholic NGO Autonomous Rural Development (DAR) in the diocese of Ebibeyin to inform the locally appointed official delegate of each board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. Subsequently, the DAR avoided the Ebibeyin order by meeting in Bata. During the year, there were no reports of problems between DAR and Ebibeyin officials.

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 prohibits coalitions between political parties; however, five opposition groups formed a coalition (see Section 3). Opposition party members complained of disruption of meetings.

There were 12 political parties that the Government called "opposition parties"; 11 have allied themselves with the ruling PDGE. The Government pointed to these opposition parties as examples of the country's multiparty democracy.

The Government reportedly applied pressure to persuade opposition members or officials from most, but not all, opposition parties to join the PDGE party; opposition members joining the PDGE during the year suggested that such practices persisted. Reportedly the Government bribed members of the opposition.

A number of opposition parties, including the FDR still were seeking recognition at year's end.

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

The law includes a stated official preference for the Catholic Church and the Reform Church of Equatorial Guinea due to their traditional roots and historic influence in the social and cultural life. For example, a Roman Catholic Mass normally was part of any major ceremonial function, such as the October 12 national day.

A religious organization must be formally registered with the Ministry of Justice and Religion before its religious activities are allowed. While religious groups must be approved and registered to function legally, there were no reports during the year that the Government had refused to register any group. The approval process usually takes several years, due primarily to general bureaucratic slowness and not as the result of a policy designed to impede the operation of any religious group.

The Government continued to restrict the freedom of expression of the clergy, particularly regarding any open criticism of the Government. During the year, church representatives reported that they practiced self-censorship on these issues. The Government required permission for any religious activity outside the church building, but in practice this requirement did not appear to hinder organized religious groups.

Religious study was required in schools and was usually, but not exclusively, Catholic.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the Government limited them in practice. Local police routinely extorted bribes from occupants of 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 foreigners (see Section 1.c.). The Government justified these roadblocks as customs controls to compensate for its inability to control the country's borders effectively. These checkpoints effectively restricted the freedom of movement of members of the opposition.

All citizens were required to obtain permission to travel abroad from the local Police Commissioner, and some members of opposition parties were denied this permission. Those who did travel abroad sometimes were interrogated upon their return. Exit visa were no longer required for citizens traveling outside the country.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. In recent years, an average of

one or two persons requested refugee status in the country. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR).

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

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 strong powers as head of state, commander of the armed forces, and leader of the government party, the PDGE. Impeachment of the head of state is forbidden in the Constitution. Leadership positions within the Government in general were restricted to the President's Mongomo sub-clan of the Fang ethnic group and its closest supporters. The Government completely dominated the elected Chamber of Deputies, and the Minister of the Interior also acted as President of the National Electoral Board.

President Obiang won the December 2002 election, with 97.1 percent of the vote and 98 percent of registered voters participating. Opposition leaders charged that census results showing a twofold population increase were flawed and that numbers were inflated to perpetuate election fraud. Prior to the elections, there were reports that arrests and harassment of opposition party members increased. Four of the leading opposition candidates published a statement that rejected the vote and called for new elections. There were widespread reports of irregularities on election day, including intimidation at the polls. For example, in some towns, commission members gathered voters and asked whether any intended to vote for the opposition. When none responded affirmatively, their votes were counted for the President. Voters were discouraged from voting in secret, ballots were opened, and ruling party representatives reportedly cast votes in their own right as well as on behalf of minor children and the deceased. There also were reports that security forces intimidated voters by their presence in polling booths. The European Union (EU) expressed concern regarding the democratic process, severely criticized the way the presidential election was carried out, and recommended that the Government invite the U.N. or the EU to send an electoral assistance mission.

The most recent legislative elections were held in 1999. International observers considered them seriously flawed and characterized by numerous irregularities and 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 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. Legislative elections are scheduled for March 2004.

In late August, the Government invited representatives of the 13 political parties to a 4-day meeting in Mbini to discuss democratization. In November, the Government enacted legislation implementing the accord reached at the August meeting, mandating secret ballots in elections, increasing the number of representatives in the legislature from 80 to 100, and undertaking to complete the electoral registers and hand out voter registration cards prior to convoking the elections. The stated objective in increasing the number of members of the legislature was to give opposition parties a greater opportunity for representation. The Government made virtually no effort to implement an earlier pact to create a multiparty electoral commission and an observance commission to monitor compliance with the agreement and to end various other political and electoral abuses. In 2002, arrests of CPDS and UP party leaders further undermined the Government's claims that it abided 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.).

The electoral law prohibits coalitions between political parties; however, at year's end, all legal political parties except the CPDS were aligned with and were part of the Government. Significant segments of the political opposition either remained banned or had yet to be recognized by the Government by year's end.

During the year, the Government moved its executive seat from Malabo to Bata for 6 months in an effort to provide more of a presence on the mainland. Ministers and key party officials moved, but the bureaucratic infrastructure remained in Malabo.

There were no legal restrictions on the participation of women or minorities in politics. There were 5 women in the 80-member legislature and 3 women in the 41-member cabinet.

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

There were no effective domestic human rights NGOs. The law restricts NGOs and identifies specific areas in which they may operate; human rights were not one of these areas.

There were no local NGOs, other than the government-controlled CNDH, that monitored respect for fundamental human rights throughout the country. The CNDH concentrated primarily on prison conditions. Unconfirmed sources have said that the Parliament appointed CNDH members.

No international human rights NGOs were resident in the country; however, there were signs of improvement in the relations between some international organizations and the Government during the year. In 2002, the Government signed a convention providing the ICRC regular prison access (see Section 1.c.).

Catholic Relief Services (CRS) confined its programming to health-related issues, citing safety concerns for staff and partners. There have been allegations from CRS, Reporters Without Borders, and the Center for Rural Development that NGO representatives visiting Malabo have had their movements, calls, e-mails, and faxes monitored.

Unlike in the previous year, security forces did not arrest aid workers or deny requests from NGOs to enter the country.

In August, the EU opened an office in Malabo to coordinate human rights and other issues.

In April 2002, the CNDH terminated the mandate of UNHRC Special Representative Gustavo Gallon, despite protest from the international community and the former Special Representative himself. Advisory and technical support in the area of human rights continued.

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

The Constitution prohibits all forms of discrimination; however, both governmental and societal discrimination against women and ethnic minorities continued. Persons with HIV/AIDS were victims of societal discrimination and often kept their illnesses hidden.

Women.—Domestic and other societal violence against women, particularly wife beating, was common. The public beating of wives was forbidden by government decree; however, violence in the home generally was tolerated. The Government does not prosecute perpetrators of domestic violence. Women were subjected to sexual abuse both from the authorities and other prisoners while in detention (see Section 1.c.).

Prostitution is illegal; however, the massive influx of single foreign men in the petroleum sector contributed to an increasing prevalence of prostitution. During periodic crackdowns, police arrested prostitutes but allowed their clients, generally expatriates, to go free.

Although the Constitution provides for equal rights, women largely were confined by custom to traditional roles, particularly in agriculture. Polygyny, which was widespread among the Fang, contributed to women's secondary status, as did limited educational opportunity.

There was no discrimination against women in formal inheritance and family law; however, in the Fang, Ndowe, and Bisio cultures, primogeniture was practiced. Because women become members of their husband's family upon marriage, they usually were not accorded inheritance rights. When the husband dies, a widow either remains with his family in a dependent, marginalized position, or she returns the dowry and leaves with nothing.

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 to her family by the bridegroom at the time of marriage. 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, which could lead to imprisonment of the bride or a family member for the debt. The law protects women from imprisonment for not repaying the dowry following divorce; however, in practice, many divorced women faced intense family pressure to repay the dowry. 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 permitted 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 were legislated. The Government devoted little attention to children's rights or their welfare and had no set policy in this area. Education was compulsory through primary school, but the law was not enforced. In practice, boys were 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 made this level of education less likely for girls. Many rural families were unable to afford the school fee and book expenses for children over 10 years of age. A 2003 UNICEF report noted that primary school enrollment from 1992 to 2001 was 38 percent both for boys and girls; however, secondary school enrollment from 1995 to 1999 was 43 percent for boys and 19 percent for girls. Generally women have only one-fifth the educational level of men. New schools have opened; however, they were reported to be without basic materials such as books and desks. Teachers were political appointees and often received no training. Children suffered poor health and a high mortality rate.

Child prostitution existed but was rare.

Child labor existed primarily in the form of children working as farmhands and market vendors in family businesses.

Persons with Disabilities.—There was no constitutional or legal provision to protect persons with disabilities from discrimination in employment, education, or the provision of other state services. While there was no formal evidence of discrimination against persons with disabilities, anecdotal evidence suggested that basic care may be withheld when children have disfiguring diseases such as polio. The law does not mandate access for persons with disabilities to buildings.

National/Racial/Ethnic Minorities.—Discrimination against ethnic or racial minorities was not legal, and the Government did not overtly limit their participation in politics; however, the monopolization of political power by the President's Mongomo sub-clan of the Fang ethnic group persisted. In practice, some members of ethnic minorities faced discrimination because they were not members of the Fang ethnic group, or belonged to a Fang sub-clan other than the President's. 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.

In July 2002, police began forcing approximately 500 Cameroonians out of Malabo following a new government policy to prevent foreign nationals from benefiting from increasing petroleum wealth.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continued to reside in the country. Most were small traders and businesspersons. The police reportedly continued to harass and extort money from them as well as harassing asylum seekers on an individual basis.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to organize unions; however, the Small Farmers Syndicate, was the country's only legally recognized labor union. According to the International Confederation of Free Trade Unions, the Government has never allowed the registration of unions; as a result, the Equatorial Guinea Trade Union has been forced to carry out its activities in secret. There were 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 blocked union formation. The CPDS tried unsuccessfully to legalize its affiliated Syndicated Workers' Union, and an independent union, Independent Syndicated Services, was denied registration despite having met the requirements of the law.

A law has never been enacted to govern unions for civil servants.

During the year, the country's major private employer, the oil industry, which was dominated by foreign firms, continued to take steps to reduce government control of hiring in the industry. Companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by noncitizens only, to eliminate political bias in the hiring process. According to regional representatives of the International Labor Organization (ILO), these efforts largely have been ineffective, and the Government continued to influence employment in all sectors.

There were instances when the Government retaliated against political opponents by compelling their employers to dismiss them.

In 2001, 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 has been taken.

There was no law prohibiting anti-union discrimination.

Labor unions may affiliate with international bodies; however, there were no reports of such affiliation during the year.

b. The Right to Organize and Bargain Collectively.—The law provides workers the right to organize and bargain collectively; however, the Government placed practical obstacles before groups wishing to organize. The Government and employers set wages, with little or no participation by workers. There was no evidence of collective bargaining by any group; however, the Labor Ministry sometimes mediated labor disputes.

The law provides for the right to strike; however, there were no strikes during the year. The Labor Code contains provisions to uphold worker rights, but the Government generally did not enforce them, in part because of inadequate staffing in the Ministry of Labor. Apart from the Labor Ministry, workers had few other places to seek redress. Members of the National Assembly reportedly tried to mediate employer-worker disputes over wages or dismissals; however, they had no legal authority to do so.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law forbids forced or bonded labor, including by children, and slavery; however, detainees and convicted felons performed extensive labor outside prison, including for prison officials, without compensation (see Section 1.c.).

There were reports that forced child labor occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment was 14 years, but the Ministry of Labor did not enforce this law, and child labor was common particularly on family farms and businesses. The Government also did not enforce the law that stipulates mandatory education through primary school. Underage youth performed both family farm work and street vending. While the Ministry of Labor was responsible for the enforcement of labor legislation, the Government did not have a comprehensive policy on child labor.

e. Acceptable Conditions of Work.—Employers must pay the minimum wages set by the Government, and most companies pay more than the government-established minimum wage. Early in the year, the Government introduced a two-tier system creating a separate wage system for private sector workers inside and outside of the oil sector. The minimum monthly wage for all private sector workers was approximately \$154.00 (77,000 CFA francs). Within each group (oil and non-oil), a multi-tiered system of classification was created, and workers were graded according to education-level, skills, and experience, and the wages increased according to these factors. Companies subcontracted to the oil industry were considered part of the petroleum sector. High-level professional employees of international companies received salaries near to or the same as expatriate workers. Any additional task or duty added to a worker's responsibility required the worker to receive a minimum increase of 25 percent of base pay, and workers received such increases in practice. Neither the minimum wage law nor these additional requirements applied to public sector workers who generally were much more poorly paid. The minimum wage was generally 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 were observed in practice in the formal economy.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government did not enforce this in practice. The Government had an insufficient number of labor inspectors to oversee local industry. The Government continued 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 continued to be reports that the country increasingly was a destination and transit point for trafficked persons.

Children primarily were trafficked into the urban labor sector in Malabo and Bata, mostly from Benin and Nigeria. Nigerian boys worked in market stalls in Bata, often without pay or personal freedom. In 2001, UNICEF reported that the country served as a transit point for children who were trafficked to Gabon. The country was both a destination and a transit point for trafficked women, mostly from Cameroon, Benin, and Nigeria. Women were trafficked for prostitution, especially to Malabo.

The Government has undertaken a project to provide protection and assistance to trafficked and at-risk children, which included construction of two shelters in 2002. Over the past few years, the Government has offered to repatriate and provide assistance to trafficking victims. The Government cooperated with NGOs that pro-

vided services to victims and at-risk women and children. In terms of prevention, the Government sponsored radio announcements to promote the law forbidding employment of children under the age of 14 years. The Government also requested the support of international organizations to finance a national study on child trafficking, and to identify measures for its eradication. The Government sent representatives to Libreville to attend a regional conference on trafficking in persons in 2002.

ERITREA

Eritrea is a one-party state that became independent in 1993 when 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, is 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. Presidential and legislative elections have been continuously postponed. The Constitution, ratified in 1997, provides for democratic freedoms; however, its provisions were not implemented by year's end. The judiciary was formally independent; however, it was weak and subject to executive interference.

Police were officially responsible for maintaining internal security and the army was responsible for external security; however, the Government could call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. The civilian authorities maintained effective control of the security forces. In addition to conflicts with Ethiopia, the army was engaged in a low-intensity conflict with the Eritrean Islamic Jihad (EIJ), a small, Sudan-based insurgent group that has mounted attacks in the north and west since 1993. Some members of the security forces committed serious human rights abuses.

While trade, services, and manufacturing accounted for the greatest portion of gross domestic product of the country's mixed economy, the rural economy was based largely on subsistence agriculture, and more than 70 percent of the population of 3.6 million was engaged in farming and herding. During the year, inflation rose to 24 percent from 9 percent in 2002, and economic growth fell from 9 percent in 2002 to a minus 1.2 percent. Wages did not keep pace with inflation. The continued integration of as many as 75,000 Eritreans or Ethiopians of Eritrean origin deported from Ethiopia, 103,000 long-term refugees from camps in Sudan, and an unknown number of internally displaced persons (IDPs), continued to burden the economy. In addition, much of the skilled labor force continued to serve in the national service. The country had an annual per capita income of less than \$200, and approximately one-third of the population depended on foreign emergency assistance. The PFDJ and the military exerted a growing economic influence through numerous investments and party- or military-owned businesses.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens did not have the ability to change their government. Security forces were responsible for disappearances. There were some reports that police resorted to torture and physical beatings of prisoners, particularly during interrogations, and police severely mistreated army deserters and draft evaders. The Government generally did not permit prison visits by local or international human rights groups. Arbitrary arrests and detentions continued to be problems; an unknown number of persons were detained without charge because of political opinion. 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, and limited freedom of assembly and association. The Government restricted freedom of religion for non-sanctioned religious groups and restricted freedom of movement. Human rights groups were not allowed to operate in the country. Violence and societal discrimination against women continued to be problems, and female genital mutilation (FGM) remained widespread despite government efforts to discourage the practice. Members of the Kunama ethnic group also faced government and societal discrimination. The Government restricted workers' rights. Child labor occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, there were unconfirmed reports that some of the approximately 220 citi-

zens deported from Malta in 2002 were killed trying to escape from prison during the year (see Section 1.d.). The Government continued to authorize the use of deadly force against anyone resisting or attempting to flee during military searches for deserters and draft evaders; however, unlike the previous year, there were no reports of deaths.

No action was taken, nor was any likely, in the 2001 cases in which two students died in detention of heat-related causes while in a forced summer work program.

According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, there were an estimated 3 million landmines and unexploded ordnance in the country. The EIJ or others laid some new mines during the year. The U.N. reported 32 deaths from landmine incidents between January and September, compared with 85 deaths in 2002, and 197 in 2001. It was not clear whose landmines were responsible for these casualties. It was probable that there were additional, unreported deaths in remote areas. On November 20, a 7-year-old boy was killed by a landmine near the town of Tserona. During the year, there were approximately 20 deaths due to landmines and unexploded ordnances in the border region.

On April 12, British national Timothy Butt was killed in the western Bisha region. Butt was in the country working for an international mining company. At year's end, there was no information available regarding an investigation into the killing.

On August 10, unknown assailants killed two citizens who worked for Mercy Corps International and injured the driver. The assailants opened fire on the vehicle the three citizens were traveling in near Adobha. By year's end, the Government had not released the results of its investigation.

b. Disappearance.—There were reports of politically motivated disappearances.

In May and June, there were reports that an unknown number of Kunama, an ethnic group residing predominantly near the border with Ethiopia, were detained; they were reportedly detained because of their association with other captured or killed Kunama insurgents. No charges were filed and their whereabouts were unknown at year's end.

There were no developments in the September 2001 case in which the Government arrested 11 senior PFDJ and National Assembly members, whose whereabouts remained unknown at year's end (see Section 3).

Several journalists detained in 2001 were missing at year's end (see Section 2.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution, which has not been implemented, and the Penal Code prohibit torture; however, there were numerous reports that police resorted to torture and physical beatings of prisoners, particularly during interrogations. During the year, police severely mistreated and beat army deserters, draft evaders, and members of particular religious groups (see Section 2.c.). Police detained deserters and draft evaders and subjected them to various disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit or the binding of the hands, elbows and feet for extended periods.

There were reports that women drafted to the national service were subjected to sexual harassment and abuse.

During the year, there were dozens of reported injuries from landmines and unexploded ordnances (see Section 1.a.).

Prison conditions remained Spartan. The Government generally permitted three visits per week by family members. There were no confirmed reports that any prisoners died due to lack of adequate medical care. Women and men were held in separate facilities. There were no juvenile detention centers or correction facilities, and juvenile offenders often were incarcerated with adults. Pretrial detainees generally were not held separately from convicted prisoners; however, in some cases, detainees were held separately. For example, the "Group of 15" political detainees and others detained on national security grounds in 2001 were thought to be held separately, although their whereabouts remained unknown. These political detainees continued to be denied visitors during the year.

The Government allowed the International Committee of the Red Cross (ICRC) to visit and register Ethiopian civilian detainees in police stations and prisons; however, the ICRC was not permitted to visit the unknown number of Ethiopian soldiers who the Government claimed were deserters from the Ethiopian army. Neither the ICRC nor local groups were permitted to monitor prison conditions.

There continued to be reports of prolonged detentions of Sudanese nonpolitical prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution, which has not been implemented, and the law prohibit arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

The police force was weak and corruption was not prevalent. During the year, the police force was reorganized and active duty military officers were placed in charge of key police divisions. The military has the power to arrest and detain persons, and internal security forces and the military detained many persons during the year.

The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice, authorities often detained persons suspected of crimes for much longer periods. The Government held numerous pre-trial detainees during the year.

An unknown number of Ethiopian detainees were released during the year; some were repatriated to Ethiopia, while others chose to remain in the country. The ICRC continued to visit approximately 150 Ethiopians who were still in detention at year's end. Most of these detainees were reportedly being held on suspicion of committing crimes, while others were detained because their residency permits had expired and they did not have the necessary funds to renew them.

There was at least one report of a citizen of Ethiopian origin stripped of citizenship and deported.

Detainees did not always have access to legal counsel (see Section 1.e.), and incommunicado detention was widespread. There was no functioning bail system during the year.

There were reports of numerous politically motivated detentions of those who were seen as critical of the Government, many of whom remained in prison at year's end. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions.

In addition to the high-profile arrests in 2001, the Government arrested at least 80 additional individuals, many of them with known or suspected ties to political dissidents, and detained them without charge and without access to visitors at year's end. There were numerous unconfirmed reports that the number of such persons detained may be several hundred.

The military police detained persons who had not completed their national service requirement, and those who had evaded previous drafts (see Sections 1.c. and 2.c.).

There were substantial but unconfirmed reports that hundreds of draft evaders and national service escapees were being held in makeshift prisons around the country. Multiple observers reported up to 1,500 detainees at a prison adjacent to the offices of the Commanding General who oversees Military Operational Area #5 (Central Zone and surrounding areas).

The Government continued to arrest and detain members of non-sanctioned religious groups, some of whom have been in detention for more than 9 years (see Section 2.c.).

In September and October 2002, approximately 220 citizens, who are believed to have fled the country to escape or avoid national service, were deported from Malta. These deportees were detained upon arrival and most had been held at secret locations without contact with their families and without formal charges. There were reports that some who tried to escape again were killed by security forces.

In 2002, human rights observers documented at least six examples of arbitrary arrest, including of relatives of the previously detained "G-15" group and of diplomats who were recalled from their posts. At least four of these detainees, in addition to many detained in previous years, remained in prison without charges at year's end. There also were unconfirmed reports of numerous other arrests during the year. For example, on December 11, Aster Yohannes, the wife of Petros Solomon—a former Minister of Foreign Affairs, and a member of the G-15—was reportedly arrested and detained without charges as she returned to the country after living abroad for several years.

In April, Ermias Debessai (Papayo), former Ambassador to China, was released from prison after being detained in 1997 and sentenced by a Special Court to 7 years' imprisonment; however, he was reportedly re-imprisoned without charges in November.

Unlike in the previous year, there were no reports that authorities arrested and detained citizens of other countries, who were not subject to national service obligations.

Unlike in the previous year, there were no reports that authorities harassed and detained deportees of Eritrean origin from Ethiopia while the Government checked on their status.

There were no developments in the following 2001 cases: The arrest of several elders who remained in detention without charge; and the arrest of two citizen employees from a foreign embassy who remained in detention without charge.

There were reports that the Government continued to hold numerous members of the Eritrean Liberation Front (ELF), an armed opposition group that fought against Ethiopia during the struggle for independence. Authorities sometimes arbitrarily ar-

rested and detained former combatants or members of the PFDJ who violated an unwritten code of conduct (see Section 1.e.).

An unknown number of persons suspected of association with the Ethiopian Mengistu regime, Islamic elements considered radical, or suspected terrorist organizations continued to remain in detention without charge, some of whom have been detained for more than 9 years.

The law has no provisions concerning exile and the Government generally did not use exile as a means of political control.

The president of the independent Asmara University Students' Association, who was detained without charges in 2001 and escaped from prison in August 2002, was reportedly living in exile and remained politically active.

e. Denial of Fair Public Trial.—The Constitution, which has not been implemented, provides for an independent judiciary; however, the judiciary was weak and subject to executive control. For example, during the year, the executive controlled special courts issued directives to other courts regarding administrative matters, whereas their domain was supposed to be restricted to criminal cases. In addition, the judiciary relied on the Ministry of Justice for logistical and budgetary support, which further limited its independence.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into national service continued to have a significant negative impact on the judiciary. The High Court was reduced from 7 benches to 3, and regional, sub-regional, and village court personnel were reduced by 40 percent in 2002. Case backlogs accumulated in 2002 were reduced during the year. For example, the average waiting period before a case was heard at the High Court level was reduced from about 7 months to about 5 months.

The judicial system had three parts: civilian, military, and special courts. The civilian court system consisted of village courts, sub-regional courts, regional courts, and the High Court, which also served as an appellate court. Appeals may be made in the civilian courts all the way up to the High Court. Not all appeals are accepted for a hearing at the High Court level and the High Court takes an average of approximately 2 months to decide if it will hear an appeal or not. Under the legal system, minor infractions were brought to village courts and sub-regional courts. More serious offenses were argued before regional courts, but a significant proportion of cases involving murder, rape, and other felonies were heard by the High Court. All cases, except those argued before the High Court, were heard by a single judge; on the High Court, panels of three judges heard cases.

The judicial system suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limited the Government's ability to grant accused persons a speedy trial. At independence the Government chose to retain the Ethiopian legal system but since then has drafted new commercial, penal, and criminal codes, which have not yet been promulgated. A new civil code was drafted during 2001; however, it was not promulgated by year's end.

Detainees did not always have access to legal counsel. Defendants could hire a legal representative at their own expense; however, not all detainees could afford to do so. Although there was no formal public defender's office, the Government frequently assigned attorneys to represent defendants accused of serious crimes punishable by more than 10 years in prison who could not afford legal counsel. Defendants could appeal verdicts to a High Court panel, which was composed of the High Court president and four other judges.

Most citizens only had contact with the legal system through the traditional village courts. Village judges, who were appointed by a panel composed of heads of regional courts, the regional prosecutor, and the regional governor, heard civil cases. Magistrates versed in criminal law heard criminal cases. Local elders adjudicated many local problems—for example, property disputes and most petty crimes—according to customary law. The Ministry of Justice also offered training in alternative dispute resolution to handle some civil and petty criminal cases.

Where both litigants were Muslims, civil cases were heard under Shari'a law. Traditional courts cannot impose sentences involving physical punishment.

The special court system ostensibly was created to reduce a growing backlog in the civilian court system; however, in practice special courts, which banned defense counsel and the right of appeal, allowed the executive branch to mete out punishment without respect for due process. Judges in the special courts were senior military officers, most of whom had little or no legal experience. They based their decisions on "conscience," without reference to the law. There was no limitation on punishment. The special courts had jurisdiction over many criminal cases, such as capital offenses, felonies, some misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decided which cases were to be tried by a special court. The Attorney General

also allowed special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

Special courts also handled 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 were held to a stringent unwritten code of conduct, and violations of this code were handled by special courts outside the normal judicial process. Those accused of violating this circle of trust were arrested and held without formal charge or tried in special courts.

There were no reports of political prisoners; however, there were numerous reports of persons detained for political reasons (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution, which has not been implemented, prohibits such actions; however, the Government at times infringed on the right to privacy. Under the law, warrants are required for routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence.

The Government deployed military police throughout the country using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders, although less intensively than last year.

There were reports that military officials seized residences belonging to relatives of persons identified with the political opposition and rented the property or used it as housing for senior military officers' families.

There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to others on the grounds that the land was not being exploited efficiently (see Section 5). The Government also failed to compensate foreigners for property seized by the former Mengistu regime in Ethiopia or to return that property.

Warrants are theoretically required before the Government can monitor mail, telephones, or other means of private communication; however, in practice the Government often did not obtain warrants. There were reports that the Government monitored telephone calls and e-mail. Government informers were believed to be present throughout the country. There were unconfirmed reports that members of the PFDJ placed Ethiopians under surveillance.

All citizens between the ages of 18 and 45 were required to participate in the national service program, which included military training and civilian work programs (see Section 6.c.).

During the year, conditions remained difficult for Ethiopians living in the country, but most who wanted to leave had already done so. The Ethiopian Embassy reported approximately 7,000 Ethiopians remained. Unlike in the previous year, there were no reports that the Government targeted Ethiopians in particular for discrimination in renewing business licenses, residence permits, and employment. There were reports that Ethiopians who remained in the country were not allowed to live in the strategically important Debub Province bordering Ethiopia.

Government employees in general were unable to leave their jobs or take new employment.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution, which has not been implemented, provides for freedom of speech and of the press; however, the Government severely restricted this right in practice. The private press remained closed and most independent journalists arrested remained in detention or had fled the country, which effectively prevented all public and much private criticism of the Government. All private newspapers were banned, and the ban remained in effect at year's end.

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 there were no private, nonreligious newspapers. The law does not allow private ownership of broadcast media or foreign influence or ownership of media. The press law forbids reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or Government policies.

The law allows individuals to publish newspapers and magazines; it also requires that all newspapers obtain a license from the Ministry of Information (MOI) before publication and that all reporters register with the MOI. However, there continued to be no independent print media operating in the country at year's end.

The Government had the authority to ban the import of foreign publications, although it had not done so. Some Western periodicals were available regularly at several bookshops and from street vendors in Asmara.

The Government permitted four reporters for foreign news organizations to operate in the country. The reporter for Deutsche Welle was a citizen, while British Broadcasting Corporation, Agence France-Presse, and Reuters reporters were foreigners.

The arrests of journalists continued during the year. On July 8, police took Aklilu Solomon, a journalist who submitted articles to the Voice of America from his home during the night. He remained in detention at an unknown location at year's end. Although the Government claimed that he was detained for failing to fulfill national service obligations, reports indicate that Aklilu had a medical exemption from further national service and had been called into the MOI 10 days before his detention. At that meeting, his press credentials were cancelled and he was told that his reports concerning soldiers who died in the war with Ethiopia "pleased the enemy."

A reporter for an independent newspaper arrested in 2002 was reportedly released in July without charges. Three other reporters working for government media who were arrested in 2002 remained in detention without charge at year's end.

In April 2002, nine of the reporters arrested in 2001 on grounds of "national security" declared a hunger strike and subsequently were moved to undisclosed locations. Their whereabouts and well-being were unknown at year's end.

Four journalists who have been missing since before 2002 remained in government custody at year's end.

Access to the Internet was available in Asmara, Keren, Mendefera, Decamhare and Massawa. Four commercial Internet Service Providers operated in the country. There were no restrictions on Internet use.

The Government restricted academic freedom. The University of Asmara refused to give diplomas to graduates unless they had completed their national service obligations (see Section 6.c.), and the Ministry of Education did not release transcripts or exam results for those who were not released from national service. The Government placed tight controls on students who wanted to study abroad. Many were unable to obtain exit visas or were prevented from departing at the airport despite having necessary approvals. In addition, new graduates were frequently pressured to work for government entities.

b. Freedom of Peaceful Assembly and Association.—The Constitution, which has not been implemented, provides for freedom of assembly and association; however, the Government restricted this right in practice. A permit from the Ministry of Local Governments was required 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.

Several respected elders who were arrested in 2001 for meeting without a permit remained in detention without charge at year's end.

The Constitution, which has not been implemented, provides for the right of association. The Government restricted the freedom of association. The Government did not allow the formation of any political parties other than the PFDJ.

c. Freedom of Religion.—The Constitution, which has not been implemented, provides for freedom of religion; however, the Government restricted this right in practice. Only the four government-sanctioned religious groups in the country—Orthodox Christians, Muslims, Catholics, and members of the Evangelical Church of Eritrea (which is affiliated with the Lutheran World Federation)—were allowed to meet freely during the year.

There were several reports that police used physical torture such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs. There were also reliable reports that some detainees were required to sign statements repudiating their faith or agreeing not to practice it as a condition for release. In some cases, where detainees refused to sign, relatives were asked to do so on their behalf. Some of these statements reportedly threatened execution for those who continued to attend non-sanctioned religious services or meetings. For example, on March 23, 40 members of the Philadelphia Church in Asmara were detained for 8 days and some were reportedly subjected to physical torture and pressured to repudiate their faith. The pastor and other church leaders who inquired on their behalf were also detained. Members reported that their pastor was forced to walk barefoot over sharp stones. After 8 days relatives were forced to sign papers stating that those detained would not attend church services or meet in their homes with other church members.

During the year, there were reports that several hundred followers of various non-sanctioned churches (mostly Protestant) were detained or harassed. For example, on June 19, a prominent pastor and head of the Association of Evangelical Churches was arrested and held for 3 weeks.

In August, the Government detained 57 students who were members of non-sanctioned religious groups; the students were arrested while at a mandatory 3-month summer course at the Sawa Military Camp.

On September 7, there were reports that the Government detained 12 members of the Bethel Church during a prayer meeting in Asmara.

The 74 military and national service personnel arrested in February 2002 remained imprisoned near Assab at year's end. Reports suggest that they were being detained until they repudiate their faith.

In May 2002, the MOI ordered several Protestant churches to close, including the Rhema Church, Pentecostals, Full Gospel, and other small Protestant groups. The Government instructed these churches to register with the MOI to receive authorization to reopen. Despite the fact that several of the churches submitted registrations in 2002, none of the churches had been authorized to reopen by year's end. The four government-sanctioned religious groups were not required to register.

On October 15, government officials evicted the Full Gospel Church from the complex in Asmara that has served as its headquarters for 11 years. The Government began its occupation of the property in September 2002 with the presence of military personnel. The complex remained under government control at year's end.

The Government does not excuse individuals who object to national service for religious reasons or reasons of conscience, nor does the Government allow for alternative service. The Government continued to harass, detain, and discriminate against the small community of members of Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum or the refusal of some to perform national service. Members of Jehovah's Witnesses were subject to dismissal from the civil service. Many were evicted from or not allowed to occupy government-owned housing. Members of Jehovah's Witnesses were also frequently denied passports and exit visas, and some had their identity cards revoked or were not issued them at all. There were no reports that members of Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination.

On April 16, approximately 160 members of Jehovah's Witnesses were detained while meeting in a private home in Asmara. Most were released within a week, but 5, who were apparently considered "elders," were detained for 28 days.

At year's end, an estimated 11 members of Jehovah's Witnesses reportedly remained in detention without charge, including 6 allegedly detained during the year, for failing to participate in national service. Although the maximum penalty for refusing to perform national service is 3 years' imprisonment, three of the individuals have been detained for more than 9 years. Of the members of Jehovah's Witnesses detained, 10 were reportedly held at Sawa Military camp and 1 in prison in Asmara.

The army resorted to various forms of extreme physical punishment to force objectors, including some members of Jehovah's Witnesses, to perform their military service (see Section 1.c.).

The Government also harassed and monitored some Orthodox churches whose religious services it did not approve.

There were some complaints that the Government discriminated against the Muslim community and Catholics because the Government offered tax relief to Orthodox churches, but not to mosques and Catholic churches.

The Government prohibited political activity by religious groups and faith-based nongovernmental organizations (NGOs). The Government's Directorate of Religious Affairs in the Ministry of Local Government monitored religious compliance with this proscription against political activity.

There were negative societal attitudes toward members of religious denominations other than the four sanctioned ones. Some citizens approved of the strict measures levied against unsanctioned churches during the year. Jehovah's Witnesses also faced some social discrimination because of their refusal to participate in the 1993 independence referendum and to perform national service; however, the level of societal discrimination against Jehovah's Witnesses continued to decline during the year.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution, which has not been implemented, provides for these rights; however, the Government restricted some of them in practice. While citizens could generally travel freely within the country and change their place of residence, authorities restricted freedom of movement and emigration. The Government required all citizens to carry national identification cards, which must be presented on demand. 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 deserters, and periodic crackdowns continued during the year (see Section 1.d.).

The Government continued to restrict travel along much of the border with Sudan. Some areas remained heavily mined, a legacy of the war for independence. Occasionally, the ELJ or others planted new mines, leading to additional travel restrictions (see Section 1.a.).

Citizens and foreign nationals were required to obtain an exit visa to depart the country. There were numerous cases where foreign nationals were delayed in leaving or initially denied permission to leave when they applied for an exit visa, some for as long as 1 month.

Citizens of national service age (men 18 to 45 years of age, and women 18 to 27 years of age), members of Jehovah's Witnesses (see Section 2.c.), and others who were out of favor with or seen as critical of the Government were routinely denied exit visas. In addition, the Government often refused to issue exit visas to adolescents and children as young as 10 years of age, apparently on the grounds that they were approaching the age of eligibility for national service. Some citizens were given exit visas only after posting bonds of approximately \$7,300 (100,000 Nakfa). There were many instances in which the newly married spouse of a citizen or foreign national living abroad was denied an exit visa to join the partner often because the citizen's spouse residing abroad could not prove payment of the 2 percent income tax, which is imposed on all citizens living abroad.

During the year, the Government annulled or denied exit visas for several citizens who had received scholarships to foreign universities or been nominated for participation in exchange programs. Upon request, officials reexamined denied cases on an individual basis, which frequently led to a reversal of the decision.

In general, citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on their income to the Government while living abroad to be eligible for some government services on their return to the country. Applications to return from citizens living abroad who had broken the law, contracted a serious contagious disease, or had been declared ineligible for political asylum by other governments, were considered on a case-by-case basis.

During the year, the Government repatriated approximately 380 Ethiopians to Ethiopia. They were repatriated voluntarily and with ICRC participation.

Approximately 1.1 million citizens were displaced internally as a result of the conflict with Ethiopia. Most of these IDPs returned home; however, approximately 67,000 IDPs remained in 11 camps in the Debub and Gash Barka zones at year's end. Camp facilities were rudimentary, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There is no domestic legislation relating to refugees. Consequently, the Government cannot issue legal refugee status or asylum to persons seeking protection on its territory; however, the Government offers temporary protection to persons from Sudan and Somalia on a prima facie basis and provided protection against refoulement. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. There were 661 Sudanese refugees at Elit camp in the west and 3,314 Somali refugees at Emkulu camp, near Massawa. There were also 5,000 to 7,000 Beja Sudanese and approximately 600 Ethiopians in the Gash Barka region to which UNHCR has no access or responsibility. UNHCR was accommodating 200 Ethiopian asylum seekers who arrived during the year.

UNHCR reported that approximately 9,378 refugees were repatriated from Sudan during the year. The repatriation movements had been halted from July 2002 until June due to political tensions with Sudan. At year's end, approximately 36,000 of the approximately 243,000 refugees remaining in Sudan had registered for repatriation while the rest were having their cases assessed on an individual basis. The Eritrean Relief and Refugee Commission (ERREC), a government agency, was the principal organization responsible for returnees and IDPs. The Office of Refugee Affairs (ORA) was responsible for refugees of non-Eritrean origin, including management of the Elit and Emkulu camps. In November and December, the Government cooperated with UNHCR to re-register Sudanese and Somali refugees at the Elit and Emkulu camps.

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

The Constitution, which has not been implemented, provides citizens with the right to change their government peacefully; however, citizens were not allowed to

exercise this right in practice. A small group of former fighters held authority within the Government. The PFDJ completely dominated the Government, which came to power in the 1993 popular referendum in which more than 99 percent of voters chose to have an independent country managed by a transitional government run by the PFDJ rather than to remain part of Ethiopia. The PFDJ has not transitioned to a democratically elected government and national elections, originally scheduled for 1997, were never held. The only authorized political party was the PFDJ, and there were no opposition parties active domestically (see Section 2.b.).

In 2001, the Government arrested and detained without charge 11 senior PFDJ and National Assembly members after they expressed dissenting political views (see Section 1.d.).

In February 2002, a new electoral commission was established to set a new date for elections and review the previously drafted laws; however, elections were still not scheduled at year's end. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the press.

Elections for the first community judges were held throughout the country during the year, although most of these judges had not begun hearing cases by year's end. Elections for non-judicial government positions in Asmara and other large cities, which were planned for 2002, have not occurred.

Three women served on the PFDJ's 19-member Executive Council and 11 women on the 75-member Central Council. Women participated in the Constitutional Commission (occupying almost half of the positions on the 50-person committee). They also served in several senior government positions, including the Ministers of Justice, Tourism, and Labor and Welfare. By law, one-third of regional National Assembly seats are reserved for women, and women also may compete for the unreserved seats; however, the National Assembly does not meet.

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

There were 31 international and 16 domestic NGOs operating in the country; however, only one domestic human rights organization, Citizens for Peace in Eritrea (CPE), was allowed to operate, and its work was limited to advocacy on behalf of war victims. Government officials were cooperative and responsive to CPE's views on these issues. All NGOs were required to register with the ERREC.

International human rights organizations were not permitted to operate within the country, with the exception of the ICRC, which continued its programs during the year and provided shelter to approximately 70,000 persons who were displaced by the conflict with Ethiopia (see Section 2.d.). The ICRC also visited prisons and detention centers where Ethiopians were held during the year (see Section 1.c.).

The Ministry of Foreign Affairs and Ministry of Local Government jointly were responsible for handling human rights inquiries.

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

The transitional Civil Code prohibits discrimination against women and persons with disabilities, and the Government generally enforced these provisions. However, there continued to be problems with violence against women and discrimination against minority ethnic groups.

Women.—Violence against women was pervasive. Spousal abuse is a crime; however, spousal abuse, especially wife beating, was widespread. Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly 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 victims of domestic violence during the year. The Government's 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.

FGM was widespread, with estimates placing the number of women and girls who have been subjected to FGM as high as 95 percent. Almost all ethnic and religious groups in the country practiced FGM. In the lowlands, infibulation—the most severe form of FGM—was practiced. There was no law prohibiting FGM; however, the Government worked to combat the practice of FGM. The Government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students sponsored education programs that discouraged the practice. The U.N. Population Fund, through the Ministry of Health, sponsored reproductive health projects that provided training and awareness programs that focused on the harmful physical and psychological impacts of FGM.

Prostitution is illegal; however, as a result of war-related displacement and difficult economic conditions, prostitution was a serious problem. The problem was magnified by the presence of many international peacekeepers, NGOs, and other foreign men in the country since the end of the war with Ethiopia. There were reports that national service members, who regularly patrol the city at night, occasionally followed prostitutes and arrested those who had spent the night with a foreigner. The Ministry of Labor and Human Welfare continued its National Plan of Action for the Prevention, Rehabilitation, and Reintegration of Commercial Sex Workers and successfully helped some prostitutes to obtain training and re-enter the legal economy.

The Government consistently advocated improving the status of women, many of whom played a significant role as fighters in the independence struggle. Women have a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence; however, in practice, men retained privileged access to education, employment, and control of economic resources, with greater disparities in rural areas than in cities. Women generally did not enjoy a social status equal to men. Laws were enforced unevenly, because of a lack of capacity in the legal system and long-standing cultural attitudes.

The law requires that women between the ages of 18 and 27 participate in national service (see Section 6.c.). During the year, efforts to detain women draft evaders and deserters decreased. According to some reports, women drafted for national service were subject to sexual harassment and abuse. In 2002, most women in the national service were scheduled to be demobilized; however, many were still serving at year's end. In addition, hundreds were required to continue serving in government ministries.

Children.—The Ministry of Labor and Human Welfare is responsible for policies concerning children rights and welfare. The Children's Affairs Division in the Ministry of Labor and Human Welfare covered childcare, counseling, and probation. Although the Government was generally committed to children's rights and welfare, its programs were limited by resource constraints.

Education through grade seven is compulsory and the Government provides tuition-free education; however, students were responsible for uniforms, supplies, and transportation, which can be prohibitively expensive for many families. The Ministry of Labor and Human Welfare operated an Integrated Early Childhood Development Project to keep children off the streets by providing some of the most vulnerable with the books, uniforms, and other supplies necessary so that children would not be forced to drop out of school due to lack of financial resources. Education above grade seven requires a nominal fee and is not compulsory. There was a shortage of schools and teachers at all levels. According to Ministry of Education figures, only 38 percent of children attended school. Approximately 75 percent of the population was illiterate. In rural areas, young girls usually left school early to work at home.

The Government added an additional grade to secondary school during the year and required that all students attend their final year at a location adjacent to the Sawa military training facility. Students who do not attend this final year of secondary school do not graduate and cannot sit for examinations to be admitted to university. The remote location of this boarding school, concern about security, and societal attitudes resulted in few girl students enrolling for their final year of high school; however, women may earn an alternative secondary school certificate by attending night school after completing national service.

The law criminalizes child prostitution, pornography, and sexual exploitation.

FGM was performed on up to 95 percent of all young girls (see Section 5, Women).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The 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 dedicated a substantial share of its resources to support and train these former fighters, who were regarded as heroes. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings; however, many newly constructed buildings provided access for persons with disabilities.

National/Racial/Ethnic Minorities.—There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups, who reside primarily in the west. Because a Kunama opposition group operated out of Ethiopia and was supported by Ethiopian authorities, some Kunama in the country were suspected of supporting or having sympathies with the Ethiopian Government. There continued to be unconfirmed reports that the Government took land from Kunamas

without compensation and gave it to other ethnic groups on the grounds that the land had not been efficiently exploited. There was some societal discrimination against Kunamas because they were seen as ethnically and culturally different from most citizens.

Members of the Kunama ethnic group were detained without charges during the year (see Section 1.b.).

During the year, abuse of Ethiopians by individuals was not systematic, and there were fewer cases than in the previous year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution, which has not been implemented, and Proclamation 118 of 2001, which has the effect of law, provide workers with the legal right to form unions to protect their interests; however, some government policies restricted free association or prevented the formation of unions, including within the civil service, military, police, and other essential services. The Ministry of Labor and Human Welfare must grant special approval for groups of 20 or more persons seeking to form a union. There were no reports that the Government opposed the formation of labor associations during the year.

The National Confederation of Eritrean Workers (NCEW) maintained a close affiliation with the Government, and its leadership consisted of high-ranking PFDJ members. The NCEW represented more than 25,000 workers from 250 unions and received some assistance from the International Labor Organization (ILO) and foreign labor organizations. The largest union within the NCEW was the Textile, Leather, and Shoe Federation.

Unions may affiliate internationally. All five workers' federations in the NCEW maintained affiliations with international unions.

b. The Right to Organize and Bargain Collectively.—Under Proclamation 118, a tripartite board composed of workers, employers, and Ministry of Labor and Human Welfare officials is required to resolve differences. If a case cannot be resolved by the tripartite board to the satisfaction of the parties, the complainant has the option of pursuing the case in court. According to the NCEW, there were 166 labor disputes during the year, of which 20 were resolved in court, 36 through the tripartite board, 60 through negotiations. Fifty cases were still pending at year's end.

The law allows strikes; however, there were no strikes reported during the year. There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were unconfirmed reports that it occurred during the year. All men between the ages of 18 and 45, and women between the ages of 18 and 27, were required to participate in the national service program, which included military training and civilian work programs. In addition, some national service members were assigned to return to their civilian jobs, while nominally kept in the military, because their skills were deemed critical to the functioning of the Government or the economy. These individuals continued to receive only their national service salary. They were required to forfeit to the Government any money they earned above and beyond that salary. High school students also were required to participate in a paid summer work program.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor occurred. The Government does not have a national plan of action to protect children from exploitation in the workplace; however, the legal minimum age for employment is 18 years, although apprentices may be hired at age 14. Proclamation 118 bars children, young workers and apprentices under 18 years of age from performing certain dangerous or unhealthy labor, including working in transport industries, jobs involving toxic chemicals or dangerous machines, and underground work such as mines and sewers. Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws; however, due to the small number of inspectors, inspections were infrequent. It was common for rural children who did not attend school to work on family farms, fetching firewood and water, and herding livestock among other activities. In urban areas, some children worked as street vendors of cigarettes, newspapers, or chewing gum. Children also worked as child-minders, traders, and in small-scale manufacturing.

The Government has not ratified ILO Convention 182 on the Worst Forms of Child Labor.

e. Acceptable Conditions of Work.—Two systems 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 ranged from \$24 to \$288 (325 to 3,900 Nakfa) per month. Factory workers in government-owned en-

terprises earned the highest wages. The minimum wage in the civil service sector did not provide the average worker and family with a decent standard of living.

The standard workweek was 44½ hours, but many persons worked fewer hours. Under Proclamation 118, workers are entitled to 1 rest day per week. Most workers were allowed 1 to 1½ days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement varied widely among factories. Workers were permitted to remove themselves from dangerous work sites without retaliation.

Legal foreign and citizen workers are treated equally under the law. A large number of foreigners worked as teachers.

f. Trafficking in Persons.—The law prohibits trafficking in persons. Unlike in the previous year, there were no reports of trafficking for forced or bonded labor.

ETHIOPIA

Ethiopia continued its transition from a unitary to a federal system of government, under the leadership of Prime Minister Meles Zenawi. 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. The Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) and affiliated parties won 519 of 548 seats in the federal parliament. EPRDF and affiliated parties also held all regional councils by large majorities. The regional council remained dissolved at year's end, and no dates had been set for new elections. Highly centralized authority, poverty, civil conflict, and limited familiarity with democratic concepts combined to complicate the implementation of federalism. The Government's ability to protect constitutional rights at the local level was limited and uneven. Although political parties predominantly were ethnically based, opposition parties were engaged in a gradual process of consolidation. Local administrative, police, and judicial systems remained weak throughout the country. The judiciary was weak and overburdened but continued to show signs of independence; progress was made in reducing the backlog of cases.

The security forces consisted of the military and the police, both of which were responsible for internal security. The Federal Police Commission and the Federal Prisons Administration were subordinate to the Ministry of Federal Affairs. The military, which was responsible for external security, consisted of both air and ground forces and reported to the Ministry of National Defense. Military forces continued to conduct a number of low-level operations against the Oromo Liberation Front (OLF), the Somalia-based Al-Ittihad Al-Islami armed resistance organization (AIAD), and elements of the Ogaden National Liberation Front (ONLF) both in the country and in southern Somalia and northern Kenya. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Members of the security forces committed human rights abuses.

The economy was based on smallholder agriculture, with more than 85 percent of the estimated population of 71 million living in rural areas under very basic conditions and engaged in subsistence farming. Agriculture accounted for approximately 45 percent of gross domestic product (GDP). In urban centers, the majority of economic activity was in the informal sector. Severe drought, massive crop failures, and extensive livestock losses adversely affected approximately 14 million persons during the year, and caused GDP growth to slow. Trade regulations favored EPRDF-owned businesses. Inflation decreased to 3 percent during the year. Military spending continued to decrease 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, corruption was widespread, 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 unlawful killings and at times beat, tortured, and mistreated detainees. Prison conditions remained poor. The Government continued to arrest and detain persons arbitrarily, particularly those suspected of sympathizing with or being members of the OLF. Thousands of suspects remained in detention without charge, and lengthy pretrial detention continued to be a problem. The Government sometimes infringed on citizens' privacy rights, and the law regarding search warrants was often ignored. 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, particularly of opposition party members; security forces at times used excessive force to disperse demonstrations. The Government limited freedom of association, but the non-governmental organization (NGO) registration process continued to improve. On occasion, local authorities infringed on freedom of religion. The Government restricted freedom of movement. Numerous internally displaced persons (IDPs) from internal ethnic conflicts remained in the country. During the year, neither the Human Rights Commission (HRC) nor the Office of the Ombudsman was operational. Violence and societal discrimination against women and abuse of children remained problems. Female genital mutilation (FGM) was widespread. The exploitation of children for economic and sexual purposes remained a problem. Societal discrimination against persons with disabilities and discrimination against religious and ethnic minorities continued. Forced labor, including forced child labor, and child labor, particularly in the informal sector, continued to be a problem. Trafficking in persons remained a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The security forces committed many unlawful killings, including some alleged political killings, during the year. There were numerous reports of unlawful killings during the year.

At least one person died as a result of torture while in the custody of security forces. On April 26, police arrested 40-year-old Abera Hey at his home in Addis Ababa. Two days later, police informed his family that he had hanged himself while in custody; however, Ethiopian Human Rights Council (EHRCO) investigators examined the body and observed a broken chin, missing teeth, injured left ribs, blood on the nose and mouth, and swollen testicles. An internal investigation by the Addis Ababa police was pending at year's end.

There continued to be numerous unconfirmed reports of unlawful killings by security forces, particularly from Oromiya and the Somali regions.

In Addis Ababa, on August 14, a member of the Special Police Force under the Federal Police shot two men as they were walking down the street, killing one and seriously injuring the other. The police officer responsible for the killing was in police custody, and the incident was under internal investigation at year's end.

On December 3, a man wearing a military uniform opened fire with an automatic weapon in a bar in Addis Ababa, killing five persons. The suspect, whose motive for the killing was not known, remained in police custody at year's end.

In December, there were credible reports that military forces participated in the killing of Anuak civilians in the Gambella region. Precise information about the role of the military in that violence was not available at year's end (see Section 5).

Unlike in the previous year, there were no reports that police use of excessive force while dispersing demonstrations resulted in deaths.

The Government arrested the soldier responsible for the July 2002 killing of a 13-year-old boy who was returning home from a wedding party.

Upon completion of its investigation into the police's response to the 2001 riots at Addis Ababa University (AAU), which left 38 persons dead and many others injured, the Government concluded that some security forces responded to the demonstration with excessive force. The Government claimed the victims were looters, not AAU students, and claimed that five or six policemen were punished for using excessive force. The Government also disputed the alleged 2001 police killing of an Oromo student at Mekelle University who had protested the violence at the AAU demonstrations. The results of a police investigation indicated death by drowning, but fellow students and Oromo advocacy groups disputed that finding.

The Government reported it had dismissed 58 policemen during the year for their involvement in the following incidents of pre- and post-2001 election violence: The security forces killing of two opposition supporters during a meeting organized by the Council of Alternative Forces for Peace and Democracy in Ethiopia; the security forces killing of four Southern Ethiopian People's Democratic Coalition (SEPDC) members in Shone village in Badoacho Woreda; and the security forces killing of at least 11 supporters of the SEPDC.

There were no further developments in the following reported 2002 cases: The July killing of a driver in Addis Ababa by soldiers; the November killing of one person and injuring of eight others at a security checkpoint near Hartishek in Somali region; and the December security forces' killing of two persons in Amorate, Southern Region.

During the year, the Government took no disciplinary action against members of the security forces responsible for the 2001 killing of five persons during riots between Christians and Muslims in Harar.

It remained unclear at year's end whether the Government investigated the death of the chairman of the Kure Beret Farmers Association, who was reportedly killed in 2002 while being held in prison for questioning related to the killing of 31 Afar women in October 2002 (see Section 5).

The armed elements of the OLF and ONLF continued to operate within the country and clashed with government forces on several occasions, resulting in the death of an unknown number of civilians. From October 12 to 14, fighting between the OLF and government forces in Gombisa and Dukale, in Hidilola, resulted in an undisclosed number of casualties.

There was no additional information available on the November 2002 incident in which government soldiers rounded up and killed farmers accused of supporting the Ethiopian Patriotic Front, an armed Amhara dissident group. There was no additional information at year's end on the military's October 2002 killing of 25 persons and injuring of 37 in fighting with elements of the ONLF, near the town of Luga on the Somalia border.

At year's end, there were approximately 2 million landmines in the country, most dating from 1998 to 2000 war with Eritrea. U.N. Peacekeeping Mission in Eritrea and Ethiopia (UNMEE) officials reported that new landmines were planted on both sides of the Ethiopian-Eritrean border during the year. UNMEE reported a total of 19 deaths caused by unexploded landmines and ordnances during the year. For example, on August 13, six persons were killed and three injured when their tractor hit a freshly planted landmine south of Humera, near the border with Eritrea. On September 13, two children were killed while playing with an unexploded rocket-propelled grenade near Tserona within the Temporary Security Zone along the Ethiopian-Eritrean border.

The government demining unit continued to make limited progress in its survey and demining of border areas.

On July 12, a bomb exploded at the Segen Hotel in Addis Ababa, injuring 31 persons. An investigation into the incident was pending at year's end.

On September 26, a bomb planted aboard a passenger train exploded near the town of Adiquala, killing two persons and injuring nine. No group claimed responsibility for the bomb, although authorities believed the OLF was responsible.

Early in the year, the nine defendants charged with the September 2002 bombing of the Tigray Hotel in Addis Ababa pled not guilty. At year's end, five remained in custody, and the other four had been released without charges.

There was no new information available on the August 2002 bombing at the Edom Hotel in Jijiga, which killed one person and injured six others.

The Government reported three persons were arrested and were awaiting trial for the July 2002 killing of the head of the education bureau of the Southern Region and two other men; it is unknown if they were still being held incommunicado in a military camp in Awassa (see Section 2.b.).

It is unknown whether any arrests have been made in connection with the February 2002 bandits' killing of a South African tourist outside Gondar.

Ethnic clashes resulted in hundreds of deaths during the year (see Section 5).

The Federal High Court in Addis Ababa continued to arraign and prosecute those formally charged with genocide and other war crimes, including extrajudicial killings, under the previous Dergue regime (see Section 1.e.).

b. Disappearance.—There were some reported cases of disappearances perpetrated by government forces during the year, some of which may have been politically motivated. In nearly all cases, security forces abducted persons without warrants and detained them in undisclosed locations for varying lengths of time ranging from weeks to months. For example, in December, Ahmad Haji Wase, an information officer for the Afar Regional Government, was reportedly detained in an undisclosed location for a report he wrote about fighting between Afar rebels and government troops. Ahmad's report alleged that food aid sent for displaced persons in the town of Bure had been diverted to the army. Ahmad's whereabouts were unknown at year's end.

The Government reported that Mesfin Itana, Yilma Mosisa, and Gdissa Mosisa, who were believed to have disappeared after being detained in connection with the September 2002 bombing of the Tigray Hotel in Addis Ababa (see Section 1.a.), were in government custody and awaiting trial. Several young Oromo businessmen remained missing at year's end.

The whereabouts of Oromo singer Raya Abamecha remained unknown at year's end. The Government stated it had no information about his case and had not opened an investigation.

On March 21, EHRCO issued a report documenting the disappearances of 39 individuals over the past 10 years, allegedly by security forces. Although there are many more reports of disappearances, EHRCO included in the report only those with the most detailed evidence. Among those persons missing were Seble Wengel, who disappeared in May 2002; Hailu Desta, a 28-year-old resident of Debre Markos and one-time independent candidate for the federal Parliament, who disappeared in December 2001; and Siraj Mohammed, who was abducted in October 2001. All but 1 of the 39 persons reported to have disappeared are men, and 35 of the disappearances took place in Addis Ababa. In 21 of the cases, the report provided eyewitness accounts of the abductions by armed security forces.

Unlike in the previous year, there were no reports that government forces abducted persons during incursions into Somalia.

The 32 Nuer IDPs abducted from a bus headed to Fugnido refugee camp by Anuak fighters in July 2002 were found to have been killed. At year's end, it was unknown whether the Government had investigated the case or whether any arrests had been made.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of torture and mistreatment; however, there were several credible reports during the year that security officials often beat or mistreated detainees. Opposition political parties reported frequent and systematic abuse of their supporters by police and government militias.

At least one person died as a result of torture while in the custody of government security forces (see Section 1.a.).

Government militia committed numerous abuses against Ethiopia Unity Party (AEUP) supporters during the year, many of which EHRCO investigated and corroborated. For example, in January, local militia leaders and police detained Nake Abebe, a member of Didite Kebele Farmers' Association, Lumame Woreda, Amhara region, for his involvement in an AEUP meeting. While in detention for 8 days, Nake was beaten and tortured on his legs and chest with drops of melted plastic.

On February 20, the head of the woreda militia coordination and four militiamen beat Ayele Liyew, the AEUP chairman in Sebshango Kebele, Dejen Woreda, and his brother, Habtamu Liyew, who was also an AEUP member.

Many persons were beaten following their attendance of AEUP meetings. For example, on October 2, local officials of Mertolemariam Woreda, Amhara Region, led by Lakachew Adamu, the woreda administrator, and accompanied by kebele militia, ordered the national flag removed from the pole in front of the AEUP office. They then severely beat four AEUP officials—Retta Bayih, Awoke Tegegn, Derejaw Ayehou, and Alellign Ayalew—for their participation in a September 23 AEUP public meeting. The AEUP office was closed and had not been allowed to reopen at year's end.

On October 12, in Bichena town, Amhara Region, government militia accosted AEUP leaders Kassa Zewdu and Sinishaw Tegegn following a large AEUP public meeting, beat them, and threw them in Bichena jail. No charges have been brought against the two.

Security forces beat persons for personal reasons as well. For example, in March, members of the Federal Police pulled a teacher at Misrak Goh elementary school in Addis Ababa out of his classroom in broad daylight and severely beat the teacher after he refused to change the grade of a student related to one of the policemen. The teacher was taken to the central police station for questioning and later released.

Security forces beat and tortured members of religious groups during peaceful assemblies (see Section 2.c.).

Security forces beat journalists during the year (see Section 2.a.).

Unlike in the previous year, there were no reports that government security forces tortured refugees or that the Government's refugee agency beat refugees. By year's end, it was unclear whether the Government's refugee agency had conducted investigations into such abuses from previous years (see Section 2.d.).

There was no known action taken against the security forces responsible for injuring dozens during the August 2002 beating of numerous runners, or the severe beating of Oromo student activist Gelan Nedhi Chewaka in December 2002. Although released from the hospital, Chewaka's condition remained serious at year's end.

No action was taken, nor was any likely to be taken, against members of the security forces responsible for torturing, beating, or abusing persons in the reported 2001 cases.

The Government reportedly suspended 58 police officers for their involvement in the 2001 pre- and post-election violence, although it could not specify who was involved in particular crimes (see Section 1.a.).

There were reports during the year that security forces raped or sexually abused persons during arrests, detentions, or other government operations.

No known action was taken against the security forces responsible for the 2001 rape of two girls in Hosana or the 2001 rape of a woman from Soro who was in temporary detention.

There were reports of injuries and at least 19 deaths caused by unexploded landmines and ordnances (see Section 1.a.).

During the year, ethnic clashes resulted in numerous injuries (see Section 5). On December 15, according to credible reports, soldiers raped two Anuak women at gunpoint in the town of Echeway, Gambella Region, during the outbreak of violence against Anuaks (see Section 5).

Prison conditions were very poor and overcrowding remained a serious problem. Prisoners often were allocated fewer than 21.5 square feet of sleeping space in a room that could contain up to 200 persons. The daily meal budget was approximately 25 cents per prisoner per day, and many prisoners had family members deliver food every day or used their own funds to purchase food from local vendors. Prison conditions were unsanitary, and access to medical care was not reliable. There was no budget for prison facility maintenance. Prisoners typically were permitted daily access to prison yards, which often included working farms, mechanical shops, and rudimentary libraries. Prison letters must be written in Amharic, which made outside contact difficult for non-Amharic speakers; however, this restriction generally was not enforced.

During the year, the ICRC conducted training programs for prison officials on proper treatment of prisoners. The training was for prison directors, and heads of security, health, and administration in the Amhara and Southern regions and it covered issues such as respect for human dignity, treatment of women and children, and medical treatment of sick detainees.

Visitors generally were permitted; however, they were sometimes denied access to detainees.

Female prisoners were held separately from men; however, juveniles sometimes were incarcerated with adults. There was only 1 juvenile remand home with a capacity of 150 for children under age 15, and the juveniles who could not be accommodated at the juvenile remand home were incarcerated with adults. Pretrial detainees were usually detained separately from convicted prisoners at local police stations or in the limited Central Investigation Division (CID) detention facility in Addis Ababa until they were charged. The law requires that prisoners be transferred to federal prisons upon conviction; however, this requirement sometimes was not enforced in practice.

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.

The Government permitted independent monitoring of prisons and police stations by the ICRC. Unlike in the previous year, diplomatic missions were also granted access upon providing advance notification to prison officials. The ICRC generally had access to federal and regional prisons, civilian detention facilities, and police stations throughout the country during the year. During the year, the ICRC carried out more than 160 visits to 128 detention centers throughout the country and was permitted to visit regularly all of the 29 police stations in Addis Ababa during the year. The ICRC was allowed to meet regularly with prisoners without third parties being present. The ICRC received government permission to visit military detention facilities where suspected OLF fighters were detained. The ICRC also continued to visit civilian Eritrean nationals and Ethiopians of Eritrean origin detained on national security grounds.

Government authorities continued to permit diplomats to visit prominent detainees held by the Special Prosecutors Office (SPO) for alleged involvement in war crimes and terrorist activities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government frequently did not observe these provisions in practice.

The Federal Police Commission was subordinate to the Ministry of Federal Affairs. Corruption and impunity were sometimes a problem. Government militias operated as local security forces independent of the police and the military.

In October, an employee of the Federal Police and an employee of the Federal Anti-Corruption Commission were implicated in an alleged kidnapping of a businessman in Addis Ababa. The suspects demanded \$5,800 (50,000 birr) from the abductee. Both men were in police custody at year's end.

Under the Criminal Procedure Code, any person detained must be informed of the charges within 48 hours and, in most cases, be offered release on bail. Bail was not available for some offenses, such as murder, treason, and corruption. In most cases,

bail was set between \$116 (1,000 birr) and \$1,160 (10,000 birr), which was beyond the reach of most citizens. Suspects of serious offenses could be detained for 14 days while police conduct an investigation, if a panel of judges ordered it, and for additional 14-day periods while the investigation continues. In practice and particularly in the outlying regions, authorities regularly detained persons without warrants, did not charge them within 48 hours, and, if persons were released on bail, never recalled them to court. The law also prohibits detention in anything less than an official detention center; however, there were no such centers at the kebele level. The Government provided public defenders for detainees who were unable to afford private legal counsel, but only when their cases came before the court. While in detention, such detainees were allowed little or no contact with their legal counsel.

There were many reports from opposition party members 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. Opposition parties registered many complaints during the year that government militias beat and detained their supporters without charge for participating in opposition political rallies (see Section 1.c.).

For example, in May, the Government arrested three members of the Movement for Democratic Change, an Eritrean opposition group, for a press statement issued by the group that called upon the Government to comply with the findings of the Ethiopia-Eritrea Boundary Commission and withdraw from the village of Badme. The three Eritreans—Yohannes Almaz, Jemal Abdul Awel, and Hadish—were arrested in Addis Ababa. No further information about their cases was available at year's end.

In July, ruling party supporters, backed by local militias, closed the Konso People's Democratic Union (KPDU) branch office in Konso and imprisoned KPDU leaders Tesfaye Korra and Adane Fulayta for 1 week. Ruling party supporters looted the office and damaged the roof. Tesfaye and Adane were later released on bail.

On September 30, six policemen removed the national flag from the office of the United Ethiopia Democratic Party (UEDP) in Masha Woreda, Sheka Zone, Southern Region, and detained UEDP representative Berhanu Hailu in Masha police prison for 3 weeks. He was released after posting \$580 (5,000 birr).

On October 12, government militias acting on the authority of local officials arrested Shako Otto Kora, Chairman of the KPDU, in Konso, Southern Region, and detained him for 6 days. Local ruling party officials accused him of "disturbing development activities" for visiting one of his party's branch offices that had been closed. He posted bond of \$151 (1,300 birr). On October 17, he was transferred to Arba Minch and brought before the High Court to face charges dating back to the election period in 2000, including slandering a local official and poking an official of the ruling party in the eye. He was jailed for 4 days before posting bail of \$116 (1,000 birr).

The Government continued its harassment of teachers during the year, particularly in Oromiya and Tigray. The independent Teachers Association (ETA) reported that numerous teachers were detained and accused of being OLF sympathizers, many of whom still were in prison at year's end. Some of the teachers have been in detention for several years without charges. Such cases were remanded at least 10 to 15 times, for 2 weeks each time, and the courts allowed police to conduct investigations that continued for months. In addition, judges were shifted among cases, failed to show up for hearings, or new judges were not reassigned in time for hearing dates upon the death or incapacity of assigned judges. While lack of capacity within the judicial system contributed to this problem, several of the prolonged detentions were politically motivated. Detention conditions remained poor.

Police detained journalists during the year (see Section a.).

Police detained persons for holding meetings and demonstrations during the year (see Section 2.b.).

Opposition groups alleged that some of the persons detained by the SPO were held for political reasons, an allegation that the Government denied (see Section 1.e.).

In response to attacks by armed opposition groups operating out of Somalia and Kenya (see Section 1.a.), the military continued to conduct operations around border areas. The vast majority of military interventions took place in the Gambella, Somali, and Oromiya regions. In February, during an interview with the British Broadcasting Company, Prime Minister Meles acknowledged that government soldiers continued to make incursions into Somalia during the year. 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. Among those still in custody at

year's end is Dinkinesh Deressa Kitila, an employee of Total/Elf oil company, who was arrested in June 2002 on suspicion of being an OLF supporter.

There was no further information at year's end on the 600 criminal detainees in the Oromiya region who were not charged, pending ongoing investigations.

Parliamentary immunity protected members of the House from arrest or prosecution except in the act of committing a crime ("flagrante delicto"). The court tried a parliamentarian in absentia for the murder of a policeman after he went into hiding. He was found not guilty and cleared of all charges.

In the months immediately before the 2001 regional elections, authorities harassed and detained supporters of parties belonging to the SEPDC opposition coalition. Of the 49 SEPDC supporters detained in Hosana and Durame in 2001 who remained in detention for the killing of a policeman and property destruction in Kembatta Tembaro Zone, Oromiya Region, 21 were released for lack of sufficient evidence after spending 3 years in detention. Twenty-eight others remained in detention in Durame prison. In December, the Zonal High Court in Durame found 9 of those 28 persons guilty of the policeman's murder and sentenced them to life in prison. The status of the other 19 persons detained was unknown at year's end.

Former AAU president Alemeyehu Tefera, imprisoned since 1993 on charges of ordering the murder of two boys as a Dergue government official, was released during the year.

The cases against Berhanu Nega and Mesfin Woldemariam, two prominent academics and human rights activists charged with inciting AAU students to riot in 2001, were pending at year's end.

The following detainees remained in custody at year's end: Alazar Dessie, an American citizen working as a consultant to the Commercial Bank of Ethiopia, who was arrested and charged with abuse of power (a nonbailable offense) and has been awaiting trial for more than 2½ years; 24 businessmen and government officials, who were arrested in 2001 under allegations of corruption but never were charged formally; the official driver of the Eritrean Embassy, who was arrested in 2001 and whose whereabouts remained unknown.

The Government detained several persons without charge at the Gondar Prison, some for years, while the police investigated their cases. Muche Berihun, who was charged with murder although the person whom he allegedly murdered was killed after he was detained, was held in solitary confinement for 3½ years. His hearing began in June 2002; however, the court adjourned and the status of the hearing was unknown at year's end. He remained in detention at year's end. Wondante Mesfin has been in detention in Nefas Mewcha Prison in South Gondar Zone since 1994 and has never appeared in court nor been charged formally.

Thousands of criminal suspects remained in detention without charge; many of the detainees were accused of involvement in OLF activities or were arrested after the 2001 student demonstrations.

Exile is prohibited and there were no reports of forced exile during the year. A number of persons remained abroad in self-imposed exile, including 44 journalists (see Section 2.a.).

At year's end, it was unclear how many of the 247 Ethiopian students who fled to Kenya following the 2001 riots at AAU, and were granted refugee status, remained at the Kakuma refugee camp in northwest Kenya. The UNHCR reported that despite fears of detention, many students voluntarily returned to the country during the year. There was no new information during the year about students who reportedly fled to Djibouti after the 2001 riots.

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 citizens the full protections provided by the Constitution.

The Government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the district (woreda), zonal, and regional levels. The federal High Court and federal Supreme Court heard and adjudicated original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary increasingly was autonomous, with district, zonal, high, and supreme courts mirroring the structure of the federal judiciary. There were two three-judge benches at the High Court level to handle criminal cases. The SPO delegated some of the war crimes trials to the supreme courts in the regions where the crimes allegedly were committed, which increased the efficiency of the process.

Regional offices of the federal Ministry of Justice monitored local judicial developments, and the regional courts had jurisdiction over both local and federal matters,

but the federal judicial presence in the regions was limited. Anecdotal evidence suggested that some local officials believed they were not accountable to a higher authority. Pending the passage by regional legislatures of laws particular to their region, all judges are guided by the federal procedural and substantive codes.

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 acknowledged that the pay scale offered did not attract the required numbers of competent professionals.

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 (see Section 1.d.). Although the Constitution provides for a presumption of innocence, defendants did not enjoy this protection in practice. The public defender’s office provides legal counsel to indigent defendants, although its scope remained severely limited, particularly with respect to SPO trials. Access to prosecutorial evidence before a trial was routinely denied to the defense, even though there is no law forbidding this and the law explicitly stipulates that persons charged with corruption are to be shown the body of evidence against them prior to their trials.

The Constitution provides legal standing to some pre-existing 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 systems of justice, like councils of elders, continued to function. Although not sanctioned by law, these traditional courts resolved disputes for the majority of citizens who lived in rural areas and who generally had little access to formal judicial systems.

Three federal judges sat on one bench to hear all cases of juvenile offenses. There was a large backlog of juvenile cases and accused children often remained in detention with adults until their cases were heard.

The outbreak of hostilities with Eritrea in 1998 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 training need remained unmet by year’s end.

The SPO was established in 1992 to create an historical record of the abuses committed during the Mengistu Government (1975–91)—also known as the Dergue regime—and to bring to justice those criminally responsible for human rights violations. The SPO had authority to arrest and interrogate anyone suspected of involvement in the 1976 “Red Terror” Campaign under Mengistu and other crimes. Trials began in 1994 and continued during the year. Of the 5,198 cases, the federal High Court in Addis Ababa continued to arraign and prosecute those charged with politically motivated genocide, war crimes, and aggravated homicide under the previous regime, including the disappearance of 14,209 persons. Although the process was subject to frequent and lengthy adjournments, in November, the SPO reported that 99 percent of all Dergue-related trials had been completed. Approximately 3,000 were tried in absentia, including former dictator Colonel Mengistu Haile Mariam, who remained in exile in Zimbabwe. Updated statistics on the number of decisions handed down and the number of persons convicted during the year were unavailable at year’s end. Court-appointed attorneys, sometimes with inadequate skills and experience, represented many of the defendants, following claims that they could not afford an adequate defense.

There was no additional information available on the status of the cases against persons charged in 2001 with participating in the 1987 Hawzein Massacre.

On November 28, a federal High Court ruled that property and assets seized from the independent ETA in 1993 should be returned to it immediately. The court’s decision also entitled the ETA to seek compensation for damages caused by the lengthy litigation.

There were reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law requires judicial search warrants to search private property; however, in practice, particularly outside of Addis Ababa, police often searched property without obtaining warrants. Opposition party representatives claimed that police sometimes used fraudulent warrants to enter homes and commit criminal acts, including money extortion. There were reports that members of the Federal Police robbed persons during the year, including through the use of false warrants. For example, on July 14, members of the Federal Police threatened a man with force, showed a fraudulent

search warrant, and robbed the man of \$6,381 (55,000 birr) in Addis Ababa. The case was under investigation at year's end. On August 7, five members of the Federal Police robbed \$34,802 (300,000 birr) from a man in Addis Ababa. The police showed fraudulent search warrants, and threatened to shoot the man if he did not give them the money. Two of the suspects were arrested. Reports indicate that the victim was accused of being a member of the OLF.

There continued to be reports that police forcibly entered the homes of civilians. There also were reports that security forces took persons from their homes in the middle of the night without warrants.

On August 27, according to the AEUP, security forces entered the home of Nibret Yizenga, AEUP chairman in Debre Marcos Woreda, Amhara Region, without a warrant.

Opposition parties complained of frequent government interference in their activities, ranging from closing party offices to frustrating their attempts to hold meetings to beating and detaining party members (see Sections 1.c., 1.d., and 2.b.). In addition, opposition party members reported that their homes were burned down and their offices looted (see Section 3).

The Government arbitrarily monitored private communication such as Internet communications and phone conversations. All electronic communications facilities were state-owned. The Government also used a system of paid informants to report on the activities of particular individuals.

There were reports during the year of the forced displacement of families in rural areas. The Government continued implementing its plan of resettling persons from drought-prone areas to more fertile lands. The Government said its resettlement program was entirely voluntary, but some opposition parties accused local authorities in some rural areas of targeting opposition supporters for resettlement by manipulating resettlement rosters. NGOs like Doctors without Borders reported that in several instances, the Government had resettled persons to areas with no existing infrastructure or clean water supply, resulting in unusually high rates of infant mortality.

Unlike in the previous year, there were no reports that police forcibly returned persons suffering from famine and drought to their villages.

There continued to be reports that the Government, in an attempt to "clean up" Addis Ababa, forcibly resettled persons to an area outside of the city.

There continued to be credible reports during the year from EHRCO and opposition parties that in certain rural areas in the Southern Region, Oromiya Region, and Amhara Region, local officials used threats of land redistribution and withholding of food aid and fertilizer to garner support for the ruling coalition. On February 1, ruling party officials and supporters threatened to withhold food assistance to those participants at an AEUP meeting in Debre Tabor, Amhara Region, and to remove them from their farmland. In September, ruling party cadres threatened to take away land occupied by eight farmers, who were supporters of the United Ethiopia Democratic Party (UEDF), in Masha Woreda, Southern Region. Ruling party cadres told the farmers that opposition party members were not entitled to land and told them to refrain from participating in UEDF activities. When the farmers refused to comply with this demand, they were evicted from their land.

There also were credible reports that teachers and other government workers have had their employment terminated if they belonged to opposition political parties. For example, in October, two teachers in Masha Woreda were dismissed for being members of UEDP.

During the year, the Southern Regional Council passed a Civil Service Proclamation that requires all government employees to support the policies and programs of the Government or face termination of their employment. There were many credible reports from the SEPDC that some government officials used this law to remove opposition supporters from their jobs.

The SEPDC and AEUP reported that some kebele officials and ruling party supporters used coercion to dissuade residents from participating in activities of opposition political parties, and threatened prospective landlords from renting office space to those parties (see Section 3).

The Family Law Code imposes a 6-month waiting period on anyone seeking to remarry following a divorce or the death of one's spouse (see Section 5). The Government maintained that this waiting period was necessary to determine whether a woman may still be carrying the child of her former spouse.

Security forces detained family members of persons sought for questioning by the Government, such as suspected members of OLF.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and press; however, the Government restricted these rights in practice. The Government continued to prosecute journalists and editors for violating the press law. The Government controlled all broadcast media. Some private and government journalists practiced self-censorship. Nonetheless, the private press remained active and often published articles that were extremely critical of the Government.

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. The Government continued to oppose activities and operations of groups that were critical of it, such as the independent ETA and opposition political parties, by denying them permits to hold meetings (see Section 2.b.).

The independent print media were active and expressed a wide variety of views without government restriction. There were two government-owned dailies.

Radio remained the most influential medium for reaching citizens, particularly those who live in rural areas. Although the law allows for private radio stations, a regulatory mechanism was not in place, and there were no independent radio stations. The Government continued to control all radio and television broadcast media. The two nongovernmental stations, Radio Fana, a station controlled by the ruling EPRDF coalition, and the TPLF radio, which broadcast in the Tigrigna language from Mekele, had close ties to the Government. Broadcasting time on the state-run Radio Ethiopia was sold to private groups and to individuals who wanted to buy spots for programs and commercials. The Government operated the sole television station, and news was controlled tightly. By year's end, the Ethiopian Broadcasting Agency (EBA) had not started issuing broadcast licenses.

There were no restrictions on access to international news broadcasts. Ownership of private satellite receiving dishes and the importation of facsimile machines and modems were permitted; however, access to this technology was limited by its cost and the limited capacity of the Ethiopian Telecommunications Corporation.

Foreign journalists continued to operate freely and often wrote articles critical of government policies. They or their local affiliates were often granted greater access to government officials than were local independent journalists. Several foreign news organizations maintained bureaus or offices in Addis Ababa; the majority of these were staffed with local journalists, and they operated free of government restriction.

There were reports that police harassed, beat, and detained journalists during the year. For example, Araya Tesfa Mariam, a journalist working for the private newspaper Tomar, reported receiving threats and anonymous telephone calls for his refusal to divulge confidential sources related to a story he had written. Araya alleged that on October 1, three men wearing Federal Police uniforms and brandishing iron rods assaulted him and threw him off a bridge into a river in the Yeka neighborhood of Addis Ababa, leaving him for dead. He suffered broken bones and teeth during the fall and cannot walk. The EHRCO investigated the matter and corroborated these events in a special report. The Federal Police disavowed any knowledge of the incident. Although police stated they would open an investigation into the case if Araya requested one, no investigation had been requested by year's end for fear of further retribution by security forces.

On October 16, Daniel Gezahegn, editor in chief of Maged, and Wondimeneh Nigussie, deputy editor in chief, were summoned to the CID Office because of an editorial letter published in Maged on September 6. Both were released on bail of \$232 (2,000 birr) each. At year's end, Gezahegn continued to face charges for an article that he wrote that was critical of the Ethiopian Orthodox Church.

The Government used statutory provisions concerning publishing false information, inciting ethnic hatred, libel, and publishing articles offensive to public morality to justify the arrest and detention of journalists. Independent journalists accused the Government of selectively applying sections of the Penal Code to levy charges against journalists and applying sections of the 1992 press law for penalizing them. During the year, journalists were detained. For example, on May 14, Wossenseged Gebrekidan was charged with defamation for his May 2002 article in Ethop critical of Habtemariam Seyoum, the country's Ambassador to France. Wossenseged appeared in court and was charged with "slandering the good name of the ambassador." He was jailed because he was unable to post bail of \$232 (2,000 birr), but was released on May 16 when fellow journalists secured his bail. Wossenseged was arrested again and charged with inciting the armed forces against the Government for an article he wrote on June 4. He was released on \$580 (5,000 birr) bail. His hearing is scheduled for May 7, 2004. On October 9, police arrested Wossenseged

for allegedly “disseminating fabricated information” in a report he wrote about the national military service proclamation. He was released on bail of \$581 (5,000 birr).

On July 1, the former editor in chief of *Satenaw*, Merid Estifanos, was charged with libel against Prime Minister Zenawi. He was later released on bail of an undisclosed amount.

Zegeye Haile, editor in chief of *Genanaw*, who was arrested in July 2002, remained in detention at Addis Ababa Central Prison on unspecified charges. No other details were available on his pending case at year’s end.

Journalists were tried, sentenced, and fined during the year. For example, in August, a Shari’a court found three journalists working for *Al-Nejashi* newspaper guilty of libel against the spouse of a Muslim woman. The Shari’a court sentenced the publisher Arif Abdulkadir, managing editor Awol Kedir, and editor in chief Yusuf Getachew to 1 month in jail and also fined them an undisclosed amount of money. On August 28, a civil court ordered the three journalists released on bail. The status of their appeal before the Federal Shari’a Court was unknown at year’s end.

Desta Lorenzo and Wuletaw Baye, both of the *Addis Lissan* newspaper, were fined the equivalent of 10 days’ salary by the Addis Ababa City Administration and Information Bureau, which oversees publication of that newspaper, for reporting on February 15 that the bureau was changing to a mass media information agency.

Approximately 35 journalists had trials pending at year’s end, according to the Ethiopian Free Press Journalists Association (EFPJA).

Some journalists arrested in 2002 and 2001 and released on bail had charges pending at year’s end, including Melese Shine, editor of *Ethop* newspaper and magazine; Tamrat Zuma, editor in chief of the defunct Amharic-language weekly *Atkurot*; and Tilahun Bekele, editor of *Netsanet* newspaper.

Other cases against journalists were resolved during the year. For example, on January 8, Lubaba Seid, former editor in chief of *Tarik*, was released following her April 2002 sentencing to 1 year imprisonment for disseminating “fabricated news that could have a negative psychological effect on members of the Defense Army and disturb the minds of the persons.” *Tarik* had not resumed publication by year’s end.

On April 1, Befekadu Moreda, publisher and editor in chief of the weekly newspaper *Tomar*, appeared in court to face libel charges against the manager of a government-owned cement factory. Befekadu was released on \$232 (2,000 birr) bail. Charges against him were dropped during a subsequent June 23 court appearance.

At year’s end, about 44 journalists remained in self-imposed exile.

All official media received government subsidies; however, they legally were autonomous and responsible for their own management and partial revenue generation. The Ministry of Information was the Government’s official spokesperson and managed contacts between the Government, the press, and the public; however, the Government routinely refused to respond to queries from the private press and often limited its cooperation with the press to the government-run Ethiopian News Agency, the ruling party-controlled *Walta* news agency, and correspondents of international news organizations. Government reporters practiced self-censorship.

Generally 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 were no reports that members of the independent press were barred from attending press conferences given by government agencies. The Prime Minister’s office continued to deny all access to the independent press for coverage of official events at the Prime Minister’s office. The independent press was also denied access to the opening session of the Federal Parliament during the year.

The Ministry of Information required that newspapers show a bank balance of \$1,165 (10,000 birr) at the time of their annual registration for a license to publish. This sum effectively precluded some smaller publications from registering. Although the requirement was not enforced strictly, the Ministry of Information noted publicly that many newspapers were not in compliance and could be closed down on short notice. Permanent residency also was required to establish a newspaper. The Government did not require this of other businesses, and some independent journalists maintained that the residency requirement was used as a form of intimidation. The press law required all publishers to provide free copies of their publications to the Ministry of Information on the day of publication.

The majority of private papers as well as government papers were printed at government-owned presses. However, a few private newspapers started using smaller private printing presses, one of which was owned by the publisher of the *Daily Monitor*. Police had the authority to shut down any printing press without a court order, but did not exercise that power during the year. Unlike in the previous year, there

were no reports that the independent media was unable to print articles on the government-owned printing press.

Newspapers critical of government leaders and their policies were available widely in the capital but scarce elsewhere, although circulation in the regional capitals increased during the year. Journalists said that distribution problems were a function of newspapers' financial constraints rather than government prohibitions.

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. While much of the private press continued to lack professionalism in its reporting, some print media continued developing into more responsible publications. Many private newspapers and opposition newsletters continued to publish inaccurate information, unsubstantiated stories, and harsh antigovernment articles without any official penalty. Several publications were tied to distinct ethnic groups, particularly the Amharas and Oromos, and severely criticized the Government for being ethnocentric.

In May, Tsege Gebreamlak, editor in chief of the Ethiopian Herald, a government daily, was suspended from his job for his criticism of nepotism and corruption within the Ethiopian Press Agency published on the editorial page of his newspaper. His office was sealed, and he was prevented from entering the compound. Tsege was not reinstated and left the newspaper.

The Government prohibited political parties and religious organizations from owning stations; foreign ownership also was prohibited. The AEUP complained that Ethiopian Television officials would not broadcast paid party announcements without first censoring key portions of the message script.

The EFPJA continued to be active during the year, organizing journalism training workshops and issuing statements to press advocates and human rights organizations inside and outside the country on the arrest and harassment of journalists. EFPJA was active in organizing discussions on the draft press law and pushing for amendments to it. In cooperation with an international NGO, EFPJA organized a conference from October 21 to 22 on media development in the Horn of Africa, which included representatives of international press advocacy groups and African media institutes, as well as the Government's Minister of Information.

However, on November 10, the Ministry of Justice (MOJ) ordered the EFPJA to suspend its activities and froze its bank account for its failure to reregister with the MOJ by providing required annual activity and audited financial reports for the previous 3 years. The MOJ also enforced the same NGO regulations against an association of government journalists. On December 2, the MOJ suspended five EFPJA executive committee members. The Government said it would review the EFPJA's application for registration once it submitted the requisite reports. The EFPJA accused the Government of shutting it down because of its critical comments on the government's draft press law. The MOJ announced that it would convene a general assembly of the EFPJA to allow members either to choose new leadership or reelect the suspended leaders to office. The case was pending at year's end.

The Ethiopian Women's Media Association (EWMA), which included both government and private journalists, remained active during the year; the EWMA organized training and workshops and printed a journal.

In February, the National Union of Journalists of Ethiopia (NUJE) was established and received its license from the Government, becoming the country's fourth journalists' association. Citing the difficulties journalists experience in having their voices heard, the NUJE decided to exclude publishers from its membership.

The Government did not restrict Internet access. Internet access was provided through the government-controlled Ethiopian Telecommunications Corporation, which maintained a waiting list for new accounts. No private Internet service providers were operating at year's end. Private satellite transmission uplinks were not allowed.

The Government generally did not respect academic freedom during the year. The Government maintained that professors could research any field within their discipline but that they could not espouse political sentiments. Teachers at all levels were not permitted to deviate from official lesson plans. AAU students are prohibited from forming associations on the basis of their ethnicity. UNHCR reported that many of the student leader activists who fled after the 2001 riots have returned to the country. Political activity was discouraged on university campuses. There were unconfirmed reports that uniformed police officers were visible on campuses and that plainclothes security officers tried to blend in with the student body. While in theory student governments were permitted, many students refrained from involvement in any on-campus activity that could be considered political in nature by the Government. Human Rights Watch reported that the student union and student newspaper were banned during the year. Unlike in the previous year, there were

no reports that AAU administration officials resigned because of growing government interference in internal university matters. According to a 2002 survey conducted by the ETA of 280 public universities and secondary schools throughout the country, nearly 90 percent of the school directors and vice-directors of those schools belonged to the ruling party or its affiliates.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, on several occasions 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 several reports during the year that permits were denied to opposition parties. Opposition parties also reported long, unexplained delays by the Government in issuing permits and last minute revocations of permits, which hindered the ability of groups to organize events.

Opposition political parties reported that their supporters were the targets of frequent and systematic violence by ruling party supporters during the year, often after leaving meetings (see Sections 1.c. and 3).

On October 12, according to the AEUP, Aklilu Seyoum, the youth organizer of AEUP in the Kebele 31 Farmers Association, in Mekane Selam Woreda, Amhara Region, applied for and was denied permission to hold a meeting of AEUP's youth wing.

Some opposition political parties charged the Government with deliberately obstructing their attempts to hold public meetings. Local government officials granted the UEDP permission to conduct a conference in Mekelle on June 29; however, on the day of the conference, UEDP officials were told that the regional government needed the hall for an urgent meeting, and UEDP was denied its meeting venue. AEUP reported that even after it had obtained permission to hold meetings and left deposits for meeting halls in Debre Marcos, Bahir Dar, Gondar, Jimma, and Awassa, they were told suddenly that the halls were unavailable. AEUP also reported that on June 14, at an AEUP meeting at Debre Birhan Cinema Hall, ruling party supporters physically obstructed persons from entering the meeting hall.

The independent ETA continued to encounter government restrictions while attempting to hold meetings or demonstrations. In June, police locked the offices of the ETA during its 54th anniversary celebration and told those trying to attend that the celebration had been cancelled. On October 5, police blocked leaders of the ETA from leaving the premises of ETA's office in Addis Ababa to stage a planned demonstration against the Government's education policy. ETA reportedly received a permit to demonstrate and notified the Addis Ababa Municipal Administration and the Ministry of Justice 2 weeks earlier about its intentions.

Unlike in the previous year, there were no reports that police killed or injured students while forcibly dispersing demonstrations.

The Government conducted an investigation into the May 2002 demonstration in Awassa, capital of the Southern Region, but did not release the results of that investigation to the public. The opposition had sought an independent investigation of the incident and noted that the Vice President of the Southern Region, who himself reportedly was implicated in the conflict, headed the Government's investigation. According to official government reports, police killed 15 protesters and injured 25. The opposition SEPDC alleged that security forces killed 51 persons and injured 44 persons who were protesting peacefully. EHRCO reported that police killed 5 student demonstrators and seriously injured at least a dozen others with gunfire. The entire Sidamo Zone police force was forced to participate in re-education sessions. Approximately 200 policemen were fired for alleged complicity with demonstrators. The opposition alleged that ruling party officials arrested in connection with the case were released on minimum bail, while opposition party members received stiff bail conditions that they could not meet. The status of the individuals arrested in cases related to the Awassa demonstration and the killing of the head of the Southern Region's education bureau, some of whom were held incommunicado, was unknown at year's end (see Section 1.a.).

No further action was taken against security forces who forcibly dispersed demonstrations in 2002 or 2001.

No information was available about the status of at least 13 teachers who reportedly were arrested and detained in Ambo on the grounds that they were spreading OLF propaganda and inciting the students to riot during the March 2002 protests.

Nine persons arrested in April 2002 during demonstrations in the zonal capitals of Nekempte, Chimbi, and Ambo remained in detention in Meta Robi at year's end.

It was unknown at year's end if persons detained in previous years for holding illegal meetings remained in detention at year's end.

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. A number of policy issues regarding NGOs remained unresolved, including the ability of NGOs to enter into formal network arrangements that would enable them to pool funds. The Ministry of Justice administers primary registration. The Government continued to deny an operating license to The Human Rights League.

The Government required political parties to register with the National Election Board (NEB). Parties that did not participate in two consecutive national elections were subject to deregistration. There were approximately 55 organized political parties; 5 were national parties, and the remainder operated only in limited areas. There were no reports during the year that any political party had its registration revoked.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, on occasion local authorities infringed on this right. The Ethiopian Orthodox Church (EOC) and Islam are the dominant religions, accounting for nearly 90 percent of the population.

On February 16, Federal Police disrupted a peaceful gathering of members of the Lideta Maryam Church congregation in Addis Ababa and arrested 34 of them at a local hall. The group said it had rented the hall and had given advance notification of their gathering to local police officials. According to the EHRCO, members of the Federal Police Special Commando Unit raided the church and took the 34 members to Kolfe Police Training Camp, where they were forced to crawl back and forth on their knees and elbows on a gravel surface. They were released the following day.

The Government required that religious groups be registered. Religious institutions register with the Ministry of Justice and must renew their registration every year. However, the EOC has never registered and has never suffered ramifications for not registering. Similarly, the Ethiopian Islamic Affairs Supreme Council (EIASC), after registering in 1995, has never reregistered after it protested this requirement to the Prime Minister. Protests from other religious groups over these exceptions have not resulted in equal treatment from the Government.

Under the law, a religious organization that undertakes development activities must register its development wing separately as an NGO. Religious groups were given free government land for churches, schools, hospitals, and cemeteries; however, the title to the land remained with the Government, and the land, other than that allocated for prayer houses or cemeteries, could be taken back at any time.

Minority religious groups reported discrimination in the allocation of government land for religious sites. Protestant groups occasionally reported that local officials discriminated against them when seeking land for churches and cemeteries. Evangelical leaders reported that because they were perceived as “newcomers” they remained at a disadvantage compared with the EOC and the EIASC in the allocation of land. The EIASC reported that it had more difficulty obtaining land from the government bureaucracy than the EOC while others believed the EIASC was favored for mosque locations. Many mosques were built by squatters without city government approval and since have been targeted for demolition.

The Government did not issue work visas to foreign religious workers unless they were attached to the development wing of a religious organization.

Muslim leaders reported that public school authorities occasionally interfered with their free practice of Islam. Some public school teachers in Addis Ababa and in the Southern and Amhara regions objected to Muslim schoolgirls covering their heads with scarves while at school. Muslim leaders stated that in some schools, Muslim girls went without head coverings to avoid similar problems.

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. Charges were pending at year’s end against several journalists for criticizing religious leaders (see Section 2.a.).

There was at least one reported inter-religious clash resulting in injuries during the year. On April 26, on the evening of Ethiopian Orthodox Holy Saturday, Ethiopian Orthodox Christians in the Woreda 28, Kebele 4 area of Addis Ababa attacked members of the local Islamic council and destroyed a fence surrounding a plot of land upon which a mosque was to be built. Several persons were injured; at least one Islamic council member was hospitalized for several weeks. It is unknown whether police made any arrests in the case.

One man remained in police custody at year’s end for the July 2002 murder of Pastor Dامتew, a Full Gospel Fellowship Pastor, in Merawi, Amhara Region. The pastor was killed when a mob of EOC priests and other adherents forcibly entered his home at night.

The Federal Police conducted an investigation into the November 2002 and December 2002 confrontations between members of Lideta Maryam Orthodox Parish in Addis Ababa and EOC officials. It concluded that police officers acted properly

and did not use excessive force. Police raided the church compound and forcibly dispersed members of the congregation who were assembled in prayer. According to the Federal Police, a soldier—not a policeman—killed a man who was in the church compound. The soldier remained in army custody. According to the EHRCO, police indiscriminately beat many persons in the compound, including nuns, monks, elderly women, and other bystanders, including two journalists. According to EHRCO, after the raid, police detained approximately 700 persons at Kolfe police training camp and subjected them to physical abuse. The Federal Police estimated that the number of detainees was about 300. Police required them to sign statements under duress admitting to their roles in inciting riots at the church before they could be released.

The Federal Police stated that a number of persons were charged in connection with the December 2002 riot between Orthodox and Protestant worshippers in Mekelle, Tigray Region, at Adventist prayer service being conducted in a stadium. No policemen were implicated in the killings of five persons during the riots.

Leaders of the EIASC continued to struggle during the year with Wahibbist fundamentalism within their ranks. The growing influence of radical or fundamentalist elements within Islamic communities in the country, aided by funding from Saudi Arabia and other Gulf states for mosque construction, continued to concern the EIASC.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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.

The law requires citizens and residents to obtain an exit visa before departing the country. Eritreans and Ethiopians of Eritrean origin were able to obtain exit visas. Unlike in the previous year, they did not experience problems returning to the country.

The Government, together with the ICRC, monitored the repatriation of 177 Eritrean civilians to Eritrea during the year. During the year, 188 persons were resettled outside the country, and 1,579 cases were pending. Most Eritreans and Ethiopians of Eritrean origin were registered with the Government and held identity cards and 6-month residence permits to gain access to hospitals and other public services. However, there were anecdotal reports that indigent Eritreans were denied the right to seek free medical services by government officials at the kebele level.

In 2002, the Government transferred at least 200 Eritrean military deserters who had been held at the Dedesa detention center to a northern refugee camp. UNHCR processed 178 cases in 2002 and 94 during the year for resettlement to third countries. At year's end, 98 cases were pending.

An unknown number of Ethiopian students remained at the Kakuma refugee camp in northwest Kenya following the April 2001 riots at AAU (see Section 1.d.).

Unlike in the previous year, there were no reports that security forces bribed Kenyan police to harass, intimidate, and arbitrarily arrest Ethiopian refugees in Nairobi.

As a result of the conflict with Eritrea, thousands of persons were displaced internally. The World Food Program reported in 2002 that approximately 76,500 IDPs remained in the country along the border with Eritrea. Of the approximately 350,000 IDPs resulting from the border war, approximately 225,000 IDPs have been resettled.

Due to violent clashes between different ethnic groups during the year, thousands of persons were killed, injured, or internally displaced (see Section 5).

No information was available on the status of the investigation into ethnic clashes that resulted in the deaths of 41 Dinka and Nuer refugees in Fugnido camp in November 2002. Authorities arrested and detained several officials of the Fugnido municipal government and several Gambella regional officials in connection with the 2002 massacre.

Approximately 24,500 Nuer and Dinka refugees remained in Fugnido camp at year's end. Plans to move all Nuer and Dinka refugees from Fugnido camp were delayed when a proposed new site in Odier for another camp was determined to be unsuitable.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government generally provided for protection against refoulement and granted refugee status or asylum. The Government generally cooperated with UNHCR and other humanitarian organizations in assisting refugees and returning citizens.

As of September, the country hosted approximately 128,610 refugees, down from 138,816 refugees at the end of 2002. Of these, 93,797 Sudanese refugees were located in the western refugee camps. The number of Eritrean refugees increased to 5,980 during the year. As the result of the ongoing repatriation program in the eastern camps, the number of Somali refugees decreased to 28,347. The Hartishek camp remained open at year's end. The Government, in cooperation with the UNHCR, continued to provide temporary protection to refugees from Sudan and Somalia.

There were approximately 5,651 Eritrean Kunama refugees and a small population of urban refugees from other countries at the Wa'ala Nhibi camp at year's end. The refugees remained in a camp with inadequate health, education, water, and sanitation facilities. UNHCR reported that it had no plans to move these refugees to another site. By year's end, there were plans to move the Eritrean Kunama refugees to another site.

The UNHCR had no information about whether the Government had taken any action against security forces involved in the torture of three Sudanese refugee leaders in December 2001 at Fugnido refugee camp in the Gambella Region. It was also unclear whether the Government had investigated the June 2002 attack by staff members of the Administration for Refugee and Returnee Affairs against Sudanese refugees at the Sherkole Camp; however, the agency transferred to Addis Ababa one of its members accused of abusing refugees and placed him on "indefinite leave."

There were unconfirmed reports of conflicts between refugees at and local residents over scarce resources.

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 allows for the right of secession, and citizens exercised this right in the 2000 national elections that were generally free and fair in most areas; however, the elections were also marred by serious irregularities. The Constitution grants universal adult (18 years of age) suffrage, establishes periodic elections by secret ballot, and allows citizens to take part in the conduct of public affairs, directly and through freely chosen representatives; however, in practice the EPRDF ruling party dominated the Government. According to observers organized by EHRCO, local U.N. staff, diplomatic missions, political parties, and domestic NGOs, the 2000 national elections and the 2001 regional elections were generally free and fair in most areas but were marred by serious irregularities, including killings, disappearances, voter intimidation and harassment, and unlawful detentions of opposition party supporters, particularly in the Southern Region.

During the year, the Government announced that the constitutionally-mandated national census scheduled for 2004, which determines popular representation in the Federal Parliament, would be postponed indefinitely due to lack of funds. There were great disparities in regional representation in the Federal Parliament, based on 1994 census figures and 1995 voter registration. For example, in Gambella Region, 1 Member of Parliament (M.P.) represented 17,496 registered voters; in Tigray region, 1 M.P. represented 35,897 registered voters, and in Somali region, 1 M.P. represented 99,761 registered voters. In October, the State Minister of Federal Affairs acknowledged publicly that the country's nomadic communities, which made up an estimated 7 million persons, were still being excluded from democratic representation.

The EPRDF ruling party continues to be dominated by the Tigrayan ethnic group. Of 548 seats in the House of People's Representatives (HPR), 496 were held by the EPRDF or its affiliate parties. The EPRDF-affiliated Tigray People's Liberation Front (TPLF) occupied 40 seats. The EPRDF, its affiliates, and EPRDF supporters controlled all seats in the 108-member House of Federation, whose members were appointed by regional governments and by the federal Government. In the Southern Region, opposition parties held approximately 7 percent of the seats in the Regional Council.

Opposition parties accused the NEB of being an instrument of the ruling party and for failing to take meaningful action upon being informed of electoral irregularities, including ballot stuffing, vote count fraud, bribery, killings, beatings, and widespread intimidation and harassment by ruling party supporters during the 2001 and 2000 elections.

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.). It was unknown at year's end if the two elected SEPDC members were allowed to take their seats.

Membership in the EPRDF conferred advantages upon its members, and the party owned many businesses and awarded jobs to loyal supporters. In addition to the Government, only the TPLF was allowed to operate radio stations (see Section 2.a.).

The major opposition parties were engaged in a slow process of consolidation. In August, 15 opposition parties formed a coalition named the UEDF. At year's end, the UEDF was trying to negotiate a pledge from the Government to allow many of the parties based abroad to return to the country and set up local offices; however, the Government claimed that the coalition had not yet officially informed it of its plans. Prime Minister Meles also publicly said he supported "constructive engagement" with the opposition; however, Meles publicly criticized the opposition for disloyalty and "politics of hate."

Registered political parties also must receive permission from regional governments to open local offices. Opposition parties, such as the AEUP and the KPDU, reported that local government officials closed some of their branch offices in contravention of authorization from regional officials and the NEB for those offices to be allowed to remain open. Government officials and supporters in rural areas often coerced residents not to participate in opposition party functions and not to rent office space to those parties (see Section 1.f.). On February 7, AEUP informed local officials in Bubugn Woreda, East Gojam Zone, Amhara Region, of its plan to open up a branch office in the woreda and gave a list of names of AEUP organizers to them, as requested. After receiving the list, woreda officials announced over a megaphone that people should neither associate with AEUP nor rent a house to AEUP members for its branch office.

Unknown persons looted opposition parties' offices. For example, in May, following a meeting in Bonga town, Southern Region, organized by the opposition SEPDC, unknown individuals broke into the SEPDC office and looted property. SEPDC said that despite its appeals for a police investigation, police had taken no action by year's end.

On July 11, unknown individuals broke into the ONC office in Harar and stole money and office property. Police opened an investigation into the case, which was ongoing at year's end.

On August 21, the Addis Ababa office of the Oromo National Congress (ONC), an opposition political party, was broken into by unknown individuals, and money and office property were stolen. The case remained unsolved at year's end.

During the year, opposition members' homes were set on fire. On November 10, local kebele officials and militia in the Kuchit and Batay Farmers Association in Bibugn Woreda, East Gojam, set the home of AEUP member Shaleka Bekele Mengesha on fire while he was asleep with his wife and child. They were able to escape but lost their house, livestock, and food. In August, the home of Adugnaw Baybil in Bibugn, a member of the woreda council, was set on fire.

By year's end, the Government had taken no action in the November 2002 arson attack on the home of Ethiopian Democratic Unity Party (EDUP) official Desalegn Yimer in Ambasel Woreda, Kebele 2, in Hayk, South Wello Zone.

KDDU members elected to the local woreda council were allowed to assume the offices to which they were elected in 2001.

Elections for the Somali region that were scheduled for 2001 had still not taken place by year's end.

Federal regions, largely organized along ethnic lines, increasingly were autonomous and had 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 lacked clear delineation and consistent coordination, and occasionally actions were taken at the local level that conflicted with stated federal policy.

In October 2002, Prime Minister Meles dissolved the Addis Ababa city government and replaced it with a provisional administration led by EPRDF/TPLF member Arkebe Qubay. Under the Addis Ababa City Charter, the appointed council members can only hold office for 1 year until new elections are called; however, no elections for Addis Ababa Council members were held during the year.

Political participation remained closed to a number of organizations that had not renounced violence and did not accept the Government as a legitimate authority. Many of those groups agreed to abandon armed struggle against the Government upon joining the coalition UEDF in August. However, the OLF and the ONLF have refused to join the coalition.

Of the 19 members of the Council of Ministers, 1 was a woman, 2 other women held ministerial positions, and a number of other women held senior positions. There were 42 women in the 548-seat HPR, and 9 of 113 members in the House of Federation were women. Of the 14 members of the Supreme Court, 3 were women.

The government policy of ethnic federalism led to the creation of individual constituencies to ensure representation in the HPR of all major ethnic groups. Small ethnic groups were not represented in the legislature. There were 23 nationality groups in 6 regional states that did not have a sufficient population to qualify for constituency seats; however, individuals from these nationality groups competed for 23 special seats in the 548-seat HPR in the 2000 elections.

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

A number of domestic and international human rights groups operated with limited government restriction, investigating and publishing their findings on human rights cases. The Government generally was distrustful and wary of domestic and international human rights groups. Two of the most prominent domestic human rights organizations were EHRCO and the Ethiopian Women's Lawyers Association (EWLA). The Government frequently discounted EHRCO's reports and labeled it a political organization. The EWLA's primary function was to represent women legally. These, and numerous other groups, primarily engaged in civic and human rights education, legal assistance, and trial monitoring. However, the Government neither shared information about nor acknowledged the existence of human rights abuses with members of the domestic NGO community.

The Human Rights League (HRL) continued to be investigated by the Government at year's end for its alleged ties to the OLF. In 2001, the HRL sued the Government for not processing its registration, and the court ordered the Ministry of Justice to reply to the HRL petition for registration by February 2002. The lawsuit was pending at year's end.

Several international human rights groups visited the country during the year.

Officials of the Federal Security Authority generally were more responsive to requests for information from the diplomatic community.

The Government is required under the Constitution to establish a Human Rights Commission, and an Office of the Ombudsman with the authority to receive and investigate complaints with respect to misadministration by executive branch offices. Although Parliament passed legislation creating both entities in 2000, neither entity was operational by year's end.

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

The Constitution prohibits discrimination based on race, color, sex, language, national origin, political or other opinion, or social status; however, in practice the Government did not effectively enforce these protections.

Societal discrimination against persons with HIV/AIDS continued during the year.

Women.—Domestic violence, including wife beating and marital rape, was a pervasive social problem. There is no specific law regarding domestic violence or sexual harassment. While women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. Social practices obstructed investigations and prosecutions in rape cases, and many women were not aware of their rights under the law. It was estimated that there were more than 1,000 rapes a year in Addis Ababa. The press continued to regularly report on rape cases. Rape sentences were handed down in line with the 10 to 15 years prescribed by law. Unlike in the previous year, there were no reports that members of the military who were redeployed from border areas to other regions sexually harassed and raped some young women. During the year, the EWLA conducted research on the number of rapes committed and the number of rape convictions handed down; however, the results had not been released by year's end.

Although illegal, the abduction of women and girls as a form of marriage continued to be practiced widely in the Oromiya region and the Southern Region, despite the Government's attempts to combat this practice. Forced sexual relationships often accompanied most marriages by abduction, and women often were physically abused during the abduction. Many of those girls married as early as the age of 7, despite the legal marriage age of 18. Abductions led to conflicts among families, communities, and ethnic groups. In cases of marriage by abduction, the perpetrator was not punished if the victim agreed to marry him (unless the marriage was annulled); even after a perpetrator was convicted, the sentence was commuted if the victim married him.

The majority of girls underwent some form of FGM. Clitoridectomies typically were performed 7 days after birth and consisted of an excision of the labia. Infibulation, the most extreme and dangerous form of FGM, was performed at any time between the age of 8 and the onset of puberty. According to the findings of a government national baseline survey released during the year on harmful tradi-

tional practices, 90 percent of women undergo one of four forms of FGM—circumcision, clitoridectomy, excision, and infibulation. The National Committee on Harmful Traditional Practices reported that, according to a national baseline survey, harmful practices against women, including FGM, abduction, and early marriage have declined from over 90 percent to 73 percent since 1992.

The Constitution and the Penal Code prohibit bodily injury; however, these provisions did not specifically outlaw FGM. The Government continued to update the Penal Code. The Government also worked to discourage the practice of FGM through education in public schools.

There were credible reports from the EWLA and the International Organization for Migration (IOM) that many female workers who traveled to the Middle East as industrial and domestic workers were abused in these positions (see Section 6.f.).

The Constitution states that all persons are equal before the law; however, the Government has not yet fully put into place mechanisms for the effective enforcement of these protections. The Family Law sets the legal marriage age for girls at 18, the same as for boys; elevates civil law above customary and religious law; allows for the legal sharing of property for unmarried couples who live together for at least 5 years; eliminates family arbitrators as a means of settling marital disputes in lieu of the court system; allows for the joint administration of common marital property; requires the courts to take into account the situation of children or the weakest member of the family in the event of divorce or separation; and imposes a 6-month waiting period on women seeking to remarry following divorce or the death of a spouse. However, regional councils had authority to determine family law for their respective regions. During the year, the Oromiya Regional Parliament struck down a provision in the Oromiya Family Law banning bigamy in the region.

Discrimination against women was most acute in rural areas, where 85 percent of the population lived. The Civil Code and the Penal Code contained discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children over 5 years old. Domestic violence was not considered a serious justification to obtain a divorce. There was only limited juridical recognition of common law marriage. Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the woman was entitled to only 3 months' financial support if the common law relationship ended. A husband had no obligation to provide financial assistance to his family and, as a result, women and children sometimes were abandoned when there was a problem in the marriage.

All land belonged to the Government. Although women could obtain government leases to land, and the Government had an explicit policy to provide equal access to land for women, this policy rarely was enforced in rural communities. According to the EWLA, in nearly all regions, women do not have any access to land. They cannot inherit land, and the only way for them to gain access to land was to get married. However, when the husband dies, his wife was often kicked off her land by other family members.

In urban areas, women had fewer employment opportunities than did men, and the jobs available did not provide equal pay for equal work.

Children.—The Government supported efforts by domestic and international NGOs that focused on children's social, health, and legal issues, despite its limited ability to provide improved health care and basic education.

By law, primary education is tuition-free; however, despite efforts by the Government to increase the number of schools, there were not enough schools to accommodate the country's youth, particularly in rural areas. The Government used a three-shift system in most primary and secondary schools in urban areas to maximize the utilization of classrooms and to provide an opportunity for working children to attend school. During the year, approximately 43 percent of primary and 70 percent of secondary schools operated in two shifts to maximize the utilization of classrooms. Only 74.6 percent of male primary school-age children and 53.8 percent of female primary school-age children attended school. Girls attended school in fewer numbers than boys, except in Addis Ababa, where girls' attendance was slightly higher at 52.9 percent. Government reports showed that 28.7 percent of the children who attended school left the system before they reached the second grade. Only 25 percent of children who began first grade completed eighth grade. The literacy rate, according to the 2001 Child Labor Survey released during the year by the Central Statistical Authority, was 31.3 percent, and only 20.6 percent of women were literate compared with 42.7 percent of men. Students planning to attend university continued to study for 2 additional years in what was a pre-university program (grades 11–12). Students not admitted to a university were able to enroll in a 2-year program of vocational training. Students in grade 12 take the Ethiopian Higher Education Entrance Certificate Exam (EHEECE). Opportunities to study in institutions of

higher learning remained competitive. During the 2002–03 academic year, approximately 25,000 students of the 28,000 who took the EHEECE were assigned to different government universities.

In Addis Ababa's police stations, there were 10 Child Protection Units that were staffed by members of an NGO and protected the rights of juvenile delinquents and juvenile victims of crime. Some police officers completed training on procedures for handling cases of child abuse and juvenile delinquency.

Societal abuse of young girls continued to be a problem. FGM was performed on the majority of girls (see Section 5, Women). Other harmful traditional practices included uvulectomy, milk-teeth extraction, early marriage, marriage by abduction, and food and work prohibitions (see Section 6.f.). In the Afar region of the east, young girls continued to be married to much older men, but this traditional practice continued to come under greater scrutiny and criticism. Indigenous NGOs, such as the Kembatta Women's Self-Help Center and the Tigray Women's Association, also affected societal attitudes toward harmful traditional practices and early marriage. Pregnancy at an early age often led to obstetric fistulae and permanent incontinence. Treatment was available at only 1 hospital in Addis Ababa that performed more than 1,000 fistula operations a year. It estimated that for every successful operation performed, 10 other young women needed the treatment. The maternal mortality rate was extremely high, partly due to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, particularly infibulation.

Child prostitution continued to be a problem and was widely perceived to be growing, and children were trafficked out of the country in adoption schemes (see Section 6.f.).

Child labor remained a serious problem (see Section 6.f.).

Official government estimates put the number of street children in the country at 150,000 to 200,000, with approximately 50,000 to 60,000 street children in Addis Ababa. UNICEF estimated that there were probably close to 600,000 street children in the country and over 100,000 in Addis Ababa. UNICEF believed the problem was growing worse because of the families' inability to support children due to parental illness and decreased household income. These children begged, sometimes as part of a gang, or worked in the informal sector (see Section 6.d.). There were unconfirmed reports during the year that the Government forcibly rounded up street children and dumped them on the outskirts of Addis Ababa. Government and privately run orphanages were unable to handle the number of street children, and older children often abused younger children. Due to severe resource constraints, abandoned infants often were overlooked or neglected at hospitals and orphanages. Children sometimes were maimed or blinded by their "handlers" to raise their earnings from begging.

In August, David Christie—former head of the Swiss orphanage *Terre des Hommes* who was arrested in August 2001—was convicted of 14 sex offenses for sexually abusing orphans, and sentenced to 9 years in prison.

Persons with Disabilities.—The law mandates equal rights for persons with disabilities; however, the Government had no established mechanisms to enforce these rights. Persons with minor disabilities sometimes complained of job discrimination. The Government did not mandate access to buildings or require government services for persons with disabilities. Although the Constitution provides for rehabilitation and assistance to persons with physical and mental disabilities, the Government devoted few resources to these purposes.

There were approximately 6 million persons with disabilities in the country, according to local NGOs. The conflict with Eritrea resulted in numerous soldiers losing limbs, many from landmine explosions. Wheelchairs were not widely available throughout the country. Although there were approximately 800,000 persons with mental disabilities, there was only 1 mental hospital and only approximately 10 psychiatrists in the country. There were approximately 70 NGOs that worked with persons with disabilities. For example, the Amhara Development Association provided vocational training to war veterans with disabilities in Bahir Dar. The Tigray Development Association operated a center in Mekelle that provided prostheses and seed money for business development, training, and counseling for persons with disabilities. The international NGO Landmine Survivors provided a number of services to victims of landmine explosions, including counseling and referrals to rehabilitation services.

National/Racial/Ethnic Minorities.—There were more than 80 ethnic groups. The largest single group was the Oromos, who accounted for 40 percent of the population. Although many of these groups influenced the political and cultural life of the country, Amharas and Tigrayans from the northern highlands played a domi-

nant role. The federal system has boundaries drawn roughly along major ethnic lines, and regional states had much greater control over their affairs. Most political parties remained primarily ethnically based.

There were reports that teachers and other government workers had their employment terminated if they were not of the dominant ethnic group in the region.

There were reports of ethnic conflicts between refugees and local residents during the year.

In some instances, security forces were involved in ethnic clashes during the year. For example, in December, there were a number of reports of individual killings of members of other ethnic groups by ethnic Anuaks, and vice-versa. On December 13, unknown assailants ambushed a vehicle and killed eight government officials, of ethnic groups not indigenous to Gambella Region, near the village of Itang, in Gambella Region. From December 13 to 16, a mob including police, military, and civilians reportedly killed more than 100 members of the Anuak tribe in retaliation for the deaths of the 8 government workers. The Government reported only 40 persons killed. There was a government investigation ongoing at year's end; however, no action had been taken against persons involved.

Ethnic clashes during the year resulted in a number of deaths, injuries, and the displacement of thousands of persons. For example, on April 24, one student from Tigray region was shot and killed and two others injured in a clash between Oromo and Tigrayan students at the Ambo Agricultural College. The killing was believed to be retaliation for the severe beating of an Oromo student in Mekelle in December 2002. At year's end, five persons were in police custody awaiting trial.

In May, June, and July, inter-clan clashes erupted in the Bench-Maji Zone in the south, and 36 persons were killed, according to EHRCO. For example, on June 23, Kidad Gacha, Chairman of Beru Kebele and an ethnic Dizi, shot and killed two Surma tribesmen, a Dizi woman, and a 2-year-old child. The next day, Surma tribesmen raided Beru Kebele, killed 12 persons, and looted property. A total of 1,116 Dizi tribesmen were displaced. Kidad Gacha was taken into police custody.

From September 29 to 30, clashes broke out between Surma and Anuak tribesmen following the killing of an Anuak woman by Surma men. On September 30, armed Anuak tribesmen shot and killed 20 Surma tribesmen engaged in gold mining in Naymei Kebele, in Surma Woreda. It remained unclear at year's end whether the Government took action in response to these incidents.

From November 28 to December 6, approximately 55 persons were reported killed in clashes between the Gura and Dawa tribes in Goro Woreda, Oromiya Region.

In May, the Government reportedly completed its investigation into the March 2002 ethnic violence between the Sheko-Mejjanger and Manja and the Sheka and Bench-Maji in Yeki District, Southern Region, that resulted in the deaths of approximately 600 to 800 persons and displacement of 5,800 persons because of the violence. There was no further information at year's end on the 41 policemen, 39 militia members, and 11 administrative officials reportedly arrested for their involvement in the clashes.

Local officials in Dereshe Woreda, Southern Region, confirmed that certain Dereshe Woreda officials had been implicated in the April 2002 violence between the Deresha and the Zaise tribes over a land dispute that left several persons dead and numerous houses destroyed. Local ruling party officials, including the former district administrator, were found guilty of inciting the violence between the previously peaceful groups.

By year's end, there was no further development in the October 2002 killing of at least 31 Afar women in North Shoa Zone, Amhara Region. In 2002, police detained seven of the eight suspected killers for questioning, one of whom was killed while in prison (see Section 1.a.).

There were no reports that the Government took action against those responsible for the July 2002 clash between the Anuak and Nuer clans in the Gambella region, the September 2002 grenade attack in a student dormitory at the Gambella Teachers College, and the October 2002 grenade explosion in Gambella town.

The military remained an ethnically diverse organization; however, diversity was less common in the higher ranks among officer personnel, which was dominated by the TPLF. There were unconfirmed reports that soldiers targeted Oromos for abuse during the year.

There continued to be anecdotal reports of discrimination against some Eritreans, particularly by kebele level officials. Reports indicated that kebele officials sometimes denied indigent Eritreans access to free medical supplies.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to form and join unions; however, the law specifically excludes teachers and

civil servants, including judges, prosecutors, and security service workers, from organizing unions. There was government interference in unions during the year.

The minimum number of workers required to form a union was 20. All unions had to be registered; however, the Government retained the authority to cancel union registration. The law stipulates that a trade organization may not act in an overtly political manner. Approximately 300,000 workers were unionized during the year.

Unlike in the previous year, there were no reports that trade union leaders were removed from their elected office or forced to leave the country.

The ETA has been a particular target for government harassment (see Section 2.b.). ETA membership continued to decrease significantly during the year due to government intimidation and restrictions on ETA activities; membership was an estimated 95,000 at year's end, down from 110,000 in 2002. Although the Government granted recognition to the independent ETA, all public school teachers were still forced to subsidize the government-created and controlled teacher's union (also called ETA) with mandatory monthly contributions of \$0.23 (2 birr) that were automatically withheld from their monthly salaries. The International Labor Organization (ILO) Committee of Experts cited the Government's interference as an abrogation of the basic right of association.

The ETA claimed in 2002 that 205 teachers had been dismissed, detained, or transferred to remote areas since April 2001. Security forces continued to harass members of the independent ETA during the year. Officials at Maekelawi Criminal Investigation Bureau in Addis Ababa summoned then-Acting Secretary-General of the ETA Abate Angori for questioning on several occasions during the year (see Section 1.d.).

Seasonal and part-time agricultural workers were not organized, even on state-owned plantations. Seasonal workers' compensation, benefits, and working conditions were far below those of unionized permanent plantation employees.

There was no requirement that unions belong to the Confederation of Ethiopian Trade Unions (CETU), which included all nine federations organized by industrial and service sectors rather than by region. Despite its claims to the contrary, CETU leadership was aligned with the ruling party and did not fight vigorously for workers' rights. Findings of widespread corruption in 2002 within CETU's leadership had not resulted in any disciplinary actions by year's end. In January, four members of CETU's nine-member executive committee, who criticized the majority five-member block's decisions were forced from office and replaced by four members hand-picked by the Government.

The law prohibits anti-union discrimination by employers against union members and organizers; however, unions reported that union activists frequently were fired. Unlawful dismissal suits often took years to resolve because of case backlogs in the labor courts. According to labor leaders, a number of court cases in which workers were terminated for union activities were pending after 4 or 5 years. There were grievance procedures for hearings on allegations of discrimination brought by individuals or unions. Employers found guilty of anti-union discrimination were required to reinstate workers fired for union activities.

Independent unions and those belonging to CETU were free to affiliate with and participate in international labor bodies. There were no restrictions on individual trade unions applying for membership in the International Confederation of Free Trade Unions (ICFTU); however, CETU has not been accepted into the ICFTU.

b. The Right to Organize and Bargain Collectively.—The Constitution protects the right of collective bargaining for most workers, and in practice the Government allowed citizens to exercise this right freely. Labor experts estimated that more than 90 percent of unionized workers were covered by collective bargaining agreements. Wages were negotiated at the plant level. Some efforts to enforce labor regulations were made within the formal industrial sector.

In November, the Parliament ratified amendments to Labor Proclamation 42, the main body of labor laws in the country, that strengthen worker's positions in the event of termination; allow for multiple unions in the same undertaking; and restrict the definition of "essential services" as concerns the right of workers in those professions to strike. Labor Proclamation 42 explicitly gives workers the right to strike to protect their interests; however, it contains detailed provisions that make legal strike actions difficult to achieve, including that the minimum number of days to be observed before going on strike is 130. The law requires aggrieved workers first to make efforts at conciliation before striking. These applied equally to an employer's right to lock out workers. Strikes must be supported by a majority of the workers affected. If workers brought their dispute to the attention of the Ministry of Labor, the Ministry appoints a conciliator to bring about a settlement. If the conciliator failed to settle a labor dispute within 30 days, the conciliator was obliged to prepare a report for the Ministry. If arbitration or conciliation failed after the

conciliator had been chosen by the parties themselves, either party could submit the matter to a Labor Relations Board (LRB), the appropriate court, or submit to independent arbitration. There are government established LRBs at the national level and in some regions. The Minister of Labor and Social Affairs appointed each LRB chairman, and the four board members included two each from trade unions and employer groups.

If either party chose to submit the matter to an LRB, then the strike action must wait for a period of 30 days within which the LRB would render its decision. Labor Proclamation 42 does not provide a time limit for reaching an agreement in these cases, nor is there a time limit for submitting the matter to the LRB. Any of the contending parties may appeal the decision of the LRB to the Central High Court within 30 days after the decision has been reached. Even where an appeal is submitted, the union is expected to refrain from strike action for another period of 30 days within which the Court may decide on the dispute.

However, workers still retained the right to strike without resorting to either of these options, provided they had given at least 10 days notice to the other party and to the Ministry, made efforts at reconciliation, and provided at least a 30-day warning in cases already before a court or LRB.

The law also prohibits workers who provide essential services from striking, including air transport and railway service workers, electric power suppliers, bus operators, gas station personnel, hospital and pharmacy personnel, bank employees, firemen, postal and telecommunications personnel, and urban sanitary workers.

There has never been a legal strike since Labor Proclamation 42 came into effect in 1993. The ILO has noted that the complex regulations of the proclamation and the insufficient personnel structure of the judicial system have caused labor disputes to drag on for months and years.

The law prohibits retribution against strikers, but labor leaders said that most workers were not convinced that the Government would enforce this protection. Labor officials said that due to high unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports such practices occurred (see Sections 6.d. and 6.f.). Forced labor could be used by court order as a punitive measure.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remained a serious problem, both in urban and rural areas. Under the law, the minimum age for wage or salary employment is 14 years; this age is consistent with the age for completing primary school educational requirements. Special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. Children between the ages of 14 and 18 years were not permitted to 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. The Government defined hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize children's health.

While the Government made some effort to enforce these regulations within the formal industrial sector, social welfare activists, civic organizers, government officials, and employers agreed that child labor was pervasive throughout the country, particularly in the informal sector. In urban areas, numerous children worked in a variety of jobs, including shining shoes, sewing clothes, hustling passengers into cabs, working as porters, selling lottery tickets, and herding animals. In rural areas, children worked on commercial farms and as domestic laborers.

In February, the Ministry of Labor and Social Affairs released the findings of a 2001 ILO-funded survey on child labor. The survey found that 40 percent of children start work before the age of 6. It also found the average number of hours worked by children ages 5 to 17 during a 1-week reference period was 32.8 hours. Approximately 13 percent of boys and girls between the ages of 5 and 9 worked from 58 to 74 hours a week. More than two-thirds of all children surveyed were giving either all or part of their earnings to their parents or guardians.

On September 2, the country ratified ILO Convention 182 on the Worst Forms of Child Labor; however, ILO experts called on the Government to take concrete actions to stem the increasing practice of child labor in the country. Reduced household income from poor crop harvests and school dropouts were two contributing factors for the increased incidence of child labor. The Government's definition of worst forms of child labor included prostitution and bonded labor.

Child laborers often were abused. A 1999 study concluded that physical and emotional abuse were twice as common among child workers compared with non-workers, sexual abuse was five times as common, and neglect was eight times as common. Among child workers surveyed, rapes occurred exclusively among child domestic laborers.

During the year, there were reports of forced or bonded labor of children who had been trafficked from the Southern and Oromiya Regions to other regions of the country, to work as domestic servants (see Section 6.f.). Young girls reportedly were forced into prostitution by family members (see Sections 5 and 6.f.).

The Ministry of Labor and Social Affairs was designated to enforce child labor laws.

e. Acceptable Conditions of Work.—The law mandates a minimum wage of approximately \$14 (120 birr) per month for all wage earners in both the private and public sectors; in addition, each industry and service sector established its own minimum wage. For example, public sector employees, the largest group of wage earners, earned a minimum wage of approximately \$20.30 (175 birr) per month; employees in the banking and insurance sector had a minimum wage of \$23.20 (200 birr) per month. According to the Office of the Study of Wages and Other Remuneration, these wages were insufficient to provide a decent standard of living for a worker and family. Consequently most families needed to have at least two wage earners to survive, which forced many children to leave school early. In addition, only a small percentage of the population was involved in wage labor employment, which was concentrated largely in urban areas.

Labor Proclamation 42 stipulates a 48-hour legal workweek, consisting of 6 days of 8 hours each, with a 24-hour rest period. However, it was not enforced effectively, and in practice, most employees worked a 40-hour workweek consisting of 5 8-hour days.

The Government, industry, and unions negotiated to set occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs enforced these standards ineffectively, due to a lack of human and financial resources. Enforcement also was inhibited by a lack of detailed, sector-specific health and safety guidelines. Workers had the right to remove themselves from dangerous situations without jeopardizing their employment; however, most workers feared losing their jobs if they were to do so.

The law also protects foreign workers.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were numerous reports that persons were trafficked to, from, and within the country. Child prostitution was a problem, particularly in urban areas. The criminal code applied only to women and children trafficked for the purposes of prostitution; such trafficking was punishable by up to 5 years imprisonment and a fine of \$1,160 (10,000 birr). Laws provide for fines and prison sentences of up to 20 years. Despite the arrests of suspected traffickers during the year, there had been no successful prosecutions of traffickers in persons by year's end.

In October, police arrested five men suspected of trying to traffic nine children under the age of 8 from the southern region of Gamo Gofa. The police reportedly returned the nine children to their parents.

There were unconfirmed reports that children from the south were transported into Kenya by child traffickers operating adoption rings, and adopted as other nationalities. Unlike in the previous year, the Government did not close down adoption agencies operating in the country that failed to observe proper rules and regulations. The Government granted licenses to three adoption agencies in the country.

NGOs reported that girls as young as age 11 were recruited to work in houses of prostitution where they were kept uninformed of the risks of HIV/AIDS infection and other sexually transmitted diseases. In July, a Family Health International Report indicated that customers targeted younger girls because they were believed to be free of sexually transmitted diseases.

Among the sex workers, 60 percent were between the ages of 16 and 25. Underage girls worked as hotel workers, barmaids, and prostitutes in resort towns and rural truck stops. The unwanted infants of these young girls usually were abandoned at hospitals, police stations, welfare clinics, and adoption agencies. Pervasive poverty, migration to urban centers, early marriage, HIV/AIDS and sexually transmitted diseases, and limited educational and job opportunities aggravated the problem of children engaged in commercial sexual exploitation. There were a few NGOs that aided child victims, including the Forum on Street Children-Ethiopia, which provided shelter and protection for children forced into prostitution or commercial sexual exploitation.

An international NGO reported that trafficking was “increasing at an alarming rate.” A study commissioned by a foreign government during the year on the problem of internal trafficking of women and children confirmed that the problem is pervasive. The overwhelming majority of respondents confirmed that they were trafficked from rural areas to Addis Ababa and other urban centers, lured by false promises of employment. Of the 459 respondents, 46 percent were illiterate and 49 percent had completed no more than a grade 8 education. Upon arrival at their new destinations, 54 percent worked as domestic servants, but that number dropped to 9 percent as the trafficked women and children took jobs in bars, became sex workers, or begged on the street.

Although illegal, the abduction of women and girls as a form of marriage still was practiced widely in Oromiya regions and the Southern Region (see Section 5).

Private entities arranged for overseas work and, as a result, the number of women sent to Middle Eastern countries, particularly Lebanon, Saudi Arabia, Bahrain, and the United Arab Emirates, as domestic or industrial workers remained a significant problem during the year. These women typically were trafficked through Djibouti, Yemen, and Syria. The Chief of the Investigation and Detention Center in Lebanon reported that 30,000 Ethiopian women worked in Beirut, the vast majority of whom were trafficked. Another private employment agency was licensed during the year, bringing the number of private employment agencies to two; however, private employment agencies had only processed approximately 5,500 persons for overseas employment. During the year, the Government also began registering persons seeking employment overseas. Approximately 50 percent of these women were not able to return legally to their home country.

There was a network of persons in Addis Ababa based in the tourism and trade sectors who were heavily involved in soliciting potential clients, recruiting young girls, arranging travel, and fabricating counterfeit work permits, travel documents, and birth certificates. There were reports from the EWLA that some domestic workers abroad were subjected to abusive conditions, including sexual exploitation. In addition, the employers of domestic laborers sometimes seized passports, failed to pay salaries, and overworked their employees. Some domestics were forced to work for their employers' relatives without additional pay. Domestics were forced to pay a monetary penalty for leaving their employment early.

Training programs for police officers on the criminal aspects of trafficking were ongoing during the year. These institutions have limited resources and jurisdiction to protect or intervene in cases of prosecution of offending employers.

The National Steering Committee Against Sexual Exploitation of Children was chaired by the Children, Youth, and Family Affairs Department of the Ministry of Labor and Social Affairs. There were some government initiatives during the year to combat trafficking, including government consultation with IOM to try to resolve the problem. During the year, the Ministry of Labor and Social Affairs reviewed the contracts of prospective domestic workers and denied exit visas if the contracts did not appear satisfactory. Immigration officials at the airport also inspected the employment contracts of prospective workers traveling to the Middle East. The Ministry of Labor and Social Affairs had limited success in regulating employment agencies that sent migrant workers to Middle Eastern countries. Many illegal employment agencies escaped government scrutiny and continued to operate. There was a consulate in Beirut to assist women who were trafficked to Lebanon.

There was no government assistance, in the form of counseling or other support services, to trafficked victims who returned to the country. EWLA provided limited legal assistance to such victims. The Federal Police's Women's Affairs Bureau, in collaboration with the media, continued to implement a public awareness program on the dangers of migrating to Middle Eastern countries.

GABON

Gabon is a republic dominated by a strong presidency. The Gabonese Democratic Party (PDG) has remained in power since 1968 and has circumscribed political choice. PDG leader El Hadj Omar Bongo, President since 1967, was reelected for a 7-year term in a 1998 election marred by irregularities. On July 14, the Parliament passed a Constitutional amendment that removes presidential term limits and facilitates a presidency for life. In May 2002, legislative by-elections were held and resulted in 107 National Assembly seats for the PDG and allied parties and 13 for the opposition. In February, the PDG won a majority of Senate seats. The judiciary was independent in principle but remained subject to government influence.

The national police, subordinate to the Interior Ministry, and the Gendarmerie, subordinate to the Defense Ministry, were responsible for domestic law enforcement and public security. Elements of the armed forces and the “Republican Guard,” an elite, heavily armed unit that protects the President, sometimes performed internal security functions; both were subordinate to the Defense Ministry. Members of the security forces occasionally committed human rights abuses.

The country’s mixed economy lacked diversity and depended heavily on foreign trade in oil, manganese, and wood; the population was approximately 1.2 million. The Government dominated the economy through oil refining, telecommunications, and timber export parastatals. Government financial mismanagement and corruption contributed to significant arrears in domestic and external debt payments. Revenues from oil production, which dropped from 18.5 million tons in 1997 to 12.2 million tons in 2002, contributed more than half of the budget of the country. The estimated per capital income was \$3,810; however, the distribution of wealth and social services was extremely uneven.

The Government’s human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The Government continued to limit citizens’ ability to change their government. Security forces reportedly beat and tortured prisoners and detainees, prison conditions remained harsh, and security forces sometimes violently dispersed demonstrations. Arbitrary arrest and detention were problems. Authorities routinely infringed on privacy rights. The Government continued to restrict freedom of the press and movement. Violence and societal discrimination against women and noncitizen Africans continued to be problems. Forced labor, child labor, and trafficking—particularly in children—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 political killings during the year; however, in July, a police recruit shot and killed a Congolese math teacher and injured a Nigerian tradesman. An investigation of the shooting, which apparently resulted from inadequate training, indicated that it was an accident.

A small number of ritualistic killings reportedly were committed during the year. No official connection to the murders was established, and the Government publicly criticized such practices. In April, a university student was mutilated and killed in what was believed to be a ritualistic murder. In May, six students organized a march on the Prime Minister’s office to pressure authorities to take action against the perpetrators; however, no arrests were made by year’s end, and none were expected.

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 tortured prisoners and detainees to extract confessions. Unconfirmed reports from the African immigrant community asserted that police and soldiers occasionally beat noncitizen Africans during operations to round up and deport illegal immigrants (see Section 1.f.). During the year, the U.N. High Commissioner for Refugees (UNHCR) confirmed that it received an average of five reports a day at two of its regional offices about continued harassment and extortion by security forces. There were reports that young girls were raped during the year.

Police violently dispersed strikes and demonstrations, and injured student demonstrators during the year (see Sections 2.b. and 6.b.).

There continued to be reports that practitioners of certain traditional indigenous religions inflicted bodily harm on other persons (see Section 1.a.).

Conditions in most prisons were harsh. Sanitation and ventilation were poor, food was poor, and medical care was almost nonexistent. Women were held separately from men, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. There were no known visits by human rights monitors to prisons during the year; however, there were no reports that the Government impeded such visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government did not observe these prohibitions.

The police, who are responsible for law enforcement and public security, were inefficient, and police response times were slow. The national Gendarmerie is responsible for internal security and setting up checkpoints. Corruption was a serious problem, and security forces often used bribes at checkpoints to supplement their salaries.

The law provides up to 48 hours for initial detention, during which period police must charge a detainee before a judge; however, in practice, police rarely respected this timetable. Charges often were not filed expeditiously, and persons often were detained arbitrarily for short periods and occasionally detained for long periods. At arraignments, bail may be set if further investigation is required.

On July 3, authorities arrested five members of the Bongo Must Go party for vandalizing public buildings and trying to subvert state security. The five, who had erected signs bearing the message "Bongo Must Go," were convicted of vandalism and released on October 1.

On July 7, security forces arrested Gerard Ella Nguema, the leader of the national Gathering of Republican party, and several of his colleagues on charges of counterfeiting, coup plotting, and attempting to blow up government buildings. Nguema and his colleagues remained in prison awaiting trial at year's end.

Members of the security forces frequently detained individuals at roadblocks under the guise of checking vehicle registration and identity papers. Security forces generally used such operations to extort money.

Pretrial detainees have the right to free access to their attorneys, and this right was not restricted in practice. Detainees have the right to an expeditious trial. Pretrial detention, limited to 6 months for a misdemeanor and to 1 year for a felony charge, may be extended for 6 months by the examining magistrate. In practice, overburdened dockets resulted in prolonged pretrial detention. Approximately 40 percent of persons in custody were pretrial detainees.

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, the judiciary remained susceptible to government influence.

The judicial system includes regular courts, a military tribunal, and a civilian High Court of Justice. 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. The High Court of Justice, last convened in 1990, is constituted by the Government as required to consider matters of security.

Systemic resource and personnel shortages in the judiciary often contributed to prolonged pretrial detention (see Section 1.d.).

The Constitution provides the right to a public trial and the right to legal counsel, and the Government generally respected these rights. Nevertheless, a judge may deliver an immediate verdict of guilty at the initial hearing in a state security trial if the Government presents sufficient evidence.

Minor disputes may be taken to a local chief, particularly in rural areas; however, the Government did not recognize such decisions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice. As part of criminal investigations, police may request search warrants from judges, which they obtained easily, sometimes after the fact. The Government has used search warrants to gain access to the homes of opposition figures and their families.

During the year, security forces conducted three major warrantless searches for illegal immigrants and criminals using street stops and identity checks (see Section 1.c.). Gendarmes stopped and searched vehicles at roadblocks, soldiers and police conducted house-to-house searches in impoverished neighborhoods, and police frequently stopped vehicles to extort bribes.

Unlike in the previous year, the Government did not destroy housing of legal immigrants.

Authorities reportedly 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 to criticize the Government, the Government continued to restrict press freedom. Legislators in the National Assembly openly criticized government policies, ministers, and other officials.

The only daily newspaper was the state-affiliated L'Union. Approximately nine privately owned weekly or monthly newspapers represented independent views and those of various political parties; however, most appeared irregularly due to financial constraints or in some cases, government suspension of their publication licenses. Gabaon, a satirical newspaper that was suspended in 2002 for criticizing the Senate president, resumed publication during the year; however, the newspaper

Misamu, which was suspended in 2002 after reporting on official corruption, has not published since its suspension. All newspapers—including L'Union—criticized the Government and political leaders of all parties. Foreign newspapers and magazines were available widely.

The Government owned and operated two radio stations that broadcast throughout the country. Much of their news coverage concerned the activities of government officials; however editorials sometimes criticized specific government policies or ministers. Seven privately owned radio stations were operating at year's end; most were apolitical. International radio stations, including Voice of America and Radio France International, broadcast locally.

The Government owned and operated two television stations, RTG-1 and RTG-2. Four privately owned television stations transmitted 8 hours per day. Satellite TV reception was available.

During the year, several journalists claimed they were harassed after publishing criticism of the Government and that they had received indirect warnings that they interpreted as death threats; there were reports that government authorities, including some ministers, were involved in the threats.

The Communications Code 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). Libel can be either a criminal offense or a civil matter. The law authorizes the Government to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the State to criminalize civil libel suits.

In May, the National Communications Council (CNC) suspended publication of four newspapers: The independent, satirical Misamu for 1 month in response to a conflict between shareholders over ownership rights; *Le Temps*, an independent, satirical newspaper, for 3 months for publishing allegations that the Government had budgeted \$75 million (50 billion CFA francs) for independence day festivities; the independent Jeunesse Action briefly for "lack of journalistic ethics" in publishing without sufficient verification; and *L'Espoir* briefly for failure to conform with administrative registration requirements.

In September, the CNC accused Sub-Version, an independent, satirical newspaper, and *La Sagaie*, a bi-monthly newspaper, of trying to destabilize the administration; Sub-Version was seized, and *La Sagaie* was suspended. The editors and publishers of both newspapers were given a suspended prison sentence of 21 days and fined \$545 (300,000 CFA francs).

The Government did not restrict access to, or use of, the Internet. Three Internet service providers, one state-owned and two privately operated, functioned. In urban areas, cyber cafes provided relatively affordable access to the Internet.

The Government did not restrict academic freedom, and unlike in the previous year, the Government did not shut down state-funded universities because of strikes.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedoms of assembly and association, and the Government generally respected these rights in practice; however, on occasion security forces violently dispersed demonstrations and strikes. The law requires that groups obtain permits for public gatherings in advance, and the Government usually granted them.

On June 30, gendarmes violently dispersed a demonstration by students from Omar Bongo University; the students were demanding payment of their scholarships. Numerous students were injured. No action was taken against responsible security forces by year's end.

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

Some Protestant denominations alleged that the government television station accords free air 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.

The Ministry of the Interior maintained an official registry of religious groups; however, it did not register traditional religious groups. The Government did not require religious groups to register but recommended that they do so to assemble with full constitutional protection.

The Government has refused to register approximately 10 religious groups, including Jehovah's Witnesses. A decree banning Jehovah's Witnesses remained in effect; however, the Government did not enforce the decree. The Government has made uncorroborated claims that it permits Jehovah's Witnesses to proselytize.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government frequently restricted them in practice. There were no legally mandated restrictions on internal movement; however, police and gendarmes continued to frequently stop travelers to check identity, residence, or registration documents, and members of the security forces harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers (see Sections 1.c. and 1.f.). They extorted bribes and demanded services with threats of confiscation of residency documents or imprisonment. Residency permits cost up to \$150 (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 intermittently enforced an internal regulation requiring married women to have their husbands' permission to travel abroad. During the year, there were numerous reports that authorities refused to issue passports for travel abroad with no explanation. There also were reports of unreasonable delays in obtaining passports, and in October, the Government promised a 3-day turnaround time for processing passport applications; however, delays in issuance of passports continued.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government generally cooperated with the office of the UNHCR and provided temporary protection to certain individuals who fall outside the definition of the Convention. However, refugees have complained about widespread harassment, extortion, and detentions by security forces. At year's end, approximately 19,000 refugees remained in the country, including 13,400 from the Republic of the Congo; approximately 1,700 of the refugees applied for repatriation during the year. Approximately 5,700 persons from the Republic of the Congo seeking asylum also resided in the country.

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

The Constitution provides citizens with the right to change their government peacefully; however, mismanagement and serious irregularities in both the 1998 presidential elections and the December 2001 legislative elections 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.

The country is dominated by a strong Presidency. While the legislature is not in session, the President can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law. The legislature generally approved legislation presented to it by the President. The President appoints and can dismiss judges through the Ministry of Justice, to which the judiciary is responsible. The President appoints ministers of government and heads of parastatal firms.

President Bongo, who has been President since 1967, was re-elected for another 7-year term in a 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. On July 14, the Constitution was amended to remove all term limits.

In May 2002, legislative by-elections were held to fill seats nullified in the 2001 legislative elections, which resulted in the PDG and allied parties holding 107 and the opposition holding 13 seats in the National Assembly.

Senatorial elections were held in February, and the PDG won a majority of the 91 seats. There were widespread reports of irregularities in the February elections, which were considered neither free nor fair. Municipal and regional government officials elect the senators, who serve 6-year terms. All the senators were either members of the PDG or of political parties linked to the PDG.

The ability of citizens to choose provincial governments remained limited in practice. Provincial governors, prefects, and sub-prefects were officers of the central Government responsible to and appointed by the President. Mayors and municipal councils were elected; however, municipal governments had limited financial autonomy and depended heavily on funding from the central Government.

In December 2002, country-wide municipal elections were held. The PDG party won 85 percent of all seats; however, the level of voter abstention was extreme, reaching 100 percent in some precincts.

Opposition parties included the National Lumberjack Assembly-Gabonese People's Assembly (RNB-RPG) and the Gabonese Progressive Party (PGP). Members of the

Fang ethnic group constituted the RNB–RPG’s political base. The PGP was supported in Port Gentil, the center of the country’s petroleum industry, and among the Myene ethnic group; however, ideological splits and rivalries limited its effectiveness.

Members of all major ethnic groups continued to occupy prominent positions; however, members of the President’s Bateke ethnic group and other ethnic southerners held a disproportionately large number of key positions in the military and security forces. The General Chief of Staff, the Minister of Defense, the Chief of the Republican Guard, and the Minister of Interior were from the same region as the President or from the same ethnic group.

There were no restrictions on the participation of women and minorities in politics. At year’s end, 11 of 120 members of the National Assembly, 12 of 91 senators, and 5 of 43 government ministers were women. Indigenous Pygmies rarely participated 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

A few independent human rights groups generally operated without government restriction, investigating and publishing their findings. Governmental officials took no actions on the recommendations of such groups. In 2002, the Government created a Ministry of Human Rights; however, it was inactive during the year. In October, the Senate failed to gather a quorum to discuss legislation to establish an independent human rights commission to advise and assist the Minister of Human Rights.

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

The Constitution forbids discrimination based on national origin, race, gender, or opinion; however, the Government did not enforce these constitutional provisions uniformly, and there was considerable discrimination against women, especially in domestic affairs. Security forces also discriminated against noncitizens. The Government provided a lower level of health care and educational services to children of other African nationalities than it provided to citizens.

Women.—Domestic violence against women was believed to be common, especially in rural areas; however, there were few reports of such violence during the year. Police rarely intervened in such incidents, and women virtually never filed complaints with civil authorities. Only limited medical and legal assistance for rape victims was available.

Female genital mutilation (FGM) was believed to occur among the resident population of noncitizen Africans; however, there were no reports of such practices during the year.

The Government and nongovernmental organizations (NGOs) reported cases of female domestic workers (often victims of child trafficking) who were sexually molested by employers.

The law provides that women have rights to equal access in education, business, and investment. Women owned businesses and property, participated in politics, and worked throughout the Government and the private sector. Nevertheless, women continued 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 monogamous or a polygynous relationship; polygynous marriages were more common. For monogamous 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 received 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 was accepted socially and practiced widely, afforded women no property rights.

A regulation requires that a woman obtain her husband’s permission to travel abroad. This requirement was not enforced consistently.

Children.—The Government has used oil revenue to build schools, pay teachers’ salaries, and promote education, even in rural areas; however, the upkeep of schools and payment of teachers has declined in recent years. Education is compulsory until age 16 and generally is available through sixth grade; however, fewer than half of secondary school-age children attended school. Secondary school attendance rates for immigrant children were lower, although public schools accepted immigrant children, and the Government encouraged them to attend. Students were required to

pay for books, uniforms, and other school supplies, which precluded numerous children from attending school. Despite low enrollment, a U.N. agency estimated that 64 percent of women and 78 percent of men were literate.

The country's infant mortality rate was 5.7 percent; only approximately 16 percent of children had been vaccinated. Although international donors worked to improve the situation, the Government allocated few resources for vaccines or logistical support to administer them. Children remained the responsibility of the extended family. There was little evidence of physical abuse of children, although there were occasional reports that family members sexually abused girls who had passed puberty. The law provides for protection against child labor and sexual and physical abuse; however, there were no known prosecutions of individuals involved in such activities during the year.

FGM was performed on girls in the resident population of expatriate Africans (see Section 5, Women).

Concerns about the problems facing the large community of children of noncitizen Africans persisted. Almost all enjoyed far less access to education and health care than did citizen children; some were victims of child trafficking and abuses (see Sections 6.d. and 6.f.).

Child labor remained a serious problem (see Section 6.d.).

Persons with Disabilities.—There are no laws that prohibit discrimination against persons with disabilities or provide for access to buildings or services; however, there were no reports of official discrimination against persons with disabilities. There was some societal discrimination against persons with disabilities, and employment opportunities and treatment facilities were limited.

Indigenous People.—The Baka (Pygmies) are the earliest known inhabitants of the country. Several thousand Pygmies lived in large tracts of still-intact rain forest in the northeast. The law grants them the same civil rights as other citizens; however, Pygmies remained largely 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. Pygmies suffered societal discrimination, often lived in extreme poverty, and did not have easy access to public services. There were no specific government programs or policies to assist Pygmies.

In 2001, an NGO study of the Bukoya Pygmy population in the northeast found that most Pygmies lived in conditions tantamount to slavery, working on plantations for "Gabonese 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 lived on 13 cents per day. Pygmies who complained about their situation faced the possibility of being beaten.

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, and workers exercised this right in practice. Virtually the entire private sector workforce was unionized. Unions must register with the Government to be recognized officially. Public sector employees may unionize, although their right to strike is limited if a strike could jeopardize public safety.

Many independent unions, including powerful unions of teachers, civil servants, transport workers, and communications workers, have formed the Gabonese Confederation of Free Unions (CGSL). The Gabonese Labor Confederation (COSYGA) continued to be affiliated with the Government but criticized some government policies as contrary to labor interests. The Labor Code provides extensive protection of worker rights.

While no laws specifically prohibit anti-union discrimination, the court may require employers who are found guilty by civil courts of having engaged in such discrimination to compensate employees.

Unions and confederations were free to affiliate with international labor bodies and participate in their activities. COSYGA was affiliated with the Organization of African Trade Union Unity, while the CGSL was affiliated with the International Confederation of Free Trade Unions. Both COSYGA and CGSL had ties to 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 met to negotiate differences, and the Ministry of Labor provided observers. The observer does not take an active role in negotiations over pay scales, working conditions, or benefits. Agreements negotiated by unions also applied to non-union workers.

The Labor Code provides for the right to strike after an 8-day notice advising that outside arbitration failed. However, in September, a social truce signed by the Government, employers, and the country's main trade unions provided for a 3-year hiatus on strikes and the creation of a 35-member mediation committee to negotiate disputes. Union support for the social truce resulted from governmental concessions on price reductions for basic goods, reduced living standards for governmental ministers, and other governmental reforms. The Labor Code prohibits direct government action against individual strikers who abide by the arbitration and notification provisions.

Prior to September, there were numerous strikes in the timber, media, hospital, and oil sectors.

In May, journalists and technicians of RTG, the national television station, and public hospital workers in Libreville conducted a strike for nearly 2 months to demand better working conditions and salary increases. Both strikes ended when President Bongo intervened with promises of improved working conditions.

On June 15, laid-off lumber workers from the Cora Wood Company staged a strike in Port Gentil to demand payment of higher indemnities than the Government promised and paid in 2002 after the 1991 buyout of their former state-owned company, Gabon Forest. On August 12, the lumber workers conducted a second strike after government promises to address their concerns were not kept. Security forces briefly arrested strike leaders and violently dispersed the strikers, who had erected barricades to block other lumber companies from shipping timber through the city harbor.

During the year, there were two 1-day strikes by oil truck drivers; both were resolved peacefully through negotiation.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, there were reports that such practices occurred, including by children (see Sections 6.d. and 6.f.). Some Pygmies reportedly lived in conditions tantamount to slavery (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a serious problem. Children below the age of 16 may not work without the express consent of the Ministries of Labor, Education, and Public Health. The Legal Code stipulates fines and prison sentences for violations of the minimum age for work. The ministries rigorously enforced this law in urban areas with respect to citizen children, and few citizens under the age of 18 worked in the formal wage sector; however, child labor was common in rural areas, where the law was seldom enforced. A significant number of children—primarily foreign—worked in market-places or performed domestic duties; many of these children were the victims of child trafficking (see Section 6.f.). Such children generally did not go to school, received only limited medical attention, and often were exploited by employers or foster families. Laws forbidding child labor theoretically extended protection to these children as well, but abuses often were not reported. A 2001 International Labor Organization (ILO) study estimated that the number of economically active children between the ages of 10 and 14 years was 19,000 to 20,000, but the actual number was probably considerably higher since most children worked in the informal sector.

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 was inadequate, complaints were not investigated routinely, and consequently, violations were not systematically addressed.

e. Acceptable Conditions of Work.—The Labor Code governs working conditions and benefits for all sectors and theoretically provides a broad range of protection to workers; however, the Government sometimes did not respect these protections in practice. According to law, representatives of labor, management, and the Government meet annually to examine economic and labor conditions and to recommend a minimum wage rate to the President, who then issues an annual decree; however, this procedure had not been followed since 1994, in part because the Government was following a policy of wage austerity recommended by international financial institutions. The monthly minimum wage was approximately \$91 (60,000 CFA francs); government workers received an additional monthly allowance of \$30 (20,000 CFA francs) per child. Government workers also received transportation, housing, and family benefits. The law does not mandate housing or family benefits for private sector workers. The minimum wage did not provide a decent standard of living for a worker and family.

The Labor 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 formal sector paid competitive wages and granted the fringe benefits required by law, including maternity leave and 6 weeks annual paid vacation.

The Ministry of Health established occupational health and safety standards, but it did not enforce or regulate them. The application of labor standards varied from company to company and between industries. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

The Government reportedly did not enforce Labor Code provisions in sectors where the majority of the labor force was 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 required longer hours of work from noncitizen Africans and paid them less, often hiring on a short-term, casual basis to avoid paying taxes, social security contributions, and other benefits.

f. Trafficking in Persons.—No law specifically prohibits trafficking in persons; however, the country was a destination for trafficked persons, and trafficking in children was a serious problem. The Government did not actively investigate cases of trafficking and has not prosecuted any cases against traffickers; however, individuals accused of trafficking have been deported from the country. There were reports that some trafficked women and children were sexually abused.

On March 26, Guy Nzouba Ndama, the President of the National Assembly, introduced a bill that would criminalize trafficking of children in the country. In July, Parliament passed the bill and forwarded it to the Senate for ratification. The bill was pending ratification at year's end.

According to several local NGOs, children (especially girls) primarily from Benin and Togo, were used as domestic servants or in the informal commercial sector. Nigerian children, also victims of trafficking, worked in the informal commercial sector as mechanics.

There were unconfirmed reports that some government officials employed trafficked foreign children as domestic workers, and that individual police and immigration officers were involved in facilitating child trafficking.

On April 4, UNICEF and the Government inaugurated a jointly sponsored toll-free assistance hotline for child trafficking victims in Libreville. The call center, which provided 24-hour response assistance and arranged free transport to a victims' shelter, received approximately 50 calls in its first week of operation. The Government also ran a shelter for trafficking victims.

An inter-ministerial committee comprised of representatives from the Labor, Justice, Foreign Affairs, and Family Ministries was involved in anti-trafficking efforts. The Government also cooperated with UNICEF. In May 2002, the Government and the ILO launched a 3-year project on the prevention of child trafficking and child labor in the country.

THE GAMBIA

The Gambia is a republic under multiparty democratic rule. President Alhaji Yahya A.J.J. Jammeh was re-elected for a 5-year term in 2001 in an election considered free and fair, despite some shortcomings. The main opposition coalition initially accepted the results of the presidential elections but later changed its position and boycotted the legislative elections in 2002. President Jammeh's political party, the Alliance for Patriotic Reorientation and Construction (APRC), won majorities in the National Assembly and most local councils. The multiparty opposition remained weak and divided. Although the courts have demonstrated their independence on occasion, the judiciary, especially at lower levels, was at times corrupt and subject to executive branch pressure.

The Gambian Armed Forces reports to the Secretary of State (Minister) for Defense, a position held by the President. The police report to the Secretary of State for the Interior. The National Intelligence Agency (NIA), responsible for protecting state security, collecting intelligence, and conducting covert investigations, reports directly to the President. Civilian authorities generally maintained effective control of security forces. There were a few instances in which members of the security forces acted independently of government authority. Some members of the security forces committed human rights abuses.

The country's market-oriented economy encouraged growth through the development of the private sector. Much of the country's population of 1.4 million was engaged in subsistence farming. The high population growth rate diminished the effects of modest economic expansion in recent years. During the year, per capita

gross domestic product declined to less than \$300 due to the sharp depreciation of the national currency.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Despite some election deficiencies, citizens generally were able to exercise their right to change their government through periodic elections. Security forces harassed or otherwise mistreated journalists, detainees, prisoners, and opposition members. Prison conditions remained Spartan but generally good. Arbitrary arrest and detention were problems; however, unlike in the previous year, there were no reports of incommunicado detention. Prolonged pre-trial detention was a problem. Detainees were denied fair and expeditious trials by a slow, inefficient, and corrupt court system. There was one known political prisoner. The Government at times infringed on citizens' privacy rights. The Government limited freedom of speech and the press by intimidation and restrictive legislation. Some journalists practiced self-censorship. Unlike in previous years, the Government did not restrict freedom of assembly. Violence and discrimination against women were problems. The practice of female genital mutilation (FGM) remained widespread and entrenched. Child labor persisted, mainly on family farms, and there were some instances of child prostitution. There were a few reports of trafficking.

RESPECT FOR HUMAN RIGHTS

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

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

No action was taken, nor is any likely to be taken, in the following 2001 cases: The January killing of Bakary Ceesay or the October killing of Hussein Wane and Ousman Ceesay in separate incidents.

The Indemnity Act stipulates that “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 been done during any unlawful assembly, public disturbance, riotous situation or period of public emergency.” This law continued to prevent victims from seeking redress in some cases.

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 reports that government officials beat and on occasion tortured persons. There continued to be reports that security forces, notably soldiers acting outside the chain of command, mistreated civilians. The army requested that victims file formal complaints so that the cases could be investigated; however, there were no prosecutions of soldiers accused of torturing individuals during the year.

For example, on March 27, three soldiers beat Karamo Marong, a controller at the Banjul ferry terminal. Marong claimed he was beaten because he insisted the soldiers, who were purportedly on an official mission, pay the crossing fee. No known action was taken against the responsible soldiers by year's end.

On April 8, soldiers on duty at the Abuko Earth Station allegedly detained and beat Lamin Cham and Ebrima Ceesay after a man reported that they stole his satellite antenna—an accusation both denied. Cham and Ceesay claimed the soldiers stripped them naked, doused them with water, and flogged them with cables for most of the day. They were released without charge; however, no known action was taken against the responsible soldiers by year's end.

On July 23, Hassan Jobe, the chief of Sanchaba Sulay Jobe village, reported that soldiers brutalized him and his family members. Jobe stated that his grandson, Ousman Njie, was beaten unconscious. His wife was struck on her mouth and lost a front tooth. The soldiers allegedly used rifle butts to beat the Jobe family after a heated dispute at a phone booth. The army completed its investigation of the alleged attack in September. The army advised the family to take legal action in the civil courts and agreed to produce the soldiers for trial. There was no additional action taken by year's end.

No action was taken, nor was any likely to be taken, against the security personnel who beat or otherwise abused persons in the following cases from 2001: The February beating of John Seneise; the April beating of Brian Secka; and the June beating of three athletes in Kanifing.

No action was taken against those responsible for election violence in 2001.

Conditions at Mile 2, Janjanbureh, and Jeshwang prisons remained Spartan but adequate. In August, representatives from the African Commission on Human and

Peoples Rights and the International Committee of the Red Cross (ICRC) visited Mile 2 and Jeshwang prisons and reported that 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 reported that the psychological conditions in the prisons were "hard." For example, maximum-security prisoners were confined to small, individual cells for 21 hours each day and were permitted few family visits.

Unlike in previous years, there were no reports of beatings and malnourishment of detainees during the year. Local jails continued to experience overcrowding. Inmates, including detainees awaiting trial, occasionally had to sleep on the floor; they were provided with mats or blankets. Prison guards were reluctant to intervene in fights between prisoners, and some of the prisoners were injured.

Women were held separately from men. Juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. There was no separate section or facility for political prisoners.

The Government permitted independent monitoring of prison conditions by local and international human rights groups.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, police and security forces at times arbitrarily arrested and detained citizens. Periods of detention generally ranged from a few hours to 72 hours, the legal limit after which detainees must be charged or released.

The police served under the Secretary of State for the Interior. The police generally were corrupt and on occasion acted with impunity and defied court orders.

The Government has not formally revoked 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 "in the interest of national security." The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appeared 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 went to trial. During the year, there were five known cases that exceeded the 72-hour limit. Unlike in previous years, there were no reports that detainees were held incommunicado.

The law requires that authorities obtain a warrant before arresting a person; however, on occasion individuals were arrested without a warrant. Detainees generally were permitted prompt access to family members and legal counsel. There was a functioning bail system.

On January 22, the NIA detained Dr. Ahmed Gibril Jassey, the elected chairman of the Brikama Area Council for 6 days without charge. Jassey's arrest came a week after the Secretary of State for Local Government had suspended him for alleged mismanagement of funds. Some observers criticized the actions, arguing that the suspension and arrest of an elected local government official without a full investigation contravened the Local Government Act.

In June, NIA officers seized eight diamonds, \$205,560 in currency, and other possessions from two visiting German businessmen, Dr. Frank Mahier and Niklas Wesphal, and told them to leave the country. Their local partner, Dr. Al Lamin, was briefly detained for reporting the matter to the police. The NIA officers involved were dismissed after a commission of inquiry found them culpable.

On December 27, police arrested National Assembly Majority Leader Baba Jobe with 3 associates while they were on their way from Jarra Karantaba to Banjul. Police detained Jobe, who was already on trial for economic crimes and was free on bail, at the Yundum Police Training Center without charge for more than the constitutionally prescribed limit of 72 hours. Police ignored a December 31 court-ordered writ of habeas corpus to release Jobe and his co-detainees.

Security forces at times briefly detained journalists and persons who publicly criticized the Government or who expressed views in disagreement with the Government (see Section 2.a.).

No action was taken in the 2001 cases of UDP activist Kassa Jatta; UDP activist Musa Fatty; former vice president of the Gambia Student Union Alagie Nyabally; opposition supporter Dr. Momodou Lamin Manneh; Citizen FM Radio director George Christensen; and Muhammed Lamin Sillah from Amnesty International. The NIA released all without charge except for Sillah, who was charged with inciting genocide and confusion, and attempting to overthrow the Government. He was awaiting trial at year's end.

During the year, the trial continued of Ebrima Yabo, Ebrima Barrow, Momodou Marenah, and Dumo Saho, who were detained in 2000 on suspicion of attempting to violate state security. On July 29, the High Court acquitted two other military co-defendants, Lalo Jaiteh and Omar Darboe, due to lack of evidence. According to the army, the two soldiers were reinstated but discharged shortly thereafter for "security reasons." No additional action was taken against them. In October, Momodou Marenah was acquitted and released; however, the remaining three accused civilians remained in jail awaiting trial at year's end.

The slow pace of the justice system resulted in detainees waiting long periods in pre-trial detention. Approximately 40 of Mile 2 Prison's 230 inmates were in detention pending trial. Most of the detainees were in the detention wings of the Mile 2 and Janjanbureh prisons. Some have been incarcerated for more than 4 years without trial.

The Constitution prohibits forced exile, and the Government did not use it. After a formal reconciliation, former president Sir Dawda Jawara was free to return to the country and did so during the year. Other senior officials of the former government, including Vice President Saihou Sabally and Secretary General Abdou Sara Janha, remained outside the country, reportedly for fear of harassment or detention, but they did not face formal charges.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the courts, especially at the lower levels, were corrupt and subject to executive branch pressure at times. Nevertheless, the courts have demonstrated independence on several occasions, including in significant cases. For example, in December, High Court Justice Wallace Grante issued a writ of habeas corpus when National Assembly leader Baba Jobe was detained longer than the 72 hours prescribed by the Constitution.

The Constitution provides for a fair trial; however, the judicial system suffered from corruption, particularly at the lower levels, and from inefficiency at all levels. Many cases were not heard for months or years because the court system was overburdened and lacked the capacity to handle the high volume of cases. To alleviate the backlog and reduce the possibility of undue influence and corruption, the Government continued to recruit judges and magistrates from other Commonwealth countries who share a similar legal system. The Attorney General oversees the hiring of foreign judges on contract. The Government reserves the right not to renew a judge's contract. Foreign judges were generally less susceptible to corruption and executive branch pressure. Despite these steps, corruption in the legal system persisted.

The judicial system is comprised of the Supreme Court, the Court of Appeal, high courts, and eight magistrate courts. Village chiefs presided over local courts at the village level.

Trials are public, and defendants have the right to an attorney at their own expense. Defendants are presumed innocent, have the right to confront witnesses and evidence against them, present witnesses on their own behalf, and appeal judgment to a higher court.

The judicial system recognizes customary, Shari'a (Islamic law), and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. Shari'a was observed primarily in Muslim marriage and divorce matters; it favored men in its provisions. General law, following the British model, applied to felonies and misdemeanors in urban areas and to the formal business sector.

Persons have been held for extended periods pending trial (see Section 1.d.).

The trials of two UDP supporters charged with breach of peace in January for allegedly playing a UDP political rally videocassette on the Bantanto community television station remained pending at year's end.

At year's end, UDP leader Ousainou Darboe and UDP members Shyngle Nyassi and Marong remained free on bail awaiting trial for murder in a 2000 case.

There was one known political prisoner, Lieutenant Sana Sabally, a former vice chairman of the now defunct Armed Forces Provisional Ruling Council (AFPRC) (the military council established after the 1994 coup), who was serving 9 years at Mile 2 Prison in Banjul for conspiring to assassinate the President in 1995. Human rights organizations were not permitted access to him.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such abuses; although the Government generally respected these prohibitions, there were some exceptions. The Government has not repealed Decree 45, which abrogates constitutional safeguards against arbitrary search and permits search and seizure of property without due process. This decree remained in effect, pending a judicial finding that it is unconstitutional. In practice,

the Government did not use it. In some instances, security forces forcibly entered homes to arrest citizens without warrants.

Observers believed the Government monitored citizens engaged in activities that it deemed objectionable.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, the Government limited freedom of speech and the press by intimidation and restrictive legislation. Journalists practiced a degree of self-censorship.

On occasion, security forces detained persons who publicly criticized the Government or who expressed views in disagreement with the Government. For example, on January 27, NIA officers arrested and detained Kemesseng Jammeh, a member of the opposition UDP for 2 days without charge after the Independent newspaper published a statement he reportedly made at a UDP rally in Talinding, which inaccurately accused the Government of misappropriating a \$200,000 donation for farmers.

On September 30, the NIA arrested Lamin Waa Juwara, leader of a small opposition political party, the National Democratic Action Movement after he allegedly called for citizens to overthrow the Government. Juwara was turned over the Serious Crimes Division of the Gambian Police, charged with sedition, and ultimately released on bail.

The Government published one newspaper, The Gambia Daily. The Daily Observer, although privately owned, tended to favor the Government in its coverage. There were four other independent newspapers, including one published by an opposition political party. There was one independent weekly magazine.

The Government generally did not restrict the publication, importation, or distribution of written material. English, French, and other foreign newspapers and magazines were available. The ruling APRC and opposition parties freely distributed leaflets and papers that could be considered “political literature” during the year.

During the year, one government-owned and four private radio stations broadcast throughout the country. There were frequent public affairs broadcasts on at least two independent radio stations. Local stations rebroadcast the British Broadcasting Corporation, Radio France Internationale, and other foreign news reports, and all were available via short-wave radio. Both government-owned and privately owned satellite television were available in many parts of the country. The Government allowed unrestricted access to satellite television, and residents who could afford to do so received independent news coverage via satellite dish.

During most of the year, government-owned television and radio gave very limited coverage to opposition activities, including statements by opposition parliamentarians in the National Assembly.

Citizen FM, known in the past for its civic education and political programming, remained closed at year’s end.

During the year, security forces detained journalists. The Government detained, questioned, and otherwise harassed journalists and editors of newspapers that published articles it considered inaccurate or sensitive. For example, on June 30, NIA officers arrested and detained for 3 hours without charge Alhagi Yorro Jallow, editor of The Independent newspaper, allegedly for publishing an erroneous report that two persons were killed in a Gambia-Senegal border clash following a violent football match in June between the two countries.

On September 20, Abdoulie Sey, editor-in-chief of The Independent newspaper, was detained for 3 days and released without charge after allowing the publication of an article that criticized President Jammeh.

Decrees 70 and 71 continued to inhibit free reporting. The decrees require all newspapers to post a \$3,000 (100,000 dalasi) bond or cease publication. The bond was required to ensure payment of any penalties imposed by a court for the publication of blasphemous or seditious articles or other libel. Independent newspaper publishers complained that the bond placed a serious financial burden on them.

Although the nongovernment press practiced a degree of self-censorship, the press frequently voiced strong, direct criticism of the Government, and opposition views regularly appeared in the independent press.

In 2002, the National Assembly passed a National Media Commission Act, which gave a state-appointed committee the right to license and register journalists (and to impose heavy fines and suspension for failure to do so), force reporters to reveal confidential sources, issue arrest warrants to journalists, and formulate a journalistic code of ethics. The Media Commission is chaired by a senior magistrate, named by the Chief Justice of the Supreme Court, and includes the Permanent Secretary

of the Department of State for Information and Technology, the Director General of Gambia Radio and Television Services, a journalist appointed by the Government (since the Gambia Press Union (GPU) declined to participate), and representatives from civil society, namely from the Women's Bureau, the Gambia Teachers Union, the Supreme Islamic Council, the Gambian Christian Council, and the Gambia Bar Association. In August, the GPU, the bar association, and independent media practitioners filed applications in the Supreme Court to contest the constitutionality of the Media Commission Act. In September, the Government proposed and the National Assembly adopted several amendments to the Act to eliminate the most controversial provisions of the original text. The National Assembly removed the Commission's power to judge complaints against media practitioners and media organizations and returned this power to the jurisdiction of the magistrate courts and the High Court. The Media Commission can receive and investigate complaints but cannot pass judgment. In December, the Supreme Court met to rule on the Media Commission's constitutionality; however, a quorum of justices refused to sit, leaving the Media Commission without legal standing.

The Government allowed unrestricted Internet access and operation. Convenient, inexpensive Internet access existed at numerous Internet cafes and through private accounts.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and, unlike in previous years, the Government generally respected this freedom in practice.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The AFPRC's Decree 81 requires nongovernmental organizations (NGOs) 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 NGOs. However, the Government did not take action against any NGOs during the year.

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

On July 22, President Jammah reversed a May Ministry of Education decision to allow students to wear veils to school. The President decided that each school administration should determine its own policy.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights but allows for "reasonable restrictions," which the Government at times enforced. The Government prohibited those under investigation for corruption or security matters from leaving the country.

The law provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. The Government worked with the UNHCR and local NGOs in processing refugee claims. The country hosted approximately 3,500 Senegalese refugees from the troubled Casamance region, as well as approximately 7,000 additional refugees from Guinea-Bissau, Liberia, and Sierra Leone. During the year, fewer than 100 Sierra Leonean refugees were repatriated under UNHCR auspices.

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in presidential, legislative, and local elections. The Constitution provides for the democratic elections of the President and National Assembly every 5 years. The APRC remained the dominant political party.

In 2001, 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.

International observers described the 2001 presidential electoral process as generally free and fair, despite some shortcomings. President Jammeh won approximately 53 percent of the vote. The opposition political parties initially conceded the elections but then accused the Government of bribing voters and issuing threats, both explicit and veiled, against individuals and communities that did not support the incumbent. Observers agreed there probably were some irregularities in the registration process but on a much smaller scale than the UDP/PPP/GPP coalition alleged. The post-election period was marred when Jammeh fired more than 20 village heads and civil servants 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.

The major opposition coalition boycotted the January 2002 National Assembly elections accusing the IEC of allowing fraudulent voter registrations and mismanaging both the presidential and national elections. The boycott was criticized widely as unjustified and as an inappropriate response to the alleged fraud and left many of the opposition's own candidates unfunded and unsupported during the elections. The APRC won the majority for the National Assembly. The Democratic Organization for Independence and Socialism won two seats and the National Reconciliation Party won one seat. The President appointed 4 members of his own party and 1 former opposition presidential candidate to the 48-member National Assembly.

In April 2002, local elections were held that were considered generally free, fair, and transparent; however, the UDP boycotted the local elections, which allowed the APRC to run unopposed for many seats. There were unsubstantiated reports of vote buying by the APRC and opposition parties.

Approximately 55 percent of women registered to vote in the 2001 presidential and the 2002 legislative elections. There were 7 women in the 48-seat National Assembly; 3 were elected, 4 were appointed by the President. There were 3 women in the 15-member Cabinet, including the Vice President.

There were no statistics available on the percentage of minorities who compose the legislature or the cabinet. President Jammeh and many members of his administration were from the previously marginalized minority Jola 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 operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

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

The Constitution prohibits discrimination based on race, sex, disability, language, or social status, and the Government generally enforced these prohibitions. There was no evidence of societal or official discrimination against persons infected with the HIV/AIDS virus.

Women.—Domestic violence, including abuse, was a problem. It was reported occasionally, and its occurrence was believed to be common. Police considered these incidents to be domestic issues outside of their ordinary jurisdiction. Rape, spousal rape, and assault are crimes under the law; rape was not common. The law against spousal rape was difficult to enforce effectively, as many people did not consider spousal rape a crime and failed to report it.

The practice of FGM remained widespread and entrenched. Between 60 and 90 percent of women have undergone FGM. Approximately seven of the nine major ethnic groups practiced FGM at ages varying from shortly after birth until 16 years old. FGM was less frequent among the educated and urban segments of those groups. There were unconfirmed reports of incidences of health-related complications, including deaths, associated with the practice of FGM; however, no accurate statistics were available. The Government publicly supported efforts to eradicate FGM and discouraged it through health education; however, authorities have not passed legislation against FGM, which was not considered a criminal act. President Jammeh stated that the Government would not impose a ban on FGM, but his administration worked to convince traditional village leaders to abandon the practice. Practitioners of FGM and other types of circumcision in the country believed that Islam mandates it; however, at least one influential imam declared that Islam forbids such harmful customs.

Prostitution is illegal but was a problem, especially in the tourist areas. The Government expelled numerous foreign prostitutes. In May, the newly established Law

Enforcement Unit of the Immigration Department, in collaboration with the Drug Squad Unit of the police, carried out an operation to rid the greater Banjul area of petty criminals, illegal immigrants, prostitutes, and others. Many of the foreign prostitutes arrested as a result of the operation were subsequently deported.

There are no laws against sexual harassment. Although individual instances of it have been noted, sexual harassment is not believed to be widespread.

Traditional views of women's roles resulted in extensive societal discrimination in education and employment. Employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds of employment; however, women generally were employed in such places as food vending or subsistence farming.

Shari'a law is applied in divorce and inheritance matters for Muslims, who make up more than 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than did male relatives. Christian and civil marriages and divorce matters were settled by the appropriate church and the Office of the Attorney General.

Marriages often were arranged and, depending on the ethnic group, polygyny was 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.

The Department of Women's Affairs, under the direction of the Vice President, oversees programs to ensure the legal rights of women. Active women's rights groups exist.

Children.—The Government was committed to children's welfare. The Department of Education and the Department of Health and Social Welfare were the two most generously funded government 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 prevented effective compulsory education, and children must still pay school fees. Girls constituted approximately 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls was low, particularly in rural areas where a combination of poverty and socio-cultural factors influenced parents' decisions not to send girls to school. The Government implemented a countrywide program to pay school fees for all girls.

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 subject to criminal penalties.

FGM was performed primarily on young girls (see Section 5, Women). There were no developments in the 2002 case of forcible circumcision of a 13-year-old girl in Tanji village.

Trafficking of children for prostitution was a problem (see Section 6.f.).

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

Persons with Disabilities.—There were no statutes or regulations requiring accessibility for persons with disabilities. No legal discrimination against persons with physical disabilities existed in employment, education, or other state services. Some societal discrimination exists towards those with disabilities. 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. Very few buildings in the country were specifically accessible to persons with disabilities.

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 workers exercised this right in practice. 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 was employed in the modern wage sector, where unions were most active. Approximately 30,000 workers were union members, constituting an estimated 10 percent of the work force.

The Gambian Worker's Confederation and the Gambian Workers' Union (GWU) were the two main independent and competing umbrella organizations. The Government recognized both organizations.

Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the Government has intervened to assist workers who have been fired or discriminated against by employers.

Unions and union confederations may affiliate internationally, and there were no restrictions on union members' participation in international labor activities. The GWU was 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 were small and fragmented, collective bargaining took place. The Joint Industrial Council Agreement (JIC), an arrangement among all of the active trade unions and their employers that was drafted and signed by the unions, provides guidance for union activities. Unions were able to negotiate without government interference; however, in practice, the unions lacked experience, organization, and professionalism, and often turned to the Government for assistance in negotiations. Union members' wages, which generally exceeded legal minimums, were determined by collective bargaining, arbitration, or agreements reached between unions and management that were considered legal after insuring that the agreements were in compliance with the JIC. The Act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership.

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 occurred. There were no strikes during the year.

There is a Government-established export-processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. The Labor Code covers workers in the EPZs, and they were afforded the same rights as workers elsewhere in the economy.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, and there were no reports that such practices occurred. The law does not specifically 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.—Child labor was a problem, and the Government did not have a comprehensive plan to combat child labor. The statutory minimum age for employment is 14 years. There was no effective compulsory education, and because of limited secondary school openings, most children completed formal education by the age of 14 and then began work. Employee labor cards, which include a person's age, were registered with the Labor Commissioner, who was authorized to enforce child labor laws; however, enforcement inspections rarely took 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 children begging on the street. The tourist industry stimulated a low level of child prostitution (see Section 5). The Department of Labor under the Department of State for Trade and Employment was responsible for implementing the provisions of the ILO Convention 182 on the worst forms of child labor; however, the Government generally was ineffective in enforcing those provisions.

e. Acceptable Conditions of Work.—Minimum wages and working hours were established by law through six joint industrial councils, comprised of representatives from labor, management, and the Government. The lowest minimum wage was approximately \$0.38 (12 dalasi) per day for unskilled labor. This minimum wage was 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. A majority of workers were employed privately or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families.

The basic legal workweek was 48 hours within a period not to exceed 6 consecutive days. Nationwide, the workweek included four 8-hour workdays and two 4-hour workdays (Friday and Saturday). A 30-minute lunch break was mandated. Government employees were entitled to 1 month of paid annual leave after 1 year of serv-

ice. Private sector employees received 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 Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and 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.

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. Illegal foreign workers without valid work permits do not enjoy protections under the law. Legal foreign workers may join local unions.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports of trafficking in persons. The Government does not consider trafficking in persons to be a serious problem; however, recent reports of child prostitution (the most prevalent aspect of trafficking) caused the Government to expand its efforts to combat prostitution in general and child prostitution in particular. The Government had not prosecuted anyone for trafficking by year's end.

A joint report from the Dutch NGO *Terre des Hommes* (TDH) and the Gambian Child Protection Alliance (CPA) concluded that large scale "child sex tourism" existed. The study alleged that Dutch, British, Swedish, Norwegian, German, and Belgian tourists sexually exploited children under the pretext of improving their conditions and giving them "opportunity". Victims were children of both sexes, normally less than 16 to 18 years old, and included both citizens and immigrants or refugees from Sierra Leone, Liberia, Senegal, and Guinea-Bissau. The foreign children were war migrants without proper family support.

Some child prostitution victims stated they worked to support their families, or because they were orphans and their guardian/procurer supported them. The guardian/procurer often assumed the role of the African uncle, allowing the children to live in his compound with their younger siblings or paying school fees on their behalf in return for their servitude.

The country was a destination for trafficking victims. The number of persons, mostly children, trafficked for commercial sexual exploitation was small but growing. Most trafficking victims became prostitutes and beggars; a few became domestic servants. Trafficking victims mostly came from conflict-ravaged countries, such as Liberia and Sierra Leone. Victims from Senegal, Guinea-Bissau, and Sierra Leone told TDH and CPA that foreign residents obtained permission from their home country families to employ them as bar waitresses or domestic maids. After their arrival, the local employers informed them their duties entailed commercial sex work.

The country was also a point of origin and transit for trafficking. A few citizens were trafficked to Western Europe. In addition, some Senegalese and Bissau-Guineans reportedly were trafficked through the country to Western Europe, mostly to Scandinavia.

There was no evidence of government involvement at any level in trafficking in persons.

The Government had no established victim care and health facilities for trafficked persons; however, the Government provided temporary shelter and access to medical and psychological services to reported victims of trafficking.

In 2002, President Jammeh signed the Economic Community of West African States (ECOWAS) Plan of Action Against Trafficking in Persons for 2002–03. The Government's coordinator for the ECOWAS Action Plan was the Department of State for Justice, which was designated as the liaison among government agencies and other ECOWAS countries.

GHANA

Ghana is a constitutional democracy with a strong presidency and a unicameral 200-seat Parliament. 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. In January 2001, John Agyekum Kufuor of the opposition New Patriotic Party (NPP) 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. The Constitution provides for an independent judiciary; however, in practice, the judiciary was subject to influence and corruption and lacked adequate resources.

The police, under the jurisdiction of an eight-member Police Council, were responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. A separate department, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the executive branch. While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities. Some members of the police and other security forces committed numerous serious human rights abuses.

The market-based economy remained dependent on agriculture, which accounted for approximately 39.5 percent of gross domestic product (GDP), 35.5 percent of foreign exchange earnings and 49 percent of employment, according to government statistics. The country's population was approximately 20.5 million. The economy was expected to grow at a rate of 4.7 percent during the year. Inflation increased dramatically from 13 percent to 29 percent, due to a fuel price increase early in the year, and wages kept pace with inflation.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police use of excessive force resulted in some unlawful killings and injuries. There continued to be credible reports that police beat suspects in custody, and that police arbitrarily arrested and detained persons. Police corruption and impunity was a problem. Prison conditions remained harsh and life threatening. Prolonged pretrial detention remained a problem. Corruption in the judicial system remained a serious problem. At times the Government infringed on citizens' privacy rights. There were occasional reports that government officials pressured government media outlets to minimize coverage of opposition politicians. At times, the Government restricted freedom of assembly. Police set up barriers to demand bribes from motorists. A night-time curfew continued in the north where intra-ethnic violence occurred during the previous year. Violence against women and children was a serious problem; however, prosecution of sexual abuse against underage girls increased and courts began to give lengthy sentences for such abuse. There was also a decline in the incidence of Trokosi, a traditional form of ritual servitude practiced on a limited scale in one region of the country. Female genital mutilation (FGM) still was practiced. Societal discrimination against women was a problem. There were some incidents of politically and ethnically motivated violence, and some ethnic groups complained of discrimination. Child labor was a problem in the informal sector, and forced child labor and trafficking in women and children also were problems. Vigilante justice also was a problem.

During the year, the National Reconciliation Commission (NRC) held hearings on human rights abuses for the periods of unconstitutional government since independence in 1957.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces committed some unlawful killings of criminal suspects and innocent bystanders with excessive force. Incidents of police brutality, negligence, and corruption contributed to low public confidence in police, mob attacks on police stations, and a widespread desire to deal with suspected criminals through vigilante justice (see Sections 1.c. and 1.d.). For example, on July 30, in Bechem, Brong-Ahafo, a meat-seller argued with a police officer guarding the bank, and at the officer reportedly assaulted the man. As two other police officers assisted to arrest the man, a mob protested the officers' actions. The officers fired warning shots to disburse the crowd, killing a bystander and injuring others. The meat seller was released from custody, and an investigation into the incident by the police Homicide Unit was ongoing at year's end.

On August 24, in Kintampo, Brong-Ahafo Region, police killed one man and injured another while attempting to arrest them for illegal logging. The officers attempted the arrest without the consent of their superior. One police officer was charged with murder, and the trial was ongoing at year's end.

During the year, there were several cases of police shooting and killing armed robbers while trying to apprehend them. For example, on September 10, in Dzodze, Volta Region, police killed a suspected fuel thief while trying to apprehend him by

firing shots at his car as he tried to escape. A mob protested the police action by attacking the police station with machetes, stones, and sticks.

The Attorney General did not schedule the trials in the case of a police officer charged with the May 2002 murder of a suspected robber and the case of security forces accused of killing three local neighborhood watch members in June 2002. In response to the neighborhood watch killings, the Government commissioned a streetlight project to enhance the neighborhood's security.

In December 2002, the Attorney General's office began criminal proceedings against the six senior police officers who gave the order to fire tear gas to control a crowd at a soccer match in 2001. A 2002 government inquiry attributed the 127 deaths to poor police command procedures. On July 30, an Accra High Court acquitted the 6 officers of 127 counts of manslaughter due to lack of evidence, and the officers were reinstated.

The trial in the case of a police officer charged with the 2001 murder of an Accra Polytechnic student at Dansoman, Greater Accra, was ongoing at year's end.

During the year, chieftancy disputes led to several deaths and a number of injuries (see Section 5).

Political clashes also led to several deaths, injuries, and property damage. On April 22 and 23, in Tamale, Northern Region, NPP and NDC supporters clashed over displays of party flags and paraphernalia, resulting in four deaths, during a several-day lapse in the area's state of emergency (see Section 2.d.). Security forces quelled the riot. On April 23, Parliament re-imposed the state of emergency and curfew. By April 26, security forces had arrested 208 suspects. There were reports that many persons were detained for several days without being informed of their offense and without medical treatment. Many of those detained were beaten or forced to lie on hot pavement. Authorities charged 8 with the murder of 1 of the 4 deceased and 114 suspects with causing unlawful harm and damage. No one was charged in the deaths of three other persons. Those charged with murder were all acquitted on December 17 due to lack of evidence. The trials of those charged with unlawful harm were ongoing at year's end. Opposition NDC party members called for an official inquiry into the situation, alleging that security forces abused, harassed, and discriminated against their party supporters during the incident; however, no judicial inquiry occurred by year's end, and the Government denied the allegations.

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches, which led to a number of deaths and injuries (see Section 5). In several instances, security forces intervened to save the lives of suspected criminals.

On February 20, police in Odomase, Brong-Ahafo Region, arrested 69 persons for lynching a Malian man who was accused of injuring another man during an argument. Police had arrested the Malian man, but released him the same day. The mob then attacked and set him on fire. One person was charged with murder and the other 68 persons were released without charges. The trial was ongoing at year's end.

On July 31 in Nkaseim, Brong-Ahafo Region, a mob attacked and killed a fetish priest accused of using his spiritual powers to kill another man. No arrest had been made and an investigation was ongoing 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, there were continued credible reports that police and customs officials beat prisoners and other citizens. It generally was believed that severe beatings of suspects in police custody occurred throughout the country but largely went unreported.

On September 19, the Deputy Inspector General of Police informed a graduating class of police that "use of unreasonable force, resort to firearms without justification and other acts that may constitute criminality, will no longer be treated by the Police Administration as misconduct, but criminal." During the year, police officers faced prosecution for misconduct during the May 2001 stadium riot and use of excessive force that killed a suspected illegal logger, while a criminal investigation was conducted on the use of warning shots that killed a bystander (see Section 1.a.). Police Administration also opened an internal investigation into use of excessive force on a riot. Police regulations do not authorize warning shots; however, there were instances in which police used warning shots, which killed or injured suspected criminals and innocent bystanders (see Section 1.a.). Unlike in the previous year, there were no reports that police used rubber bullets or water cannons.

On June 22, police clashed with students of Sunyani Polytechnic in the Brong-Ahafo Region, when the students barricaded traffic in response to the killing of a classmate by a driver. Police fired warning shots with live ammunition, injuring three students and destroying school property. Police arrested 33 students, who

were granted bail pending an investigation. The Brong-Ahafo Regional Police Commander admitted that police used excessive force, and the IGP ordered seven officers to go before a police disciplinary committee, warned three officers, and transferred several officers for acting unprofessionally. Investigators also recommended prosecution of 30 students for their participation in the riot; however, no charges were filed by year's end.

Early in the year, the Defense Minister said the Ministry could assist in the investigation of the 2000 case in which 25 off-duty soldiers attacked and injured more than 20 civilians in Accra because the complainants could not identify the soldiers.

There were reports of inter- and intra-party clashes. A dispute between the ruling NPP and opposition NDC parties turned violent in Tamale, Northern Region in April, which resulted in the death of four persons and reports of police abuses (see Section 1.a.).

On July 29, an intra-party conflict in Ho, Volta Region, turned violent when a gasoline bomb exploded outside the residence of the Regional NPP Organizer and a man was assaulted at the NPP Regional headquarters. The violence allegedly originated from a power struggle between party executives whose positions were annulled and the new executives recognized by the National NPP Secretariat. Police arrested four persons in connection with the bombing, while the assaulted man could not identify his attackers. The trial of the four suspects was ongoing at year's end.

On October 17, the Government appointed a commission of inquiry into the cause of the January 2001 clash between a group of NPP activists and NDC supporters in Asutuare, Greater Accra Region. The commission was mandated to investigate the widely disputed underlying causes of disturbances in the area within the past 3 years. Police investigators claimed that a long-standing chieftancy dispute caused the clash, while residents and opposition party leaders claimed it was a coordinated attack on NDC supporters. The mandate required the commission to submit a report to the President within 8 weeks of its first meeting. The case had not been called to court by year's end.

"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 were organized privately and operated outside the law. There were some allegations of police complicity with these extralegal security agents.

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 against suspected criminals and suspected witches that led to a number of deaths and injuries (see Section 5). For example, on May 10 in Nkoranza, Brong-Ahafo Region, a palm tree farmer amputated a student's right forearm for stealing his palm wine. The farmer was arrested, charged, and sentenced to 30 months in prison. The farmer was also required to pay the victim \$1,160 (10 million cedis) or serve 10 additional years.

On July 4, in the Ashaiman, a driver falsely accused four men of theft after they signaled for him to slow down so they could cross the street. A mob severely beat the four men. The driver was arrested and released on \$9,275 (80 million cedis) bond. The case was still under investigation at year's end.

Prison conditions in most cases were harsh and sometimes life threatening, despite government efforts during the year to improve them. On several occasions, the Director General of Prisons publicly described the prisons as overcrowded and under-financed and called for improved living conditions for the prisoners. According to the Prisons Service Annual Report for 2002 and press statements by the Director General, there was a monthly average of 11,400 prisoners serving in prisons meant for a total population of 6,500. Some of the prisons reported as much as 300 percent overcrowding. To relieve the congestion, on June 30 the President granted amnesty to 2,004 first time offenders with 1 year or less remaining on their sentence. The Prisons Service also established eight prison camps for those convicted of minor offenses, providing conditions similar to house arrest.

The Government also sought to address the unsafe and unsanitary conditions of the prisons during the year. Much of the prison population was held in buildings that were originally old colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, dilapidated construction, and limited space. The Cabinet approved a plan for the relocation of several of these prisons, and the Government released approximately \$73,000 (630 million cedis) for the construction of improved sanitation facilities for all prisons.

Prisoners' daily food allowance was approximately \$.57 (4,000 cedis). Prisoners relied on families or outside organizations for additional food, medicine, and other supplies. Bedding was available for only 30 percent of the inmates, and there was

no funding for clothes. Medical facilities were inadequate, and the prisons supplied only the most basic medicines. Overcrowding contributed to a high prevalence of communicable diseases. Some suspects allegedly plead guilty in order to be sent to prison and leave the unsanitary conditions in the police remand cells.

According to the 2002 Prisons Service Report, 125 prisoners died in the country's prisons from diseases such as tuberculosis, HIV/AIDS, and anemia.

The results of the investigation into the May 2002 death of two suspects who died in a police holding cell in Accra were not made public by year's end.

Women were held separately from men. Juvenile offenders were held separately in the Borstal Institute, a juvenile correction center. Pretrial detainees were held with convicted prisoners.

The Prisons Service is governed by a Prisons Council, appointed by the President, with members from the Interior and Justice Ministries, the Department of Social Welfare, the Medical and Bar Associations, and other members of civil society. During the year, Members of the Prisons Council, as well as the Commission for Human Rights and Administrative Justice (CHRAJ), foreign diplomats, nongovernmental organizations (NGOs), and the media inspected prison conditions. The Director General of Prisons allowed cameras into some prison inspections to educate the population on the conditions; however, on September 17, the prison commander of Akuse prison refused to allow the media to accompany the CHRAJ Commissioner on his annual inspection, stating that he had not been properly notified of the media's presence. The CHRAJ Commissioner addressed the problem to the Ministry of Interior but had not received a response by year's end.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for protection against arbitrary arrest, detention, or exile; however, arbitrary arrest and detention were problems.

The police service has come under repeated criticism following incidents of police brutality, corruption, and negligence. Public confidence in the police remained low, and mobs attacked several police stations due to perceived police inaction, delays in prosecuting suspects, rumors of collaboration with criminals, and the desire to deal with suspects through instant justice (see Section 1.a.).

A survey conducted by the Center for Democratic Development (CDD) on Police-Community Relations, released on August 21, found that many of those arrested believed that they were not treated according to the law; there was a strong belief that police often violated the human rights of those arrested. Of those who stated that they were arrested, 46 percent were not informed of the charges against them; 51 percent were not read their rights; 67 percent reported they were not given the opportunity to contact a lawyer; and 44 percent believed they were presumed guilty from the onset.

Government officials publicly stated that the Government's "zero tolerance for corruption" policy applied to police and other security officials; however, the Police-Community Relations Survey also found that 68 percent of respondents believed extortion or bribery occurred frequently within the Police Service. Of the small number of respondents who admitted having offered a bribe, 92 percent reported that police officers accepted the bribe. Similarly, a public opinion survey that CDD conducted in September 2002 and released in February found that citizens were most suspicious of the police (with 79 percent responding that at least some police personnel were corrupt), followed by customs officials (74 percent), and judges/magistrates (70 percent).

There were credible reports that police extorted money from local businesses by acting as private debt collectors and arrested citizens in exchange for bribes from detainees' disgruntled business associates.

The opposition NDC continued to claim that the Government used anti-corruption investigations to intimidate and harass its members. The Government continued to question former officials during the year. On December 4, the Government apologized for its March 2002 attempted arrest, during a church service, of the former head of the Ghana National Petroleum Corporation for questioning on charges of causing financial loss to the state. The man later reported to police for questioning and was on trial at year's end.

The Constitution provides for an individual detained to 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 an interpreter, at state expense. It allows judicial authorities to hold citizens for up to 48 hours without filing charges against them, requires judicial warrants for arrest, and provides for arraignment within 48 hours. 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 the person appear in court at a later date.

In practice, while incidence of abuse lessened, many abuses still occurred, including detention without charge for longer than 48 hours, failure to obtain a warrant for arrest, and remand of prisoners into investigative custody for indefinite periods by renewing warrants or simply allowing them to lapse. In addition, at times persons were detained for trivial offenses or on unsubstantiated accusations. Authorities routinely failed to notify prisoners' families of their incarceration; such information often was obtained only by chance. In the past, 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; however, on December 10, the CHRAJ Commissioner stated that annual inspections of police cells revealed greater compliance with the 48-hour rule and that fewer suspects were detained for more than 48 hours. The court has unlimited discretion to set bail, which may 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. Police also demanded money from suspects as a precondition of their release on bail.

Unlike in the previous year, police did not arrest persons attempting to demonstrate.

Security forces used checkpoints and mass arrests while searching for criminals (see Section 2.d.). For example, on February 23, joint security forces briefly detained 16,000 men in the Buduburam Refugee Camp, searching for weapons, ex-combatants, and criminals. No arrests or weapons seizures occurred.

A citizen of Belize, who had been in custody awaiting deportation since 2001, was deported in the spring.

Large numbers of long-term remand prisoners remained a serious problem, and while the problem was debated publicly, the Government had not implemented any meaningful policy to reduce the number of pretrial detainees by the year's end. During inspections of prison facilities, the Director-General of Prisons met numerous remand prisoners who had been detained for up to 10 years without a trial. In March, a Sunyani High Court judge stated that out of 30 murder cases on the dockets, 3 persons had been in remand for 9 years, 5 between 4 to 6 years, and 19 for 3 years. The Director-General of prisons sent several thousand of remand cases to the Attorney-General for review. Judicial officials made a number of efforts to improve the efficiency of the courts, such as implementing a pilot alternate dispute resolution program (see Section 1.e.).

The Constitution prohibits forced exile, and the Government did not practice it. The Government encouraged citizens, including dissidents living abroad, to return. Some former Armed Forces Revolutionary Council (AFRC) and Provisional National Defense Council officials returned to testify before the NRC (see Section 4).

Traditional village authorities can punish rural women with banishment 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). In March, CHRAJ estimated that there were approximately 1,090 persons living in three main witches camps in the area of Gambaga, Ngani, and Kukuo. Various organizations provided food, medical care, and other support to the residents of the camp. The CHRAJ and human rights NGOs mounted a campaign to end this traditional practice but have met with little success.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the judiciary generally was independent; however, in the past, the judiciary was subject on occasion to executive influence. Corruption was a serious problem.

There were numerous allegations of corruption within the judicial system. On June 20, the Parliamentary Select Committee on the Judiciary adopted a report that provided details on corruption in the judiciary. The report included accounts of extortion; misuse of remand, bail, and contempt of court charges for bribery; and acceptance of gifts or money in exchange for expedited or postponed cases, or losing records. The Committee recommended establishing and enforcing codes of conduct, transparent complaint procedures, and disciplinary mechanisms. The newly appointed Chief Justice began a campaign to end corruption, dismissing some officials and opening investigations of others. In October, the Chief Justice inaugurated a Complaints Unit of the Judicial Service to receive and investigate complaints of corruption, delays, and unfair treatment. Within the first few weeks, the Unit received 46 complaints related to corruption, delay of court processes, and conduct of lawyers.

On August 5, a Cape Coast High Court judge accused a sitting Supreme Court Judge of bribing him to decide in favor of one faction in a chieftancy dispute. On

September 23, the Disciplinary Committee of the Judicial Council began an investigation, which was ongoing at year's end.

The Constitution mandates Superior Courts of Judicature consisting of the High Court and Regional Tribunals, the High Court of Appeals, and the Supreme Court. Parliament may establish lower courts by decree. The Constitution allows the Government to nominate any number beyond a minimum of nine members to the Supreme Court, subject to Parliamentary approval. The Chief Justice was empowered to impanel the justices of his choice to hear cases. These provisions, along with a lack of resources, limited the court's ability to balance to the power of the executive branch and contributed to the perception that the judiciary occasionally was subject to executive influence.

The Constitution establishes two basic levels of courts: Superior and lower. The superior courts included the Supreme Court, the Appeals Court, the High Court, and regional tribunals. During the year, the Government inaugurated four additional Fast Track Courts, a division of the High Court of Judicature, 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 that involve substantial public money or are a matter of extreme public importance. The majority of cases filed before the Fast Track Court were for Banking and Commercial matters, and Human Rights and Defamation. Several high profile prosecutions of former officials on corruption charges occurred, with convictions obtained in two cases.

During the year, the Government implemented an Act that replaced Community Tribunals, run by appointed panels and police 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, authorities generally respected these safeguards.

There were frequent reports that large numbers of prisoners were held in detention for extended periods, sometimes years, without going to trial (see Section 1.d.). The Government sponsored a 1-week alternate dispute resolution pilot program in Accra and Tema, during which 185 cases were resolved.

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, the authority of traditional rulers has steadily eroded and been vested 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, in practice the Government infringed on these rights at times. Although the law requires judicial search warrants, police did not always obtain them in practice.

Opposition party activists claimed the Government engaged in surveillance and harassment of those it perceived to be opposed to the ruling party.

CHRAJ investigations into the 2001 demolition of Kyekywere village, Western Region by Abosso Goldfields Limited and the \$5 million (34.5 billion cedis) lawsuit against the Accra Metropolitan Assembly, the former Chief Executive, and the Attorney General for the unlawful demolition of a private hotel were ongoing at 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 generally respected these rights in practice; however, there were occasional reports that government officials pressured government media outlets to minimize coverage of opposition politicians, and major government media outlets exercised some restraint in their coverage. Opposition political party leaders frequently criticized the Government.

On August 9, a man who made derogatory remarks about the President when the President's convoy passed through Kumasi, Ashanti Region, was arrested and charged with defaming the President. On August 27, the Interior Minister ordered police to discontinue their investigation and publicly urged them to be more tolerant. The man was released on August 29. Shortly after the incident, several roadside traders who booed at the President's convoy in the Sogakope, Greater Accra Region, were suspended from their roadside business for 5 days, after the District Chief Executive (DCE) charged them with "disrespecting" the President. While the Government did not officially comment on the incident, the DCE was removed from office 1 month later.

On September 11, the Government withdrew certain travel expediting courtesies for former president Jerry Rawlings, accusing the former president of making derogatory remarks about the Government when traveling internationally. The NDC claimed that the Government's action contravened the Constitution, which accorded pensions and facilities to the former president.

There were 50 newspapers including 3 government-owned dailies, two government-owned weeklies, and many privately owned newspapers. Two of the government-owned dailies had national circulation. Most newspapers circulated only in regional capitals, and many of the smaller private newspapers were available only in Accra. The President did not appoint chief executives to the state-owned media, and the Government did not finance any newspaper.

According to the National Communications Authority (NCA), the body responsible for allocating bandwidth and broadcast media licenses, Accra had 1 government-owned and 15 private FM radio stations, and there were approximately 11 government and 60 private FM stations across the country. Most stations were independent and aired a wide range of viewpoints. There was one government-owned television station that broadcast nationwide. There were three semi-private television stations that broadcast in the Greater Accra, Eastern, and Ashanti regions. There were three cable networks broadcasting in the Greater Accra Region, two of which also broadcast in Kumasi. There was one private television station broadcasting in Kumasi.

On May 5, the President appointed a new chairman of the NCA. Previously, the Minister of Communications served as the chairman, which media organizations saw as a conflict of interest. Complaints persisted regarding delays in obtaining bandwidth and licenses for broadcast media; however, the number of radio stations increased significantly during the year.

Foreign media operated freely in the country, including the British Broadcasting Corporation (BBC), Radio France International, and Voice of America (VOA). Foreign periodicals were available in major cities and circulated freely even when they contained articles critical of the Government.

The government-owned media reported extensively on charges of corruption or mismanagement by government officials in the previous administration and on some allegations against officials in the current Government. During the year, the government-owned media gave some coverage to opposition politicians and printed occasional editorials critical of government policies; however, direct criticism of the President was avoided. The opposition NDC claimed that government media denied it equal access and coverage on numerous occasions, and in practice the government-controlled media gave greater exposure to government officials.

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. For example, on July 8, a High Court judge ruled in a libel suit by the head of the government-owned Volta River Authority (VRA) against an independent newspaper, that no "seemingly libelous and damaging" stories should be printed against the VRA or its management, unless the publications were factual.

The National Media Commission (NMC), a constitutionally mandated independent government body, was charged with maintaining journalistic standards, including the investigation, mediation, and settlement of complaints made against or by the media; however, it did not have legally binding authority to implement its recommendations. The NMC has published standards and guidelines, and voluntary use of its alternative dispute resolution offices continued to increase. Resolutions recommended by the NMC included retraction, apology, and the printing of rejoinders. Of the 56 cases reviewed between January 1 and September 23, 14 were resolved, 25 were conducted without direct NMC intervention, 2 were struck out, and the remaining cases were pending; 29 cases were brought by private individuals, 1 by a former government official, 7 by current government officials, 15 by government organizations, and 2 by other organizations or institutions. There were 53 complaints brought against private media, and 7 against the state-owned media, with some complaints filed against more than 1 media house.

On August 25, an independent journalist was arrested and charged with extortion for threatening to print a negative article about a local government official if he was not paid to be silent.

The Government did not restrict access to the Internet. There were more than 10 operating Internet Service providers (ISPs) in the country at year's end.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, at times the Government restricted this right. The Government did not require permits for demonstrations; however, police

could deny use of a particular route, and during the year police on four occasions negotiated time and route changes with protesters. 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.

Political parties held national congresses and labor organizations held demonstrations without hindrance during the year; however some political party rallies were either postponed or cancelled at the request of police.

In March, in Navrongo, Northern Region, police cancelled opposition party rallies, allegedly for security purposes to accommodate the Vice President’s visit to the area, in the final days before a closely contested parliamentary by-election. In April, in Gomoa East, Central Region, police again cancelled opposition rallies immediately before a bi-election, ostensibly to safeguard the Vice President’s security. The practical effect of both incidents was to disrupt opposition campaigning (see Section 3).

One opposition party rally was postponed twice due to disagreements between the organizers and security forces on use of route and timing. The rally eventually took place in September.

The Government permitted peaceful demonstrations and rallies during the year. Unlike the previous year, police did not use force to disperse any demonstration.

There were no developments in the 2002 cases in which security forces forcibly dispersed demonstrations.

The ban on demonstrations in the Dagbon Traditional area due to a state of emergency remained in effect throughout the year (see Section 2.d.).

The ban on campus demonstrations remained in effect during the year; however, it has never been challenged nor enforced.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, members of security forces were prohibited from joining political assemblies or groups within the security services, but were allowed to participate outside police or military grounds.

NGOs were required to register with the Registrar General’s office and the Department of Social Welfare, but this registration was routine.

The Electoral Commission (EC) accredits 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 showed evidence of a viable national support base before granting accreditation and may annul the registration of a party that failed to meet the criteria for being a viable party.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government increased its prosecution of violent acts, including religious violence, and all incidents of religious violence were prosecuted during the year.

Religious institutions that wanted formal recognition were required to register with the Registrar General’s Department; however, this was 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, did not register.

The Government generally respected the Education Service regulation providing that public school authorities not force students of ethnic minority groups to worship with the majority religious groups in school. Muslim organizations reported that while there were a few isolated reports of disrespect for the directive, Muslim students generally experienced greater religious freedom in public schools.

Although the law prohibits involuntary servitude, Trokosi, a form of religious servitude usually lasting no more than a few months, existed on a limited scale (see Section 5). Government agencies, like CHRAJ, have campaigned actively against Trokosi for years, and supporters of traditional African religions, such as the Afrikania Renaissance Mission, have stated that these activities constituted discrimination against indigenous religious beliefs.

There were occasional reports of inter-religious and intra-religious incidents, but no violent incidents based on religious affiliation occurred during the year.

In July 2002, tensions between a local church and the traditional council resulted in a mob setting fire to the church’s worship center in Techiman, Brong-Ahafo Region. No injuries were reported. Traditional authorities denied involvement in the fire. Those who followed traditional practices in the area accused the church of preaching against the traditional Apoo Festival and ban on fishing on the Tano River. An investigation by the Techiman District Security Committee (which includes the District Chief Executive, District Police Commander, and others) was ongoing at year’s end, and no arrests were made due to lack of evidence. However, the Committee formally cautioned the traditional authorities and discussed strategies to prevent further disturbances. In September, the evangelist of the church formally apologized to the traditional council for what he termed his “misbehavior” and the resulting “misunderstanding” that led to the incident.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

Citizens and foreigners were free to move throughout the country. Security officers manned checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals, although many were unmanned during daylight hours (see Section 1.d.). The Police Administration continued to erect security checkpoints in response to an upsurge in highway robberies and police roadblocks, and car searches were a normal part of nighttime travel in larger cities. The police administration acknowledged that some officers occasionally erected illegal barriers to solicit bribes from motorists. The Regional Police Commanders monitored the activities of police personnel working at the checkpoints.

In response to intra-tribal violence in Yendi, Northern Region, in March 2002, Parliament continued to renew the state of emergency and curfew in the Dagbon traditional area at 1 month intervals (see Section 5). By year's end, the Government had lifted the curfew in four out of six districts subject to the state of emergency. For most of the year, the curfew remained from midnight to 4 a.m., except immediately after the April riot in Tamale, when for several weeks, the curfew was increased from 6 p.m. to 6 a.m. (see Section 1.c.).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The law also incorporates the broadened refugee definition under the African Union Convention Governing Specific Aspects of Refugee Problems in Africa. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country generally had a liberal policy of accepting refugees from other West African nations. The Government also provided protection to certain individuals who fell outside of the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The political crisis in Cote d'Ivoire and Liberia led to an inflow of approximately 6,000 refugees during the last quarter of 2002 and throughout the year. During the year, the Government and the UNHCR conducted a registration and documentation exercise that confirmed that there were 47,695 total refugees and asylum seekers in the country, of whom 42,388 were Liberian, 3,895 Togolese, 1,125 Sierra Leonean, and 287 from other African nations.

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 periodic, free, and fair elections held on the basis of universal suffrage. Despite a few incidents of intimidation and election fraud, domestic and international observers judged the 2000 national election 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 included recognized opposition parties, which expressed their views freely within Parliament and won a near majority of the parliamentary seats.

In the first round of the 2000 presidential elections, neither major candidate received a majority vote. In December 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 John Agyekum Kufuor of the NPP beat Vice President John Evans Atta Mills with 56.7 percent of the vote.

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 was limited by a system-wide lack of resources that affected all three branches. Parliament still sought effective oversight of the workings of the executive branch. Although all Members of Parliament (M.P.s) could introduce bills, no one has ever done so; however, some have introduced motions.

During the year, there were four parliamentary by-elections to fill vacant seats. Despite a few reports from all sides of intimidation and vote-buying, domestic and international observers judged all four by-elections to be free and fair. The ruling NPP party won each election, bringing the NPP's representation in Parliament to 103 seats, while the NDC held 89 seats and smaller parties and independents held the remaining 8 seats.

During two by-election campaigns, one in March in Navrongo, Northern Region and the other in April in Gomoa East, Central Region, police required opposition parties to reschedule their rallies during the last full days of campaigning, ostensibly in order to accommodate security requirements for the Vice President's visit to the regions. Some opposition parties were effectively precluded from rescheduling their rallies, which disrupted their campaigning.

Opposition parties, and some persons in private business, continued to allege that some government contracts were awarded on the basis of ruling party membership and that government officials pressured businesses to steer contracts toward favored companies and individuals.

There were 18 female M.P.s in the 200-member Parliament, and 13 female ministers and Council of State members out of 92.

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

At least 20 domestic and international human rights NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views. The Government generally granted ready access to prisons, with the exception of one prison commander who would not let the media enter with the CHRAJ officials (see Section 1.c.). Prominent NGOs included the International Committee of the Red Cross (ICRC), Amnesty International (AI), the International Federation of Woman Lawyers (FIDA), the African Center for Human Development, and Ghanalert. The Government cooperated with international humanitarian organizations, including the ICRC.

The CHRAJ was charged with investigating alleged violations of human rights, including corruption of public officials, and taking action to remedy proven violations. The CHRAJ continued to hold workshops to educate the public, traditional leaders, police, and the military on human rights issues. It mediated and settled cases brought to it by individuals with grievances against government agencies or private companies. On average the CHRAJ received between 4,000 and 5,000 new petitions per year, with steady increases each year. By July 30, CHRAJ had received 3,800 cases. Since CHRAJ was founded in 1993, it has received a total of 64,804 cases, 70 percent of which were resolved through mediation.

The CHRAJ operated with no overt interference from the Government. Its biggest obstacle was a lack of adequate funding. Low salaries and poor working conditions resulted in the loss of many CHRAJ-trained personnel to other government agencies that were able to pay their employees more.

In January, the NRC, established to create a historical record of human rights abuses for the periods of "unconstitutional government" and make recommendations for redress, began conducting public hearings. The Commission's 12-month mandate was extended by 6 months to accommodate the volume of complaints and allow thorough investigation. By year's end, the NRC had registered 4,211 complaints nationwide, including ill treatment, detention, torture, seizure of property, unlawful killing, abductions, disappearance, and others.

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

The Constitution prohibits discrimination on the basis of race, sex, disability, language, or social status; however, enforcement by authorities was generally inadequate, in part due to limited financial resources. The courts were empowered specifically to order enforcement of these prohibitions.

Women.—Violence against women, including rape and domestic violence, remained a significant problem. According to FIDA, one in three women experienced domestic violence at some time in their lives, and most abuses went unreported and seldom came before the courts. Police tended not to intervene in domestic disputes; however, during the year, the Women and Juvenile Unit (WAJU) of the police established a national secretariat to increase its efficiency in handling cases of domestic violence, child abuse, and juvenile offenses as well as researching patterns and types of crimes against women and children. Also during the year, the police administration expanded WAJU's regional presence from 9 to 12 cities around the country. The WAJU worked closely with the Department of Social Welfare, FIDA, the Legal Aid Board and several human rights NGOs.

An average of 10 cases of violence against women were reported daily to the WAJU. The number of reported cases of violence against women doubled from 852 cases in 1999 to 1,658 in 2001. During the year, a total of 2,244 cases were recorded. The Director of WAJU stated the increase in reported cases was due to an increase in victim rights awareness programs. The media also increasingly reported cases of assault and rape. Prosecution of domestic violence cases was still difficult. On aver-

age, of the cases prosecuted, approximately one-quarter received convictions. Many victims did not have access to appropriate medical assistance to record the abuse, which hampered prosecution efforts. During the year, WAJU, international donors and NGOs collaborated to create a medical trust fund for victims of domestic violence.

In 2002, the Attorney General's office drafted a domestic violence bill based on a proposal submitted by FIDA. During the year, the draft bill was the subject of intense national debate, due to a provision that repeals a section of criminal code justifying the use of force within marriage. Some opposed the provision as contrary to tradition and destructive to the institution of marriage. NGOs joined to form the National Coalition on Domestic Violence Legislation and worked with government officials to hold numerous workshops to educate citizens on the contents of the bill. The bill was pending at year's end.

The Criminal Code bans the practice of customary servitude protects women accused of witchcraft, makes the age of criminal responsibility 12 years, criminalizes indecent assault and forced marriages, and imposes punishments for defilement, incest, and prostitution involving children.

Belief in witchcraft was still strong in many parts of the country. Most accused witches were older women, often widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. Many of these women were banished by traditional village authorities or their families and went live in "witchcamps," villages in the north populated by suspected witches (see Section 1.d.). The women did not face formal legal sanction if they returned home; however, most feared that they could be beaten or lynched if they returned to their villages. The law provides protection to alleged witches.

There were several cases of lynching and assault of accused witches during the year. For example, on July 2 in Asempanwu, Ashanti Region, a woman was beaten to death on suspicion that she was a witch who used her powers to cause the death of three children who died in a car accident. Two other women were seriously injured in the attack. Police arrested four men, and an investigation was ongoing at year's end.

On August 1, a Tamale, Northern Region High Court sentenced a 28-year old man to death for the 2001 murder of a woman suspected of being a witch. The High Court also sentenced the man's father to life in prison for conspiracy to murder.

During the year, a man in Tongor, Volta Region was sentenced to 6 years in prison with hard labor for chopping off the hands of his 75-year-old aunt in 2001, claiming that she was a witch.

There were several traditional discriminatory practices that were injurious to the health and development of young girls. In particular FGM was a serious problem. A Ministry of Health survey conducted between 1995 and 1998 found that FGM was practiced among nearly all the northern sector ethnic groups, up to 86 percent in rural parts of the Upper West and Upper East Regions. Often it was performed on girls under the age of 15. Some observers believed that in the north there was a 15 percent FGM prevalence rate, while others believed that education on the illegality of FGM has driven the practice underground and the real rate was as high as 30 percent. Officials at all levels, including traditional chiefs, have spoken against the practice, and local NGOs continued their educational campaigns to encourage abandonment of FGM and to retrain practitioners. In some cases in which FGM was performed, the victims actively sought out practitioners, sometimes without their parents' knowledge, in a quest to become ready for marriage.

The law prohibits FGM; however, members of the legal community advocated legislation to close loopholes in the law and extend culpability to those who aid in carrying out FGM and to citizens who commit the crime outside the country's borders. On September 22, a Circuit Court in Wa, Upper West Region, found a 50-year-old woman guilty of committing FGM on three children and sentenced her to 5 years in prison. The case was the region's first FGM conviction since the practice became illegal in 1994.

There were no laws that specifically protect women from sexual harassment.

There is a Ministry of Women and Children's Affairs to address gender and children's issues; however, women continued to experience societal discrimination. Women in urban centers and those with skills and training encountered little overt bias, but resistance to women entering nontraditional fields persisted. Women, especially in rural areas, remained subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often denied 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 were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government was active in educational programs, and many officials were active, outspoken advocates of women's rights.

Children.—Within the limits of its resources, the Government was committed to protecting the rights and welfare of children. The Government spent 5 percent of GDP on education, approximately 64 percent of which went toward basic education in 2002. Education was compulsory through primary and junior secondary school (the equivalent of grades 1 through 9); however, education was not free. In practice, schools imposed fees of up to \$50 (400,000 cedis) per term, despite government regulations that these fees should not be more than \$10 (80,000 cedis); and parents were required to purchase uniforms and books, as well as extra items listed in schools' prospectuses. In addition, teachers often imposed extra classes for an additional fee to supplement their incomes. During the year, the Minister of Education directed all fees above \$10 (80,000 cedis) to be refunded and required bills of secondary schools to be vetted by District Directors of Education before being sent to parents.

Some children were unable to attend school because they needed to work to supplement their family's income (see Section 6.d.), they had to travel long distances to reach the school, or there was a lack of teachers, especially in more rural areas. In addition, children's attendance at school was not enforced regularly by authorities, and parents rarely, if ever, were sanctioned for keeping their children out of school.

Females frequently dropped out of school due to societal or economic pressures, and there was a significant gap in enrollment rates between males and females. According to UNICEF, 80 percent of eligible children (84 percent of males enrolled compared with 77 percent of females) were enrolled in primary school in 2001–02. Primary school enrollment figures were significantly lower in the rural northern areas; in the Northern Region, 65 percent of eligible children (75 percent of males and 55 percent of females) were enrolled in primary school in 2001–02.

According to Ministry of Education (MOE) data for 2001–02, 55 percent of males and 45 percent of females in the 12- to 14-year age range were enrolled in junior secondary school. The 2001–02 advancement rate from junior secondary to senior secondary school was 47 percent. Enrollment of women at the university level in 2002 was less than half that of men.

The Government has taken some concrete steps to support education, including support of "informal" schools (NGO-sponsored schools that were not regulated by the Government and provide nontraditional education), and increased emphasis on assuring that students progressed from one school grade to another. The Government actively campaigned for girls' education, and the Minister of State for Primary, Secondary, and Girl-Child Education was responsible for addressing gender-related issues in education. The Ghana Education Service (GES) prepared a Five Year Action Plan for Girls' Education in Ghana 2003–2008 and offered the following programs during the year: "Science and Technology and Mathematics Education" clinics nationwide; scholarships for girls at the Junior Secondary School and Senior Secondary School levels; and incentives for female teachers to teach in rural areas and sensitize students, parents, and community members on girls' education. In addition, the GES has placed Girls Education Officers at the regional and district levels.

There were frequent reports that male teachers sexually assaulted their female students. The girls often were reluctant to report the attacks to their parents, and social pressure often prevented parents from going to authorities. In July, at U.N. Development Program (UNDP) sponsored workshop, researchers revealed a survey in which 27 percent of school girls interviewed stated their teacher had pressured them for sex, 25 percent stated they knew at least one teacher having an affair with a school girl, and 79 percent stated they were sexually harassed by male classmates, making it difficult to study. There were several press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems.

WAJU and regular police units increasingly investigated and prosecuted sexual abuse of minors, and press reports of court cases ending in lengthy prison sentences became routine. Of the 1,500 cases brought to the Greater Accra Region WAJU between January and June, 288 were cases of defilement.

Trokosi is a religious practice involving a period of servitude lasting up to 3 years found among the ethnic Ewe group in the Southern 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. While instances of sexual abuse may occur on a case-by-case basis, there was no evidence that sexual or physical abuse was an ingrained or systematic part of the practice. The practice explicitly forbids a Trokosi or Fiashidi to engage in sexual activity or contact during her atonement period. After she completed her service to the shrine, the girl's family must provide material items such as drinks, cloth, money, or livestock to the shrine for a final release ritual. After the release ritual, the girl returns to her family without, in the vast majority of cases, any particular stigma attaching to her status as a former Trokosi shrine participant. Generally the women continued 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, her family was expected to replace her with another young girl, 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; however, her family's reputation with the shrine, and possibly with the community, may be tarnished. 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.

The law bans ritual servitude in comprehensive legislation to protect women and children's rights. NGOs, such as International Needs, and government agencies, such as the CHRAJ, have been campaigning against Trokosi for years. According to reports by International Needs, other NGOs, and international observers, the practice has declined considerably in recent years due to education campaigns, conversion to other belief systems, and the death of fetish priests who have not been replaced.

Forced childhood marriage, which is illegal, remained a problem. On August 15, a Circuit Court in Wa, Upper West Region, convicted and sentenced a farmer to prison for 14 years for sexually assaulting and marrying a 14-year-old girl.

In 2002, the Ghana National Commission on Children (GNCC) 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.

Investigations into the August 2002 case of a 15-year-old girl forced to marry a 60-year-old man and the August 2002 kidnapping of a 5-year-old girl for ritual purposes were ongoing at year's end.

FGM was performed primarily on girls (see Section 5, Women).

Child prostitution, although illegal, also existed. The International Labor Organization's International Program to Eliminate Child Labor (ILO/IPEC) organized workshops throughout the year to create awareness of increasing child prostitution in the tourism industry, and create a strategy to combat the problem.

There were reports that trafficking in children occurred, including children being sold into various forms of involuntary servitude, for forced labor or sexual exploitation (see Sections 6.d. and 6.f.).

Child labor was a serious problem (see Section 6.d.).

The GNCC, a policymaking and coordinating body established to improve the lives of children, administered training programs for law enforcement and judicial officials to familiarize them with the Children's Act and other pertinent child labor legislation.

Persons with Disabilities.—The Constitution specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination. While the Government did not systematically or overtly discriminate against persons with disabilities, in practice, such persons often experienced societal discrimination. The Constitution also provides persons with disabilities access to public buildings "as far as practicable;" however, in practice this provision was implemented. During the year, Department of Social Welfare officials estimated that 10 percent of the population lives with some form physical disability.

National/Racial/Ethnic Minorities.—Although the Government played 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 were Ashanti, but the Vice President and many ministers were of other ethnic origins.

Efforts by NGOs to encourage reconciliation continued during the year; however, there were several violent confrontations within ethnic groups related to chieftancy issues, particularly those of succession and land. For example, on August 7 in Brekusu, Eastern Region, two persons were killed and three severely injured (including the Queen Mother) during a riot at the area's traditional festival. The violence was attributed to tensions over the legitimacy of the positions of the Chief and the Queen Mother and over who held the authority to allocate lands in the area. On September 4, 28 persons were arrested in connection with the violence; 24 were granted bail and 4 charged with rioting, conspiracy, attempted murder, and murder. Investigations continued at year's end.

In March 2002, the Ya-Na, chief of the Dagomba tribe in Yendi, Northern Region, and 29 of his followers were killed in fighting with a rival faction of the royal family. The two factions have long feuded over traditional ceremonies and the right to hold the throne. In July, two men indicted for conspiracy to commit the Ya-Na's murder were acquitted due to lack of evidence. Several others have been implicated in the crime, but no other arrests were made by year's end. A three-person team of traditional leaders, appointed by the President, and several local NGOs, conducted various peace-building and reconciliation activities between the factions. By year's end, progress was made in reducing tensions.

Government officials, M.P.s, and other prominent opinion leaders regularly called for peaceful coexistence between ethnic groups. The Permanent Peace Negotiating Team (PPNT) was a facilitative body whose primary purpose was to mediate disputes. The Government banned firearms in the Northern Region and northern part of the Volta Region.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, and workers exercised this right in practice. In October, the President signed into law new labor legislation that conformed with (ILO) conventions, enhanced the right of every worker to form or join a trade union, and created a National Labor Commission to help resolve labor disputes (see Section 6.b.).

The percentage of workers belonging to unions appeared to be decreasing as more of the workforce entered the informal sector where there was no union activity. The Ministry of Employment and Manpower Development estimated that 80 percent of the work force was employed in the informal sector, and that number was expected to increase.

The Trades Union Congress (TUC), the largest labor organization in the country, consisted of 17 national unions. The TUC has been a vocal and constructive critic of the Government's economic policies. Civil servants had their own union, the Civil Servants Association, which operated outside of the TUC umbrella. The Ghana Federation of Labor (GFL) served as an umbrella organization for several independent labor unions, which either had ceased ties with or never were members of the TUC.

The law prohibits anti-union discrimination and requires employers found guilty of the offense to reinstate or pay compensation to workers fired for union activities. There were no reports of anti-union discrimination during the year.

Unions had the right to affiliate with international bodies. The TUC was affiliated with the Organization of African Trade Union Unity headquartered in Accra and was also 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 law also provides a framework for collective bargaining, and trade unions engaged in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. However, the Government, labor, and employers negotiated together to set the daily minimum wage through a National Tripartite Committee. The new labor law, enacted in October, gave the Committee a formal role to determine and set the national daily wage, consult on matters of social and economic importance, and advise on employment and labor market issues.

The new legislation repealed a law restricting the right to bargain collectively to only those groups that apply for a Collective Bargaining Certificate through the TUC, essentially giving the TUC a monopoly and breaching the right to establish and choose organizations. The new law allows any trade union to apply for a Collective Bargaining Certificate through the Chief Labor Officer.

The law recognizes right to strike; however, the new labor law restricts that right for workers who provide essential services. The Minister of Manpower Development and Employment had not formally designated the list of essential services by the year's end. There were no legal strikes since independence. There are nominally ille-

gal strikes on a regular basis, which were resolved by negotiated settlement between labor and employers.

The new law provides for an independent National Labor Commission, made up of government, employers and organized labor representatives, responsible for settling disputes, first through mediation, then through arbitration. Parties in a dispute may request compulsory arbitration. Workers providing essential services that do not settle disputes within 3 days must go to the National Labor Commission within 24 hours for settlement by compulsory arbitration. Unlike the previous labor laws, the new law considers the Government an employer and therefore not responsible for dispute resolution. A union may call a legal strike if parties fail to agree to refer the dispute to voluntary arbitration or the dispute remains unresolved at the end of arbitration proceedings. No union has ever gone through the complete dispute resolution process, and there were numerous unsanctioned strike actions during the year. The law prohibits retribution against strikers, and this provision was enforced.

In June, the Deputy Minister of Manpower Development and Employment stated that there were 25 industrial actions involving 22,091 workers in the first 6 months of the year, costing the country 40,000 man-days of labor. Most actions involved demands for higher wages and better benefits.

There is legislation that authorized export-processing zones (EPZs), and a few EPZs are in operation. Existing labor law applies in any EPZ, including the right to organize.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the new labor law prohibit forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 5, 6.d., and 6.f.).

The new labor law provides for fines employers found guilty of forced labor; however, at year's end, the law had not been used. The ILO continued to urge the Government to revise various legal provisions that permitted imprisonment with an obligation to perform labor for offenses that were not allowed under ILO Convention 105.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a serious problem in the informal sector. 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. Observance of minimum age laws was eroded by local custom and economic circumstances that encouraged children to work to help support their families. An ILO/IPEC-Ghana Statistical Service survey of child labor released during the year found that 2.47 million children were engaged in some economic activity, and 64.3 percent of those children attended school. Of those children engaged in economic activity, 1.27 million children were found to be engaged in child labor as defined by age and hazardous working conditions. Children as young as 7 years worked as domestic laborers, porters, hawkers, miners, quarry workers, fare-collectors, and 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 also increased. Child laborers were poorly paid and subjected to physical abuse; they received little or no health care and generally did not attend school. According to government labor officials and the Ghana Employers Association, child labor problems did not exist in the formal labor sector because the formal sector is better regulated.

The migration of children from rural to urban areas increased, due to economic hardship. Children were driven to the streets to fend for themselves, increasing both the occurrence of child labor and the school dropout rate. The Ghana Statistical Service and ILO/IPEC also surveyed 2,314 street children throughout the country, most of whom lived in the urban areas of the Greater Accra and Ashanti Regions and had migrated from northern rural areas. Of those surveyed, 45.7 percent had never attended school, 98.1 percent were engaged in economic activity within the last 12 months, and 80 percent said the work was demanding. Over three-quarters of street children surveyed said that both parents were alive, indicating poverty was the main cause of the problem.

The law prohibits forced and bonded labor performed by children; however, during the year, children were reportedly sold, leased, or given away by parents to work in agriculture, fishing villages, quarry mines, shops, or homes. It was difficult to determine the extent to which forced and bonded labor by children was practiced. Some children were connected to Trokosi shrines, although the practice has declined in recent years (see Sections 5 and 6.f.).

There were newspaper reports of children being sold into various forms of involuntary servitude for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fisherman in exchange for a yearly remittance to their families.

The practice often involved the consent of their generally impoverished parents. A 2002 report on child trafficking by the African Center for Human Development counted 708 children under the age of 18 working in fishing villages along the Volta Lake in the Afram plains (see Section 6.f.).

ILO/IPEC, government representatives, the TUC, the media, international organizations, and NGOs continued to build upon the 2001–02 “National Plan of Action for the Elimination of Child Labor in Ghana,” by increasing institutional capacity to combat child labor. Education and sensitization workshops were conducted with police, labor inspectors, local governments, and communities.

The Children’s Act establishes a minimum age for employment and prohibitions on night work and hazardous labor and provides for fines and imprisonment for violators. 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. However, child labor laws were not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, often were unfamiliar with the provisions of the law protecting children. Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations, and 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. They visited each workplace annually and made spot checks whenever they received allegations of violations. All law enforcement and judicial authorities in the country were hampered by severe resource constraints and a lack of public awareness about the problem.

When Ministry of Manpower Development and Employment inspectors found infractions of child labor laws during their routine monitoring of companies’ labor practices, they generally informed the employers about the provisions of the law and asked them to make changes. There was no record of any prosecutions for child labor resulting from these inspections. Officials only occasionally punished violators of regulations that prohibited heavy labor and night work for children. In addition, the inspectors’ efforts were concentrated only in the formal sector, which was not where most child labor was performed.

e. Acceptable Conditions of Work.—A National Tripartite Commission composed of representatives of the Government, labor, and employers set daily minimum wages. On February 27, after lobbying by trade unions, the Tripartite Commission raised the daily minimum wage to \$1.06 (9,200 cedis), which was insufficient to provide a decent standard of living for a single wage earner and family. Furthermore, there was widespread violation of the minimum wage law. In most cases, households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities.

The law sets the maximum workweek at 40 hours, with one break of at least 48 consecutive hours every 7 days. The Government compensated 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 imposed sanctions on violators. However, safety inspectors were few and poorly trained. They took action if matters were called to their attention, but lacked 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 exercised this right.

The law protects both legal and illegal foreign workers. The new labor law also protects the rights of casual laborers and temporary workers.

f. Trafficking in Persons.—No laws specifically addressed trafficking in persons, and trafficking in persons was a problem. The Government could prosecute traffickers under laws against slavery, prostitution, and underage labor. The country was a source and a destination country for trafficked persons. The Government acknowledged that trafficking was a problem.

Law enforcement authorities were not given sufficient resources to deal with the problem and had a difficult time identifying persons who were being trafficked because of the fluid nature of family relations in the country. For example, a friend often was called a “cousin,” and an older woman an “aunt,” even if there was no blood relation. The Government, the ILO, and NGOs began to train security forces, immigration authorities, customs and border officials, and police on issues of trafficking.

During the year, police arrested four persons for trafficking related offenses; however, none were convicted. Police officials claimed the lack of legislation criminalizing trafficking hampered their efforts.

On February 20, a couple in Nkawkaw, Eastern Region, was sentenced to 2 years in prison for trying to sell a neighbor's 3-year-old son for almost \$4,500 (38 million cedis). The couple was also ordered to pay a fine of \$1,150 (10 million cedis) each or default to another 2 years in prison.

During the year, the woman accused of taking four girls to work as prostitutes in Nigeria in September 2002 was released when the girls failed to show up in court to testify.

During the year, a court in the Upper East Region arraigned a woman who was arrested in 2001 for trafficking eight boys and three girls to the Gambia. The trial was ongoing at year's end.

The case of traffickers intercepted in 2002 with 50 children was pending in court at year's end.

Various ministries worked with the ILO and NGOs to address trafficking. The Ministry of Manpower Development and Employment, in conjunction with ILO/IPEC, continued to implement a "National Plan of Action for the Elimination of Child Labor in Ghana" (see Section 6.d.). In July, the Ga District Assembly in the Greater Accra Region instituted a committee to investigate reported cases of child trafficking among fishing communities within the district. The International Organization for Migration (IOM), the African Center for Human Development, and the Ministry of Women and Children's Affairs worked to identify and repatriate children trafficked to the fishing villages.

Trafficking was 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 involved boys from the Northern Region going to work in the fishing communities along the Volta Lake 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. The IOM estimated that approximately 3,000 children reportedly were contracted out to Lake Volta fishermen (see Section 6.d.). Local NGOs reported these children were subjected to dangerous working conditions and sometimes were injured or killed as a result of the labor they performed.

Children between the ages of 7 and 17 also were 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 was done with the consent of the parents, who sometimes were given an advance payment or promised regular stipends from the recruiter and were told the children would 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 varied. Many children were given to professional recruiters, usually women, who placed the children with employers in cities. A child in these circumstances usually was paid between \$2.50 and \$3.75 (20,000 and 30,000 cedis) per month. In many cases, the children never received the education or vocational training the recruiters promised. Girls could be forced into prostitution and often were sexually abused by their employers.

Women also were trafficked to Western Europe, mostly Italy, Germany, and the Netherlands. International traffickers promised the women jobs; however, the women often were forced into prostitution once they reached their destination. The women were sent sometimes directly to Europe, while others were trafficked through other countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There also was a growing trade in Nigerian women transiting through the country on their way to Western Europe and reportedly the Middle East to work in the sex industry. Traffickers from other countries reportedly used Accra as a transit point to Europe and reportedly the Middle East. There reportedly was some trafficking in persons from Burkina Faso, mostly transiting through the country on the way to Cote d'Ivoire.

The Government coordinated anti-trafficking efforts with NGOs and called meetings of its Human Trafficking Task Force occasionally during the year to discuss draft anti-trafficking legislation; however, it was an ILO/IPEC Steering Committee, which included many government officials, that provided the major focus for anti-trafficking activities (see Section 6.d.).

Several NGOs, both local and international, worked with trafficking victims. These organizations, as well as the University of Ghana's Center for Social Policy Studies, conducted studies into trafficking as part of their broader agenda, per-

formed some rescue operations for street kids, provided training and education for victims of trafficking and abuse, and in some cases, assisted with family reunification.

GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984 first as head of a military junta and since 1994 as a civilian president. Conte won a second 5-year term in a December 1998 election that was marred by violence and civil unrest, widespread irregularities, and the arrest and detention of major opposition candidates during vote counting. The country's second legislative election, originally scheduled for 1999, was held in June 2002. President Conte's Party of Unity and Progress (PUP) and associated parties won 91 of the 114 seats; the majority of the opposition boycotted the election. Despite openly acknowledged health problems, the President ran for re-election in December, winning against a relatively unknown candidate. All major opposition parties boycotted the election due to questions over the fairness of the electoral system. The election was peaceful although turnout was lower than previous presidential elections, despite government claims of a high participation rate. An increasingly disproportionate number of appointed public sector positions, including senior military and cabinet posts, were held by members of the President's own minority ethnic Soussou group. The judiciary was subject to executive influence, particularly in politically sensitive cases.

The Gendarmerie and the national police share responsibility for internal security and sometimes played an oppressive role in the daily lives of citizens. Members of the Presidential Guard are accountable to virtually no one except the President. There was no effective civilian control of the security forces, whose members committed serious human rights abuses; however, there were fewer reported abuses than in previous years.

The country's economy is largely market-based, although the Government intervenes to control prices of sensitive commodities such as rice. Approximately 85 percent of the country's population of 7.6 million was engaged in subsistence agriculture. More than 80 percent of export earnings came from mining, particularly bauxite, gold, and diamonds. Economic growth lagged during the year as foreign aid declined. The cost of living as well as frequent and severe power blackouts and water shortages have led to increased hardship for a majority of citizens. Wages have not kept pace with the rising inflation rate, leading to higher costs of food. Increases in the price of fuel sparked a week of civil unrest in Conakry in March. Government collaboration with donors was complicated by additional defense spending; widespread corruption, particularly at the port and customs offices; and limited transparency in the Government, which blocked efforts at economic and fiscal reform.

The Government's human rights record remained poor; although there were improvements in several areas, serious problems remained. The Government's tight control of the electoral process, its refusal to create an independent electoral oversight mechanism, and its prohibition of nongovernmental broadcast media, effectively restricted citizens' right to change their government. There were three unlawful killings by security forces during the year. Civilian and military security forces beat and otherwise abused civilians. Members of the security forces committed abuses, often with impunity. Prison conditions were inhumane and life threatening. Arbitrary arrest and prolonged pretrial detention were problems. The Government infringed on citizens' privacy rights. The Government restricted freedom of speech, the press, assembly, and association and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination, child labor, and reports of trafficking of women and children continued.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces killed several persons during the year, and there were reports of deaths in custody due to torture and abuse. There were three confirmed reports that security forces killed persons during the year. Police killed two men during a demonstration during the year (see Section 2.b.).

In April, police killed a man in Yimbaya. There were no reports of any arrests.

In May, seven gendarmes arrested and beat a man in Donka; he died 2 days after hospitalization. A gendarme was arrested after protests from the victim's family but there was no information on his trial. Gendarme officials also paid compensation to the family.

There were no developments in the 2002 killing of a man by a military patrol or the 2002 killing of a man in Kouroussa by army troops.

No action was taken against prison officials who mistreated refugees in 2001.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGOs) to investigate political killings that took place in the 1970s under then-President Sekou Toure. Following visits during 2001 to Camp Boiro, where political prisoners were held during the Sekou Toure regime, human rights groups and NGOs suggested that an intentional lack of maintenance and upkeep was destroying evidence of the camp's former use.

Many victims of crime feared that they might 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.

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

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 employed other forms of brutality, including holding prisoners incommunicado without charges under inhumane conditions. In June, a police unit called the Anti-Criminal Brigade in Kamsar extorted money from persons, claiming it was a tax for elections.

In May, a drunken policeman shot a man in Wanidara. There were no reports that the policeman was arrested.

In June, police beat two men attending a party in Ratoma and forced them to pay bribes. The men were hospitalized.

In July, police arrested and beat four persons in Gonomanota due to the town's nonpayment of taxes.

Unlike in previous years, there were no reports of sexual assaults on refugees during the year. However, in February, a diplomatic observer reported that the military stripped a young male refugee and searched him for tattoos, scarification, or other signs of connection with dissidents or Revolutionary United Front (RUF) forces at the Thuo border crossing point.

No action was taken against security forces responsible for abusing refugees in 2002.

Prison conditions were inhumane and life threatening. Neglect, mismanagement, and lack of resources were determined by one NGO to be main reasons for the problems. While officials provided a basic diet for prisoners, most inmates relied on supplemental assistance from families or friends to maintain their health. Guards often demanded bribes in exchange for allowing delivery of food to those incarcerated. Standards of sanitation remained poor, which resulted in several dozen deaths due to malnutrition and disease in previous years; there were no confirmed reports of deaths during the year. 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.

Conditions in the Nzerekore prison improved during the year. The prison was built in 1932 to house 70 prisoners and housed 155 prisoners during the year. Installation of indoor plumbing and better ventilation improved overall conditions for prisoners. In addition, catering services for the prisons in Kindia and Kankan were changed after the Ministry of Justice received complaints about inadequate diets for prisoners at both locations.

Men and women were housed separately, but juveniles generally were housed with adults. There were credible reports from prisoners that female inmates were subjected to harassment and sexual assault by guards. Pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. At times, detainees remained in prison for up to 2 years without trial. Prisoners of political importance usually were held in the main prison in Conakry with the general prison population; however, they were housed in separate cells.

The Government permitted prison visits by the International Committee of the Red Cross (ICRC) and other local humanitarian and religious organizations, which offered medical care and food for those in severe need. A former prisoner reported

that without this assistance, those who did not have families or friends would have starved to death.

The ICRC reported that it was allowed regular access to all 33 official detention facilities and 2,500 prisoners during the year. The ICRC was encouraged by the response of the prison and security authorities to ICRC initiatives in improving prison facilities in Conakry, N'zerekore, and Kankan.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces regularly used arbitrary arrest and detention. The Code of Penal Procedure permits only the Gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detained persons as well. In practice, administrative controls over the police were ineffective, and security forces rarely followed the Penal Code. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens viewed the security forces as corrupt, ineffective, and even dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks (see Section 2.d.).

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 were 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. The Constitution proscribes incommunicado detention; however, at times it occurred in practice. The law provides for access by attorneys to their clients, but authorities frequently did not respect this provision. Release on bail was at the discretion of the magistrate who had jurisdiction.

The Penal Code strictly forbids the detention of civilians at military camps; however, this provision largely was ignored.

In February, military personnel arrested and detained 30 students at the University of Kankan at a military base for 1 day (see Section 2.a.).

In March, the military detained two persons in Conakry and accused them of being in a forbidden area. They were released the following day from the Gendarmerie after payment of a bribe.

In November, gendarmes detained an unknown number of active and ex-military personnel for unspecified reasons. Several, including the son of the former head of the National Assembly, were released in December, although others continue to be detained.

There were no reports that authorities arrested journalists during the year.

The army and the Gendarmerie continued to detain refugees during the year (see Section 2.d.).

Bar Association attorneys, the independent press, and government sources described in past years a parallel and covert system of justice run by unidentified uniformed personnel who conducted midnight arrests, detained suspects, and used torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.). The detentions of an unknown number of active and former military in late November have highlighted the possible use of this covert system. No official charges or reasons for the detentions have been provided and the detainees have been prevented from meeting with family members. The detainees have been held at a variety of locations in Conakry and a few were released in December.

The Constitution does not prohibit forced exile; however, the Government did not practice forced exile. Several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile, according to their families.

e. Denial of Fair Public Trial.—The Constitution provides for the judiciary's independence; however, judicial authorities routinely deferred to executive authorities in politically sensitive cases. Magistrates were civil servants with no assurance of tenure. Because of corruption and nepotism in the judiciary, relatives of influential members of the Government often were, in effect, above the law. Judges often did not act independently, and their verdicts were subject to outside interference. Influential persons often intervened on behalf of their relatives to affect 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. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. Civilians were not subject to military tribunals.

The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open to an appeal only on a point of law, not for the re-examination of evidence.

The judicial system was 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 disbursed funds for this purpose. The attorney for the defense frequently received no payment. President Conte named Mamadou Sylla the new Minister of Justice in April after the previous Minister attempted to dissolve the Bar Association in 2002.

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented 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 was 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 discriminated against women in that evidence given by women carries less weight (see Section 5).

Opposition leader Alpha Conde’s right to vote and run for political office was restored in a general amnesty granted by the National Assembly in November. The amnesty reportedly restores similar political rights to other former political prisoners.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the inviolability of the home, and the law requires judicial search warrants; however, police and paramilitary police often ignored 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. Abuses declined during the year after the Government limited the use of nighttime roadblocks in urban areas such as Conakry.

In February, military personnel entered a home in Kankan without a judicial search warrant in search of student strike leaders. Five persons were detained and released the following day. Also in February, military personnel searched the offices of a foreign NGO in Kankan without a judicial search warrant.

Security officials were believed widely to monitor the mail. Local businesses, including foreign companies, often complained of intimidation and harassment by public officials and authorities.

Unlike in previous years, authorities did not relocate refugees.

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 restricted these rights. The Government prohibited talk or chants in public that it considered seditious, established defamation and slander as criminal offenses, and prohibited communications that insulted the President; incited violence, discrimination, or hatred; or disturbed the public peace. Sanctions include fines, revocation of press cards, imprisonment, and banishment.

On November 13, opposition politician Jean Marie Dore was detained for 2 days after criticizing the President in a radio interview.

The Government published an official newspaper, the daily *Horoya*, and operated the official television and radio (ORTG) stations. The state-owned media provided extensive and favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. For example, the Government and the PUP used the state-owned media to campaign for constitutional changes to allow a third term for President Conte. Journalists for the official press practiced self-censorship and avoided reporting on politically controversial issues. However, some younger broadcast journalists for the official press reported critically about the Government.

There was a vocal private press that criticized 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 were published weekly in Conakry, and up to 10 other publications appeared sporadically, although technical difficulties and high operating costs impeded regular publication. One newspaper, *L’Espoir*, was affiliated with the governing political party, and several other newspapers were affiliated with opposition parties. Other newspapers offered news and criticism of both the Government and the opposition. Despite the limited reach of the print media due to low literacy rates and

high prices of newspapers, the Government still occasionally criticized and harassed print journalists.

The Government owned and operated all domestic broadcast media including radio, which was the most important source of information for the public. Although the law permits private electronic media, the Government has never approved license requests for private radio and television stations, on the grounds of national security. Many citizens listened regularly to foreign-origin short-wave radio. The Government did not restrict access to or distribution of foreign television programming via satellite or cable; however, relatively few citizens could afford these services.

Political tracts occasionally circulated in Conakry and other urban areas. Some tracts supported the Government, while others specifically criticized senior officials. Foreign publications, some of which criticized the Government, often were available. In December 2002, the Government suspended three newspapers—*Croisade*, *Diplomate*, and *Defi*—for unspecified reasons. The newspapers have since renewed operation.

The government-controlled press promoted ruling party candidates during the June 2002 legislative elections. Opposition parties were allowed 5 minutes on government television and radio per party per night during the final month leading up to the election.

Unlike in previous years, there were no reports that journalists were arrested.

The Government did not restrict access to the Internet. At year's end, there were four domestic service providers, three private and one affiliated with SOTELGUIL, the joint venture telephone company (owned by the Government and a Malaysian telecommunications firm), which held a monopoly on international telephone lines. Storefront operations offering Internet access were common throughout downtown Conakry; however, a lack of reliable telephone lines restricted home access, even for the few who could afford it.

The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general, teachers were not subject to classroom censorship.

In February, security forces detained students at the University of Kankan after the university's rector refused to recognize a student organization. Thirty students were detained and released after 1 day. Military personnel were reportedly responsible for burning down a student dormitory during the same month.

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 72-hour advance notification of public gatherings, otherwise the events are considered illegal. In July, the Government notified all political parties that their leadership was required to provide advance notification of their attendance at funerals, weddings, or any other gathering with a large number of citizens.

In May, the Government convoked Sidya Toure, president of the opposition party Union of Republican Forces, three separate times for questioning following a series of political meetings his political party held in Conakry. Authorities detained 10 Guinean People Party (RPG) members at their party headquarters in Banankoro. They were released after 1 month.

In July, the Government cancelled the opposition RPG's conference, deported visiting guests, and forcibly dispersed demonstrators who were protesting the actions. Despite the opposition party's denials, the Government said it had legally cancelled the conference.

The Government banned all street marches except funerals. The law permits local authorities to cancel a demonstration or meeting if they believe it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues. The Governor of Conakry requires written permission from his office for public meetings of all associations, NGOs, groups, cooperatives, and political parties. The requirement continued to be enforced during the year.

Police and gendarmes dispersed a series of unauthorized demonstrations during the year; however, no deaths were reported. In January and February, high school students demonstrated in Conakry against the increase of taxi and electricity rates. The demonstrations turned into riots, and a few buildings were damaged. The Ministry of Security claimed political party activists orchestrated the disturbances and donned school uniforms to give the demonstrations the appearance of student protests.

The law provides for freedom of association; however, the Government restricted this right in practice. The Government imposed cumbersome requirements to obtain official recognition for public social, cultural, religious, or political associations. Most

of the restrictions focused on political associations as opposed to nonpolitical associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognized them.

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 respected these rights in practice.

The government-sponsored National Islamic League (NIL) represented the country's Sunni Muslim majority, which comprised 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 exemptions and energy subsidies. Missionary groups were required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL.

Government support of the powerful, semi-official NIL led some non-Muslims to complain that the Government used its influence to favor Muslims over non-Muslims, although non-Muslims were represented in the Cabinet, administrative bureaucracy, and the armed forces. The Government refrained 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.

Relations among the various religions generally were amicable; however, in some parts of the country, Islam's dominance was such that there was strong social pressure that discouraged non-Muslims from practicing their religion openly.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities at times infringed on these rights. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Police and security forces frequently detained persons, particularly late at night, at military roadblocks and extorted money from them. The private press and local NGOs reported that travelers often were pressured to pay bribes to allow passage. The Government largely discontinued these roadblocks during the year, with the exception of areas near the borders of Liberia and Cote d'Ivoire as well as some roads near the capital. Government officials stated that a few rogue soldiers were corrupt; however, abuse at official checkpoints was systemic.

According to the Government, as of early 2002, there were 82,000 internally displaced persons remaining in the country as a result of the 2000 and 2001 border attacks by RUF rebels from Sierra Leone and by Liberian forces.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government did not always provide protection against refoulement and grant refugee status or asylum.

The border with Liberia remained officially closed during the year; however, the Government continued to accept refugees. There was a pattern of accepting refugees from neighboring countries, such as Cote d'Ivoire and Liberia, while denying access to other nationals. In January, the Government turned away third country nationals from Burkina Faso, Mali, and other West African countries fleeing fighting in Liberia or Cote d'Ivoire after the International Organization for Migration (IOM) was unable to finance their repatriation. The Government subsequently accepted such persons after IOM's funding was restored.

Unlike in previous years, there were no reports that security forces turned away young Liberian men suspected of being combatants.

The border with Sierra Leone remained officially closed during the year. Local commercial and personal travel between the countries was permitted, and Sierra Leonean refugees residing in the country officially were allowed to return to Sierra Leone both on their own and under the auspices of the U.N. High Commission for Refugees (UNHCR).

The UNHCR stated that as of December more than 240,000 Liberian, Ivorian, and Sierra Leonean refugees resided in the country. Of these refugees, 111,465 (89,408 Liberians, 15,002 Sierra Leoneans, and 7,055 Ivorians) were under UNHCR protection in camps, with the remainder living in Conakry or villages and towns in the forest region. Sierra Leonean refugees repatriated voluntarily during the year.

In July, the Government announced that all refugees in Conakry needed to return to refugee camps after six refugees attacked a UNHCR official. The Government said that the transfer was voluntary and delayed setting a deadline after intervention by the UNHCR. Liberian and Sierra Leonean expatriates became concerned

that the transfer could lead to the expulsion of all refugees from the capital. A large-scale transfer of refugees from Conakry was not initiated by year's end.

There were some reports that refugees were forced to pay bribes to get past many checkpoints. Security forces continued to arrest suspected rebels at the border as they tried to enter the country. Security forces, searching for tattoos and other marks identifying rebels, searched and stripped refugees in public during the year. In July, authorities arrested six refugees following their attack on a UNHCR official. They were released from custody and awaiting trial at year's end. In 2001, authorities arrested 52 persons reportedly after refugees in the Telikoro camp attacked a group of gendarmes inside the camp; the protection office of the UNHCR reported that they were no longer in custody at year's end. Unlike in previous years, there were no reports that refugees died in detention.

There were no reports during the year that U.N. employees sexually abused or exploited refugees.

There were reports from NGOs and the UNHCR that the Liberians United for Reconciliation and Democracy (LURD) forcibly recruited refugees at camps in Guinea. There also were confirmed reports that government soldiers at some border crossing points were cooperating with the Liberian dissident movement LURD to screen refugees for forced recruitment. In response to a UNHCR request, in January the Government agreed to relocate refugees from Kouankan to camps near Kissadougou that were farther from the Liberian border. The relocation began in May but was suspended due to the changing political situation in Liberia and due to improved security inside the camp.

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

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

The Constitution provides for a popularly elected President and National Assembly; however, the ability of citizens to exercise this provision effectively was restricted. The Government tightly controlled of the electoral process, and there was no independent electoral oversight mechanism.

The Government continued to dominate the electoral process and refused to establish an independent national election commission. The Government retained exclusive control of all registration and election procedures, including the casting and counting of votes. The Government controlled both the 1993 and the 1998 multiparty presidential elections and the multiparty legislative elections in 1995 and 2002, limiting the opposition to a subordinate role. In 2001, the Constitution was amended to allow the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years, in a referendum some observers believe was flawed. There were approximately 46 legally recognized political parties; deputies of 5 different parties were represented in the National Assembly.

According to the Government's tabulation of results, President Conte was elected in 1998 to a second 5-year term, receiving 56 percent of the 2.7 million votes cast. The election was marred by violence and disruption of opposition campaigning before the polling, civil unrest after the polling, widespread irregularities that tended to favor the incumbent, and the arrest and detention of major opposition candidates during the vote-counting process. In December, President Conte was re-elected to a third term in a race boycotted by all major opposition parties due to concerns over the electoral system. The President's only opposition was a relatively unknown candidate previously allied with the ruling PUP party. The election was peaceful with few reports of violence.

In June 2002, legislative elections were held, and observers judged the results to be questionable due to a lack of transparency and neutrality in the electoral process.

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 were members of the PUP or of parties allied with it. Local governments generally had limited autonomy. Although they had some financial resources with which to fund local programs, most of their funds were controlled by the central Government.

There were 19 female deputies in the 114-member National Assembly. Three women held seats in the 26-member Cabinet: The Minister of Commerce; the Minister of Tourism; and the Minister of Social Affairs and Promotion of Women. There were few women at senior levels below minister, and there were no women in the senior ranks of the armed forces. Women played a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership included representatives of all major ethnic groups. However, a disproportionate number of senior military officers were Soussou, the President's ethnic group.

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

A number of local NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, some local organizations alleged that government officials tried to intimidate them, and that they often met resistance when trying to investigate abuses or engage in civil education. Various government officials blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984.

The Government cooperated with both the UNHCR and the ICRC. In June, a report by a U.N. Security Council mission criticized the Government for complicity in abuses of Liberian refugees through its support of LURD rebels. LURD rebels were accused of forced recruitment of Liberian refugees, as well as infiltration of refugee camps such as Kouankan.

A human rights office within the Ministry of Defense, the Office of International Humanitarian Rights, in conjunction with the ICRC, conducted human rights seminars during the year to teach military personnel about human rights recognized by international and regional agreements.

Section 5. Discrimination Based on Race, Sex, 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 did not enforce these provisions uniformly.

Women.—Domestic violence against women was common, although estimates differed as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes. Social beliefs prevented most rape victims from reporting incidents of rape. Several local NGOs were working to increase public awareness of the nature of these crimes and to promote increased reporting. The Government did not pursue vigorously criminal investigations of alleged sexual crimes.

FGM was practiced widely in all regions and among all religious and ethnic groups. FGM is illegal and senior officials and both the official and private press spoke against the practice; however, there were no prosecutions. FGM was performed on girls and women between the ages of 4 and 70, but exact figures on this procedure were 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. The CPTAFE estimated the figure to be between 65 and 75 percent; however, expert estimates varied between 65 and 90 percent. Infibulation, the most dangerous form of FGM, still was 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 continued, seriously affecting many women's lives. FGM also increased the risk of HIV infection since unsterilized instruments were shared among participants.

The Government made efforts to educate health workers on the dangers of this procedure, and it supported the CPTAFE's efforts. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM. In 1997, the Government, in collaboration with the World Health Organization, initiated a 20-year program to eradicate FGM. As a result, government ministers, health officials, and the media have discussed FGM more frequently; however, there were no statistics evaluating the success of the program.

A growing number of men and women opposed FGM. Urban, educated families were opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. During the year, the 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 performed FGM opposed its eradication since the practice was lucrative.

There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

Although the Government made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complained of frequent sexual harassment.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion worked to advance such equality; however, women faced discrimination throughout society. Women faced discrimination particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favor male heirs over females. Government officials acknowledged that polygyny was a common practice. Divorce laws generally tended to favor men in awarding custody and dividing communal assets. Legal evidence given by women carries less weight than testimony by men, in accordance with Islamic precepts and customary law. The Government affirmed the principle of equal pay for equal work; however, in practice, women received lower pay than men.

Children.—The Constitution provides that the Government should support children's rights and welfare, and the Government allocated a significant percentage of the budget to primary education; however, the Government did not spend the allocated funds. A Minister of Youth was charged by the President 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, NGOs, and other sectors, continued to work.

The Government provided tuition free, compulsory primary school education for 6 years; however, enrollment rates were low due to school fees and lax enforcement of laws mandating school attendance. Approximately 51 percent of all eligible students were enrolled in primary school, including 66 percent of eligible boys compared with 37 percent of eligible girls. Girls often were taken out of school and sent to work to help pay for their brothers' education.

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

The legal age for marriage is 21 years for men and 17 years for women; however, underage marriage was a problem. Parents contract marriages for girls as young as 11 years of age in the forest region. The CPTAFE, in conjunction with the Government, local journalists, and international NGOs, promoted an education campaign to discourage underage marriage.

There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

Persons with Disabilities.—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 worked, although some developed opportunities in the informal sector in small family-run businesses.

National/Racial/Ethnic Minorities.—The country's population was ethnically and regionally diverse. No single ethnic group constituted a majority nationwide. The largest ethnic groups were 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 spoke a distinct primary language and was 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 was strong. Mutual suspicion, both inside and outside the Government, affected relations across ethnic lines. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was perceived widely as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UPR's main base are the Peuhls, while the RPG's main base are the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the forest region were 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 the Government generally respected this right in practice. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics made it difficult to estimate the exact percentage of workers in unions. Approximately 52,000 were government workers and thus automatically members of the government union. The rest were engaged in private,

mixed, and informal sectors. The largest independent union, Union of Workers of Guinea (USTG), claimed 64,000 members, 18,000 of which were women. Union delegates represented individual and collective claims and grievances with management.

The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in unions 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 were several trade unions and labor confederations; the National Confederation of Guinean Workers (CNTG) remained the largest confederation. CNTG was an umbrella organization for 16 individual unions of government employees, each of which was affiliated with a government ministry. The Government indirectly funded the CNTG, although dissident members sought to increase the Confederation's freedom from government control. Independent unions and confederations gained popularity, such as the Free Union of Teachers and Researchers of Guinea (SLECG), the Professional Union Federation for Education, and the National Organization for Free Trade Unions of Guinea.

The Constitution and Labor Code also prohibit anti-union discrimination. However, at regional and prefecture levels, unionized labor faced strong opposition from government officials. Union officials were selected on the basis of nepotism and patronage; these individuals were not sensitized to the rights of workers, and often viewed unions as an enemy of the Government. As a result, union activities in the interior of the country faced harassment and interference from many governors and prefects. Union activities in Conakry faced less harassment and interference. Individual workers threatened with dismissal or other sanctions had 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 convened weekly to hear such cases. In the interior, civil courts heard labor cases.

The Government continued to pay the travel and lodging expenses of CNTG representatives to International Labor Organization (ILO) conferences. Other independent unions had to fund their own attendance at ILO conferences.

Unions affiliated freely with international labor groups such as the ILO.

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. Employers established rules and hours of work in consultation with union delegates.

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, police, communications, and transport services.

Strikes were sometimes met with intimidation from security forces and, as a result, often did not take place. During the year, workers at a Russian-owned bauxite mining company in Kindia went on strike due to pay and benefit grievances. SLECG and the Guinean Education Union (FSPE) went on strike for 1 week in November over salary grievances. The strike ended after both parties reached an agreement. A 2-day nationwide strike by the Federation of Independent Bank and Insurance Unions of Guinea in November ended after employers and workers reached a settlement.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code specifically prohibits forced or bonded labor, including by children; however, there were reports that it occurred (see Sections 6.d. and 6.f.).

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 to \$150 (50,000 to 218,400 300,000 GF francs). Submitting a vulnerable or dependent person to inhumane working or living conditions carries a sentence of 1 month to 5 years imprisonment and a fine of approximately \$25 to \$250 (50,000 to 500,000 GF francs). The Government did not enforce these provisions of the law in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a serious problem. 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 were not permitted to work at night, for more than 10 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 was limited to large firms in the modern sector of the economy. 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 was not prevalent because of the low level of manufacturing. Working children were mostly in the informal sector areas of subsistence farming, and small-scale commerce and mining. Girls as young as age 14, engaged in prostitution (see Section 6.f.).

Many young Muslim children sent to live with a Koranic master for instruction in Arabic, Islam, and the Koran worked for the teacher as payment. Children often were sent from rural areas to Conakry to live with family members while they attended school. However, if the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the money in exchange for their room and board (see Section 6.f.).

The worst forms of child labor were found in the artisanal mining sector where children hauled granite and sand for little or no money.

There were reports that forced and bonded child labor occurred (see Section 6.f.).

The Government has spoken out against child labor, but lacked the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers did not have access to education or health care; they suffered from chronic malnutrition, traumatic stress, and depression.

e. Acceptable Conditions of Work.—The Labor Code allows the Government to set a minimum hourly wage; however, the Government has not exercised this provision nor does it promote a standard wage. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also were provisions in the Code for overtime and night wages, which were fixed percentages of the regular wage.

The Labor Code mandates that regular work should not exceed 10-hour days or 48-hour weeks, and 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 enforced 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 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 efforts were sporadic. Labor inspectors acknowledged that they did not have adequate resources to cover even Conakry, much less the entire country.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty; however, many workers feared retaliation should they refuse to work under unsafe conditions.

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; however, there were some reports of trafficking. The law 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 NGOs in the past reported that women and children were trafficked within the country, as well as internationally, for the sex trade and illegal labor. Trafficking in persons from rural areas to urban centers increasingly was recognized as a problem. Accurate statistics were difficult to obtain, because victims did not report the crime in fear for their personal safety.

A UNICEF official reported that trafficking in children was common in the country. In November, police detained five minors after learning they were being trafficked from Mali with the promise of jobs in Conakry as housemaids. The young girls were repatriated back to Mali.

Several government agencies, particularly the Ministry of Social Affairs and the Promotion of Women and Children, were involved in anti-trafficking efforts.

In 2001, the Children's Protection Division and UNICEF reported that trafficking of children was a problem among the Sierra Leonean and Liberian refugee populations in the prefectures of Guekedou, Macenta, N'Zerekore, and Forecariah; girls were exploited for domestic labor, and boys were exploited as street sellers and agricultural workers. The International Rescue Committee and UNICEF reported that children living in foster families often did not receive adequate food, shelter and

clothing, and were compelled to work in the streets, sometimes as prostitutes, for their subsistence.

Girls under the age of 14 were involved in prostitution. The Government did not take action when prostitution of minors was brought to its attention, and it did not monitor actively child or adult prostitution.

GUINEA-BISSAU ¹

Guinea-Bissau is a multiparty republic. A September 14 military coup led by Defense Chief Verrisimo Correia Seabraor resulted in the September 17 resignation of former President Kumba Yala and delayed the country's transition to democracy. Prior to September 14, Yala, who was elected in 2000 with a 72 percent electoral majority, had repeatedly postponed new legislative elections and refused to veto or promulgate the new constitution, which was approved by the National Assembly in 2001. Impulsive presidential interventions in 2002, including the dismissal of the Prime Minister, the dissolution of the National Assembly, the dismissal of two Supreme Court Presidents, and the appointment of Prime Minister Mario Pires to lead a caretaker government that ruled by presidential decree exacerbated divisions within the Government. On October 3, the military appointed two civilians, Henrique Rosa and Arthur Sanha, to become Head of State and Prime Minister respectively, for a transitional period. President Rosa subsequently named a 16-person government including 11 ministers and 5 state secretaries. By year's end, the Committee had reconstituted itself as the National Council of Transition and expanded its membership to include representatives of political parties and civil society. The Constitution provides for an independent judiciary and for the Supreme Court to choose its own leadership; however, it was subject to political influence and corruption.

The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies. In August 2002, the Government began a comprehensive program to restructure the armed forces, improve military living conditions, and demobilize approximately 4,000 active duty military personnel; however, the reinsertion and reintegration phases of the program were not implemented by year's end. The September military coup was the third time since the country's independence in 1974 that the military has intervened and acted independently of government authority. Some members of the security forces committed serious human rights abuses.

The population of approximately 1.3 million relies largely upon subsistence agriculture and the export of cashew nuts in a market economy. The formal economy broke down in 1998, and most of the country reverted to barter. In 2002, the country suffered a substantial slowdown in economic activity, and GDP declined 4.2 percent, primarily as a result of significantly lower levels of foreign assistance and a drop of approximately 30 percent in cashew prices in the international market. The country remained burdened by heavy external debt and pervasive underemployment. The Government's failure to pay the salaries of civil servants, teachers, and health care workers resulted in a 2-week general strike in March, a 1-week general strike in September, the closure of schools for most of the year, and the deaths of 28 patients in Simao Mendes hospital.

The Government's human rights record remained poor, and it continued to commit serious abuses; however, reports of abuse declined markedly after the September 14 coup. Members of the security forces continued to use beatings and physical mistreatment, and one person died in custody during the year. Impunity remained a problem. Prison conditions remained poor. Arbitrary arrest and detention, including of opposition leaders, journalists, human rights activists, and labor leaders were problems. The Government at times used incommunicado detention. The Government infringed on citizens' privacy rights. The Government used restrictions on freedom of speech and the press to intimidate the media; journalists regularly practiced self-censorship. The Government limited freedom of movement. Violence and

¹ On 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, especially Senegal, from other independent sources, and regular visits to Guinea-Bissau by U.S. officials assigned to the American Embassy in Dakar. The American Ambassador to Senegal, resident in Dakar, is also accredited to Guinea-Bissau.

discrimination against women were problems. Female genital mutilation (FGM) was practiced widely. Child labor, including some forced child labor, 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 political killings; however, on March 9, Army Second Lieutenant Mussa Cassama died in detention from injuries inflicted during torture, according to Amnesty International (AI) (see Section 1.c.). Cassama was one of a group of officers and enlisted men arrested in December 2002 for allegedly plotting to overthrow the Government of former President Yala.

There were five reported deaths from landmine explosions 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 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. Security and police authorities historically have employed abusive interrogation methods, usually in the form of severe beatings. The Government rarely enforced provisions for punishment of members of security forces who committed abuses.

Unlike in the previous year, no journalists reported abuse while in detention.

During the year, at Mansoa and Cumere Army Barracks, security forces reportedly beat, bound, and detained incommunicado a group of officers and enlisted men arrested in December 2002 for allegedly plotting to overthrow the Government of former President Yala. One of the individuals, Serifo Balde, was hospitalized in a coma as a result of the injuries inflicted during torture, and another detainee died (see Section 1.a.).

There were no new developments in the September 2002 beating by security forces of Rui Ferreira, a National Assembly Deputy of the opposition Resistencia Guinea Bissau Party (RGB), or in the case of Victor Mandinga.

Demining operations continued; however, landmines and unexploded ordnance resulted in numerous deaths and injuries during the year (see Section 1.a.). On April 25, two youths near the village of Portogole were severely injured by unexploded ordnance. In four separate incidents, landmines in Bissau, Sao Domingos, and Cacine injured numerous persons.

Prison conditions remained poor but generally were not life threatening. The country does not have formal prisons. Most prisoners were detained in makeshift detention facilities on military bases in Bissau and neighboring cities. Security forces beat, mistreated, and otherwise abused prisoners and at times used incommunicado detention. Detention facilities generally lacked running water or adequate sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. Men and women were held in separate facilities, and juveniles were held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The Government generally permitted independent monitoring of prison conditions by local and international human rights groups. During the year, the Office of the Representative of the U.N. Secretary General (UNOGBIS) regularly visited prisoners and was instrumental in securing the release of some of the soldiers held incommunicado since December 2002. Following months of negotiations, the International Committee of the Red Cross and UNOGBIS were allowed to visit the seven remaining military personnel held incommunicado since December 2002.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces arrested and detained persons without judicial authority or warrants, including opposition politicians, journalists, and human rights activists.

The country is divided into 37 police districts, each with its own police station; there are an estimated 600 police in the country. Since the 1998 civil war, police recruitment has not kept pace with attrition. Like most civil servants in the country, police have not been paid in up to 12 months. Corruption was rampant, and police generally were ineffective. There was a severe lack of resources and training.

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.

During the year, the Government arrested and detained numerous journalists and other members of the media (see Section 2.a.). The Government also arrested nu-

merous opposition leaders and a union leader who criticized the former President (see Section 2.a.).

During the year, prior to the September 14 coup, RGB leaders were harassed and detained for short periods (see Section 2.a.).

Four Senegalese detained in May 2002 still were being detained without trial at year's end.

There were no new developments in the 2001 case of Emiliano Nosolini, President of the Supreme Court, his deputy, and a senior accounting official.

Trials for the 17 persons accused in 2000 of attempting a coup were still pending at year's end.

The Constitution did not specifically prohibit forced exile; however, the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, judges were poorly trained and paid and sometimes were subject to political pressure and corruption. The Supreme Court was especially vulnerable to political pressure because its members were appointed by the President and often were replaced. The judiciary was subject to executive influence and control.

Former President Yala's failure to promulgate the amended constitution, which addressed the question of presidential authority to choose Supreme Court justices, heightened confusion surrounding the Supreme Court.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. Unlike in the previous year, there were no reports that military tribunals tried civilians. The Supreme Court was the final court of appeal for both military and civilian cases. The President has the authority to grant pardons and reduce sentences.

The Government harassed judges who made decisions viewed as unfavorable (see Section 2.d.).

In May, the Government reportedly transferred Judge Lima Antonio Andre to the city of Buba following his decision to release Marcelino Simoes Lopez Cabral, the former Minister of Defense, and Lobo de Pina, the former Adviser to the President for Political Affairs; both individuals had been detained without charge on April 29.

Citizens who could not afford an attorney had the right to a court-appointed lawyer.

Traditional practices still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolved disputes.

There were no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice. The police did not always use judicial warrants. Unlike in the previous year, there were no reports that police searched private 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, the Government frequently restricted these rights during the year. Opposition politicians had little or no access to government-controlled media. On September 9, the newly appointed Minister of Social Communication said in an interview that journalists should "clean" information originating from opposition parties. Journalists continued to practice self-censorship.

Numerous political leaders and journalists were arrested without charge during the year for exercising the right of free speech. For example, on February 8, Domingos Fernandes, co-founder of the RGB party, was arrested and detained for 48 hours; Fernandes had criticized a Supreme Court ruling that supported the RGB leadership of Salvador Tchongo. Also on February 8, Francisca Vaz Turpin, an RGB member of the National Assembly, was detained for 24 hours without charge for criticizing the President.

On March 21, police arrested and beat Indjai Dabo, the United Social Democratic Party (PUSD) representative in Sao Domingos, for having shown taped images of the arrival of PUSD leader Francisco Fadul, who had arrived to participate in legislative elections.

During the year, the security forces harassed or arrested the members of non-governmental organizations (NGOs) who criticized the Government in the media.

On January 29, AI reported that security forces arrested and detained without charge Guinean Human Rights League (LGDH) Vice President Joao Vaz Mane. Mane, who was detained incommunicado, had criticized former President Yala in a radio broadcast for funding pilgrimages to Mecca for Muslim citizens. Mane alleged that such funding was illegal for a secular State and that the Government rather

should pay the arrearages in civil service salaries. On February 19, Mane was released.

The privately owned *Correio Guine-Bissau* was published several times a week during the year. Weekly newspapers included *Gazeta de Noticias*, *Fraskera*, and the government-owned *No Pintcha*. All 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 necessary raw materials.

There were several independent radio stations. National television broadcasts from 7 p.m. to midnight on weekdays and 5 p.m. to midnight on weekends. Reportedly the government-controlled stations practiced self-censorship.

The Government continued to order all media organizations to cease publication of information relating to the LGDH.

On February 14, the Secretary of State for Communications suspended the broadcasting of privately-owned Radio Bombolom for "lack of professionalism in handling information." The radio station was reopened by court order after a finding that the Government's decision constituted "usurpation of power." Government authorities subsequently harassed and confiscated the passport of Caetano N'Tchama, the President of the Administrative Court (see Section 2.d.).

On March 11, the Secretary of State for Communication dismissed a journalist of the National Radio station for broadcasting the arrival from Portugal of former Prime Minister Francisco Fadul, leader of the opposition PUSD.

On September 6, four journalists of the community radio Sintcham Occo were arrested and detained without charge for reporting on a meeting of the "Plataforma Unidade," a coalition of opposition parties; the four were released following protests from human rights advocates.

The 2001 detention case against Adolfo Palma, a correspondent of the Portuguese news agency Lusa, was pending at year's end.

The Internet was available in the country, and the Government did not restrict its use.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Permits were required for all assemblies and demonstrations. On occasion, the Government banned assemblies. For example, during the period between the September 14 coup and the September 28 formation of the National Council of Transition, civil society organizations were prohibited from holding demonstrations against the selection of Arthur Sanha as Prime Minister.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Ahmadiya, an Islamic religious group expelled from the country in 2001, was not permitted to return by year's end. Although the Government must license religious groups, there were no reports that any applications were refused.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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.

Prior to September 14, the Government compiled a list of prominent political figures who were not allowed to leave the country or the city of Bissau, including: Carlos Vamin, Francisca Vaz Turpin, Helder Vaz, Domingos Fernandes, Alexandre Bucansil Cabral, and former Prime Minister Alamara Intchia Nhasse. Authorities also restricted travel and confiscated the passport of Caetano N'Tchama, the President of the Administrative Court who issued the court order to reopen Radio Bombolom (see Section 2.a.). N'Tchama also was denied medical evacuation during the year. All such restrictions were removed after September 14.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and grants refugee status or asylum. The Government has provided asylum to refugees from Liberia, Sierra Leone, and the Casamance region of Senegal. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, the UNHCR reported that approximately 7,700 refugees, mostly Senegalese citizens, were in the country. More than 6,000 of these refugees lived in villages along the country's northern border where they were integrated into the local economy and largely self-sufficient. Another 1,000 Senegalese refugees lived in

camps and received assistance from UNHCR. There also were approximately 500 Senegalese, Liberian, and Sierra Leonean urban refugees. The UNHCR reported that the Government was tolerant of these refugees and permitted them to engage in economic activities to support themselves. Unlike in the previous year, there were no reports that refugees were arrested on the premises of the Adventist Mission in Bissau after having requested assistance.

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 restricted on September 14, when the Army removed President Yala from power. Yala, who was elected in 2000, had repeatedly postponed new legislative elections and refused to veto or promulgate the new constitution, which was approved by the National Assembly in 2001; the new constitution limits presidential authority to name and dismiss armed forces service chiefs and ambassadors. In 2002, Yala dismissed Prime Minister Alamara Nhasse, dissolved the National Assembly, dismissed two Supreme Court Presidents, and appointed Mario Pires as Prime Minister to lead a caretaker government that ruled by presidential decree until the former President's September removal.

On September 14, after the scheduled October 12 elections were again postponed, Defense Chief Seabraor placed Yala under house arrest and established a 25-member, military "Committee for Restoration of Democracy and Constitutional Order." After negotiations with political parties and civil society organizations, and following pressure from the international community, the Committee appointed two civilians, Henrique Rosa and Arthur Sanha, to become Head of State and Prime Minister respectively, for a transitional period. On September 28, the Committee reconstituted itself as the National Council of Transition and expanded its membership to include 23 political party representatives and 8 representatives of civil society. On October 3, President Rosa named a 16-person government including 11 ministers and 5 state secretaries. A transition pact signed by coup leaders and political parties called for parliamentary elections to be held within 6 months and presidential elections 12 months after that. The draft constitution, which has yet to be promulgated, limits certain presidential powers, namely the authority to name and dismiss armed forces service chiefs and ambassadors.

In January 2000, voters elected former President Yala with a 72 percent electoral majority in a runoff election following multiparty elections in 1999. International observers, foreign diplomats, and local NGOs considered both elections, which included candidates from 13 parties as well as several independents, to be generally free and fair. Yala's party, the Partido de Renovacao Social (PRS), won 38 of 102 National Assembly seats. The victory of the PRS ended the 26-year domination by the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). The PAIGC won 24 of the 102 seats in the National Assembly, while opposition parties gained a majority.

Local elections have not yet been held in the country.

Prior to the dissolution of the National Assembly, there were 10 women among the 102 members. Prior to the September removal of Yala, there were three female ministers and two female State Secretaries (Junior Ministers). At year's end, 3 of the 11 governmental ministers were 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 operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, the Government harassed and arrested NGO members for criticizing the Government in the media (see Section 2.a.).

Unlike in the previous year, the LGDH was not denied access to its headquarters.

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

The Constitution and law prohibit discrimination on the basis of sex and race; however, in practice, the Government did not enforce these provisions effectively.

Women.—Domestic violence, including wife beating, was an accepted means of settling domestic disputes. Although police intervened in domestic disputes if requested, the Government had not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

FGM was practiced widely within certain ethnic groups, especially the Fulas and the Mandinkas. The practice has increased as the Muslim population has grown and

was 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, a national committee continued to conduct a nationwide education campaign to discourage FGM. Both international and domestic NGOs continued working through the national committee to eliminate FGM.

Sinin Mira Nassique, a local NGO, has initiated alternative FGM summer camps for young girls throughout the country. During the summer, 215 girls attended camps in Farim, Buba, and Gabu, where they experienced all traditional initiation rights except excision. The camps, which teach the dangers of FGM, also provide training in hygiene, sewing, embroidery, and other skills. During the year, 36 women who earned their living by practicing FGM, abandoned the practice and symbolically handed over their knives to the Sinin Mira Nassique.

The law prohibits prostitution, and it was not a problem.

Traditional and Islamic law do not govern the status of women. In principle, men and women were treated equally under the law.

Official discrimination against women is prohibited by law; however, such discrimination was a problem. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Women do not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

Children.—The Government allocated only limited resources for children's welfare and education. A UNDP study conducted during the year indicated that 60 percent of school-aged children did not attend school; a similar study in 2000 indicated that 62 percent of such children were enrolled in school. The decline in school attendance was in large part a result of the school closures for most or all of the year.

The Government's failure during the year to pay the salaries of civil servants, teachers, and health care workers resulted in numerous strikes and the closure of schools (see Section 6.b.). The Government declared the school year a total loss for 75 percent of the school system.

FGM was performed commonly on young girls and sometimes even infants (see Section 5, Women).

The law provides for compulsory military service for persons between 18 and 25 years old; however, boys under the age of 16 could volunteer for military service with the consent of their parents or tutors.

Persons with Disabilities.—The law does not specifically prohibit 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 military veterans with disabilities through pension programs, but these programs did not address adequately veterans' health, housing, and food needs.

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 worked in subsistence agriculture. Most union members were government or parastatal employees; only a small percentage of workers were in the wage sector and were organized.

The Government registers all labor unions. There were 21 labor unions registered and operating in the country. All unions officially were independent of the Government, but 15 unions were affiliated with the National Workers Union of Guinea-Bissau (UNTGB), which retained close informal ties with the PAIGC. The law does not favor UNTGB-affiliated unions over others. Six other unions were affiliated with the General Confederation of Independent Unions.

The law does not prohibit anti-union discrimination; however, no workers have alleged anti-union discrimination, and the practice was not believed to be widespread.

The Government arrested a union leader during the year for criticizing the Government (see Section 2.a.).

All unions were able to affiliate freely with national confederations and international labor organizations. The UNTGB was affiliated with the International Confederation of Free Trade Unions. Individual unions belonged 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; however, the tripartite National Council for Social Consultation conducts collective consultations on salary issues and draft legislation concerning labor issues. Most wages were established in bilateral negotiations between workers and employers.

The Constitution provides for the right to strike and protection for workers from retribution for strike activities. The only legal restriction on strike activity was the requirement for prior notice. During the year, health workers, teachers, and television workers organized strikes to protest poor working conditions and unpaid salaries, with no government retribution against the strikers.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age was 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements generally were followed in the small formal sector, but the Ministry of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

The National Assembly has approved but not ratified ILO Convention 182 on the Worst Forms of Child Labor.

Children in cities often worked in street trading, and those in rural communities did domestic and fieldwork without pay; children generally performed such labor to help support families or because of a lack of educational opportunities. The Government did not take action to combat such practices by year's end.

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 was \$26.42 (14,800 CFA) per month plus a bag of rice. This wage was insufficient to provide a decent standard of living for a worker and family, and workers had to supplement their incomes 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 did not enforce this provision. The Government and private sector lacked the funds to pay salaries. Since 2000, the Government has failed to pay on a regular basis its teachers, civil servants, and medical practitioners (see Section 6.b.).

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 were not enforced, and many persons worked under conditions that endangered their health and safety. Workers do not have the right to remove themselves from unsafe working conditions without losing their jobs.

There were no legal protections for undocumented 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.

KENYA

Kenya is a republic dominated by a strong presidency. In December 2002, Mwai Kibaki of the opposition National Rainbow Coalition (NARC) was elected as the country's third president; Kibaki succeeded former President Daniel Arap Moi, who led the former ruling Kenya African National Union (KANU) and served as President since 1978. During the December 2002 general elections, KANU, which had controlled both the Presidency and the Parliament continuously since 1963, lost its majority in parliament to NARC, a coalition of more than a dozen political parties, including former members of KANU. Observers concluded that the elections broadly reflected the popular will and were free and fair. The judiciary suffered from corruption and was subject to executive branch influence; however, the Government took significant steps during the year to combat corruption.

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 detail 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 considered subversive. While civilian authorities generally maintained 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 economy is market-based, and the large agricultural sector employed more than 70 percent of the country's population of approximately 30.8 million. Estimates of the unemployment rate ranged from the official 35 percent to more than 50 percent. Although many sectors continued to be dominated by state-owned monopolies, the nonagricultural economy included large privately-owned light manufacturing, commercial, and financial sectors. Tea was the largest source of foreign exchange earnings. Following the Government's adoption of two anti-corruption measures during the year, major financial institutions, which had suspended assistance in previous years, began to provide assistance. Annual per capita gross domestic product for 2002 was officially reported as \$237, with approximately 57 percent of the population living at or below the poverty level on less than \$1 per day. The spread of HIV/AIDS, estimated to have infected approximately 14 percent of the population between the ages of 14 and 49, had increasingly adverse effects on the country's wage-earners, including teachers and other professionals. A weakened infrastructure—unreliable power and telecommunication systems and roads in disrepair—exacerbated economic problems and disinvestment. Continued concerns over personal security and political wrangling following the transition to the new Government also fueled disinvestment.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Violence marred some of the by-elections held during the year. Security forces, particularly the police, continued to commit unlawful 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 and civil society leaders; however, unlike in the previous year, there were no reports that security forces arrested 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 was a problem. The authorities infringed on citizens' privacy rights. The Government restricted freedom of speech, press, assembly, and association. Police disrupted public meetings and forcibly dispersed demonstrators and protesters. Members of the Government publicly criticized nongovernmental organizations (NGOs) and harassed and arrested their members. 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 has orphaned many children. There was some discrimination against persons with disabilities. Interethnic tensions, often spurred by political and economic competition, continued and resulted in numerous violent conflicts and some deaths. The Government continued to limit some worker rights. Child labor remained a problem, and there were instances of forced child labor. Trafficking of persons was a problem. Violence by mobs 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.—There were no political killings; however, security forces, especially members of the police, the GSU, and the CID, committed a number of unlawful killings during the year. In its 2002 report, the Standing Committee on Human Rights (SCHR), the governmental body charged with addressing human rights issues, noted the "widespread use of lethal, excessive, and unnecessary force on civilians by police." During the year, police killed 117 suspected criminals, and another 11 suspects and detainees died while in police custody, according to government figures. According to the Independent Medico Legal Unit (IMLU), a human rights NGO, 45 persons died from torture in police custody during the year. The Kenya Human Rights Commission (KHRC), a leading human rights NGO, reported in 2002 that it had documented more than 1,000 cases of unlawful killings in the last decade.

Law enforcement officials maintained that security forces were justified in their use of deadly force because of the heavily armed, violent criminals they often encountered; in 2002, 22 police officers were killed in the line of duty. Police claimed that the increased use of sophisticated weapons by criminals had increased the risks faced by police in performing their duties. However, in responding to continuing high levels of crime, some police used excessive and deadly force, sometimes without apparent provocation. The Government generally failed to take appropriate action against members of the security forces accused of unlawful or arbitrary killings.

Numerous persons died while in, or shortly after being in, police custody. For example, in June, Simon Njuguna Kaboi, who had been in police custody, was found handcuffed and dead in a river. A pathologist at Moi Teaching and Referral Hospital concluded that Kaboi had sustained multiple head injuries caused by a blunt object and that he may have been unconscious before falling or being pushed into the river. Police countered that Kaboi had fallen into the river while attempting to escape, a claim disputed by witnesses and family members; an investigation was ongoing at year's end. In August, Alice Mwetu died 1 day after being released from jail, where she had been held for 2 days. Her family alleged that a detective working with the NSIS had assaulted Mwetu and used his influence to have her arrested. An investigation begun in October was ongoing at year's end.

During the year, police used excessive force to disperse demonstrations and strikes, which resulted in deaths (see Sections 2.b. and 6.b.).

Police committed numerous other unlawful killings during the year. For example, on March 20, police officers in Ruiru reportedly beat and drowned Nixon Wanjala, a worker on a flower farm. The unregistered Floricultural Employees Union called on the authorities to arrest and prosecute the officers.

In June, police beat and subsequently shot to death execution-style William Guto and Thomas Osiago, who were awaiting medical treatment for Guto at the Kisii District Hospital. Police claimed that the two men, who were later found at the hospital mortuary, were criminals. No one had been charged in the killings by year's end.

Unlike in previous years, there were no reports of the unlawful killing by police of Mungiki.

During the year, the Government took some steps to curb such abuses; however, impunity remained a problem, particularly in the police force (see Section 1.d.).

The five police officers who tortured to death Paul Kimani Wambiru in 2002 were in custody awaiting trial at year's end.

There were no developments in the following 2002 killings by security forces: The February torturing to death of Councilor Amos Korichir; the killing by police of Jacob Odera Ogolla; and the numerous killings by police of bystanders.

The investigation into two Administration Police officers accused of the March 2001 killing of Francis Kiraha Kibugi was completed and they were charged with murder; however, it was unknown whether a trial had begun by year's end.

A police officer was charged for the March 2001 accidental killing of Geoffrey Ngoima Mbugua.

The case against the three police charged in the 2001 killing of a university student still was pending at year's end.

On September 14, unidentified gunmen killed Crispin Odhiambo Mbai, the chairman of the Devolution Committee of the National Constitutional Conference; three suspects were arrested. An investigation was being conducted into the case at year's end.

In October, the bodies of Sheikh Ibrahim Ali, a delegate to the Somali peace talks in Kenya, and two other Somalian citizens were discovered dead from gunshot wounds in Nairobi; local authorities were conducting an investigation at year's end to determine whether the killings were politically motivated.

The Mungiki, a small, often violent cultural and political movement based in part on Kikuyu ethnic traditions, were responsible for numerous attacks and killings during the year. For example, on January 5, Mungiki members hacked to death 10 residents of Nakuru. Former KANU M.P. David Manyara, who allegedly harbored members of the Mungiki, was charged with murder for his involvement in the incident; his trial was ongoing at year's end. Nakuru residents who survived claimed they were targeted for supporting NARC in the 2002 elections.

Mob violence continued at high levels during the year, which observers believed may have been associated with a continuing high crime rate. During the year, there was widespread media coverage of mob violence in Nyanza province, where suspected sorcerers, cattle rustlers, and thieves were targeted. According to the Government, 95 persons were killed in mob violence during the year. The KHRC reported that it has documented 719 deaths from mob violence during the last 6 years. Human rights observers attributed mob violence to a lack of public confidence in the police and the judicial process. The great majority of victims killed by mobs were suspected of criminal activities, including robbery, cattle rustling, and membership in terror gangs. Most perpetrators of mob violence went unpunished. In addition, the social acceptability of mob violence also provided cover for apparent personal vengeance and settling land disputes under the guise of "mob justice."

On January 28, a mob in Riamachoki near the Kisii/Trans Mara border killed an Administration police officer following a raid by area residents on the Olmilili Administration Police outpost. A CID investigation was ongoing at year's end.

On June 10, a farmer and some of his neighbors in Mwea beat to death 13-year-old Michael Wangara Ndichu on suspicion that the boy was stealing tomatoes from his farm. The farmer was arrested, and an investigation was being conducted at year's end.

On June 14, a mob in Bonchari, Bokeire sub-location, captured a teenager and his father, Abisinia Angeso, whom they accused of being a cattle rustler. After severely beating Angeso, the mob threatened his son with death if he did not sever his father's head; the son complied. Other residents in the area fled their homes in fear of being targeted by the mob. Three people, including a local chief, a former municipal councilor, and a former journalist were arrested on charges of murder and were awaiting trial at year's end.

No arrests were made in any of the 2002 and 2001 cases of mob killings.

Unlike in previous years, there were no reports that mobs killed members of their communities on suspicion that they practiced witchcraft.

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.).

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 continued to use torture and physical violence during interrogation and to punish both pretrial detainees and convicted prisoners. Although authorities periodically issued directives against the use of torture by police, the problem persisted and remained a serious problem. The Government did not provide information on the number of cases of torture that occurred during the year.

Human rights organizations, churches, and the press highlighted and criticized numerous cases of torture and several cases of indiscriminate beatings 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 IMLU recorded 230 allegations of police torture of suspects during the year, of which 70 percent allegedly occurred in police stations before suspects were charged; 45 persons reportedly died from torture while in police custody (see Section 1.a.). The IMLU claimed to have substantiated approximately 50 percent of these allegations. In June, the NGO People Against Torture (PAT) reported 60 cases of torture since January, 10 of which resulted in death. PAT named the Flying Squad Police Unit as one of the worst perpetrators, and cited Karura and Ngong forests and the Kasarani estate in Nairobi as torture sites. However, detainees routinely claimed that they had been tortured, making it difficult to separate real from fabricated incidents.

In February, the Government opened to the public the infamous Nyayo House Torture Chambers in Nairobi, where the previous government tortured political dissidents and activists. The gesture was seen as a positive step by the Government toward addressing the problem of torture and other human rights abuses.

In March, police allegedly robbed, tortured, and killed Maithya Kivuli, a teacher at Mutwaathi Primary School. Kivuli, who, according to a relative, had been stripped naked and confined to a tiny room infested with ants, was found unconscious the following morning. The case was under investigation at year's end.

Caning continued to be used as punishment in cases such as rape (see Section 5).

Police used excessive force to disperse demonstrations and strikes, which resulted in injuries (see Section 2.b.).

Police harassed and beat some journalists during the year (see Section 2.a.).

Unlike in previous years, there were no reports that police used excessive force against the Mungiki, a banned vigilante group that engaged in violent incidents during the year that resulted in numerous deaths (see Section 1.a.).

According to organizations that work with street children, police also beat and abused street children (see Section 5).

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.d.).

An inquest remained pending at year's end into the 2002 injuring of Arwings Odera, a freelance journalist who in 2001 had published a series of articles alleging corruption in government-backed projects. Odera, who fled the country in 2001, returned during the year and resumed working as a journalist for the Kenya Times and People Daily.

Acts of violence, including rape, banditry, and shootings, occurred frequently near refugee camps (see Sections 2.d. and 5).

There continued to be reports of violence between pro-government and opposition supporters (see Section 2.b.).

Prison conditions were harsh and life threatening. Prisoners were subjected to severe overcrowding, deficient health care, and unsanitary conditions, and received inadequate water, diet, and bedding. Police and prison guards subjected prisoners to torture and inhuman treatment. Rape of both male and female inmates, primarily by fellow inmates, was a serious problem, as was the increasing incidence of HIV/AIDS. Disease in prisons was widespread, and the death rate was high. Prisoners sometimes were kept in solitary confinement far longer than the maximum 90 days allowed by law. Prisoners and detainees frequently were denied the right to contact relatives or lawyers. Family members visiting prisoners faced numerous bureaucratic and physical obstacles, each requiring a bribe.

In its comprehensive 2002 investigation of the country's prison system, the SCHR, the only domestic human rights body allowed such access at that time, reported that torture, cruel, inhuman, and degrading treatment were prevalent in prisons. The SCHR documented numerous cases of human rights abuses alleged by inmates during its investigations, including the application of electrical shocks to genitalia, subjecting inmates to artificial light from a 150-watt bulb continuously for up to 24 hours, and female inmates being stripped and placed in solitary confinement in a flooded cell for up to a week. Press reports continued to highlight the substandard prison conditions.

According to Vice President Moody Awori, the country's 89 prison facilities had a capacity for 15,000 prisoners, but held more than 40,000 during the year. For example, Kericho Prison, which was built in 1945 for approximately 62 inmates, held 569 inmates at year's end; its cells, which were designed for 12 prisoners, held 97 to 127 prisoners. The SCHR reported that in 2002 it encountered major overcrowding at all of the juvenile detention centers it investigated and found that one in particular, the Nairobi Juvenile Remand Home, held more than 4 times its capacity of 100 detainees. The courts partly were responsible for overcrowding, as the backlog of cases in the judicial system continued to fill the prison detention cells (see Section 1.d.).

Prisoners generally received three meals per day; however, portions were inadequate, and the diet consisted almost entirely of ugali (maize meal), beans, and occasionally cabbages or kale, according to the 2002 SCHR report. Prisoners were sometimes given half rations as punishment. The SCHR also found water shortages to be a problem in some prisons, particularly at the Kakemaga prison where they have not had running water for the last 5 years. In May, Caroline Akoth Othithi, a prisoner in Langata Women's Prison, testified before the Chief Magistrate at the Kibera court that prisoners were being served raw and contaminated food, and that some inmates had died from diarrhea. The Chief Magistrate subsequently summoned the head of prisons to appear in court to respond to these claims.

During the year, the Government took steps to ease prison overcrowding. The Government increased its contribution for the Community Service Order (CSO), a program to alleviate prison overcrowding by allowing petty offenders to perform community service—such as building bridges, schools, and hospitals—as an alternative to incarceration. More than 67,000 prisoners were serving sentences under the program in 2002. However, magistrates still were not fully utilizing CSO as an alternative to custodial sentences for petty offenders, and there were delays in releasing petty offenders already committed to the CSO program. For example, 208 of the inmates committed to the CSO program in Kakamega still were being held in prison at year's end because they had not received the requisite release letter from the Probation Department. During the year, President Kibaki freed 11,628 prisoners; most of those released were first-time offenders with a record of good conduct or prisoners in ill health.

Men, women, and children officially were kept in separate cells, and there were no reports that men and women were placed in the same cells. Women sometimes lacked access to sanitary napkins and often had one change of clothes, leaving them naked during the washing of their laundry. Young teenagers frequently were kept in cells with adults in overcrowded prisons and detention centers. Youth detention centers were understaffed, overcrowded, and inmates had minimal social and exercise time. Some young inmates remained in the centers for years, as their cases awaited resolution. Juvenile detainees were subjected to corporal punishment, which has been banned in the school system. According to the SCHR's 2002 special report on the state of juvenile detention centers, a majority of juveniles in pretrial detention were actually children who had been arrested from the streets as victims of neglect or children in need of care and discipline."

Nearly all prisoners serving more than 6 months in prison worked in prison industries and farms. Men worked in printing services, car repair, tailoring, metal

work, and leather and upholstery work. Women were taught sewing, knitting, dress-making, rug making, basket weaving, jewelry making, and other crafts. The Government reported that prisoners could earn approximately \$0.62 (48 Kenyan shillings) per year or 20 cents (0.2 shillings) per item produced. Prisoners can, with permission, work beyond the 8-hour day to produce goods, from which they earn two-thirds of the profits. Prisons were unable to invest the estimated annual profits of \$826,600 (62 million Kenyan shillings) in the prisons because income generated was sent directly to the Government Consolidated Fund. Some observers alleged that prison officials used the free prison labor for personal profit, and prisoners have complained of being overworked; however, many inmates left prison with a valid trade certificate.

Hundreds of prisoners died due to life-threatening prison conditions, including inadequate food and medical treatment. According to government statistics, 536 prisoners died in 2002, primarily as a result of pulmonary tuberculosis, gastroenteritis, pneumonia, and malaria; dysentery, anemia, malaria, heart attack, typhoid fever, and HIV/AIDS also were common causes of death among prisoners.

The Government did not permit consistent independent monitoring of prison conditions. However, the governmental SCHR and Kenya National Commission on Human Rights (KNCHR), as well as the International Committee of the Red Cross had the authority to inspect prison facilities on demand at any time. The Government occasionally granted permission to domestic NGOs to visit prisons; however, obtaining such permissions was difficult. Some independent NGOs worked with the Government in evaluating torture cases and performing autopsies on deceased prisoners. On one occasion during the year, the Government allowed access to the media and permitted the use of television cameras.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits such practices; however, police frequently arrested and detained citizens arbitrarily.

Police corruption was systematic and widespread. A July survey conducted by The Public Service Integrity Program found that the police force was viewed as the most corrupt entity within the society of the country. In May, the SCHR reported that police arrested petty offenders over the weekend “probably with the sole purpose of extorting bribes” and that police in conjunction with prosecutors resorted to “unexplained illegal confinements, extortion, torture, and the preferring of highly questionable and fabricated non-bailable charges” as a cover-up for malpractice. Police often held such detainees for lengthy periods without trial.

Impunity was a serious problem. In its May report, the SCHR noted the “systematic cover-up or attempted cover-up in cases involving allegations of torture, excessive use of force or extrajudicial shooting.” Officers were rarely prosecuted for using excessive force. Investigations by SCHR of numerous cases alleging torture revealed that “there was a code of silence under which officers failed to report brutality, destroyed evidence, or threatened witnesses in an effort to cover-up abuses, contributing to a climate of impunity.” Public officials at times made pronouncements calling on security forces to discharge their duties responsibly and to use restraint; however, such pronouncements had little effect on police behavior.

The authorities sometimes attributed the absence of an investigation into an alleged unlawful killing to the failure of citizens to file official complaints. However, the form required for filing complaints was available only at police stations, which often lacked the forms or were not forthcoming in providing them. There also was considerable public skepticism of a process that assigned the investigation of police abuse to the police themselves.

During the year, the Government took some steps to curb police corruption. The Government arrested and charged several police officers for various offenses, including murder, assault causing bodily harm, and corruption; however, the Government did not provide details on how many of these indicted police officers were tried, acquitted, convicted, or imprisoned. There also were some internal police investigations into the many killings of civilians by members of the security forces and some prosecutions; however, few were effective. To reduce inducements for corruption, in July, President Kibaki announced a 115 percent increase in police salaries, effective January 2004 and pledged to improve the living and working conditions of police. The starting salary for a police officer was \$61 (4,654 Kenyan shillings) a month.

The International Federation of Women Lawyers (FIDA) has trained more than 500 police officers about gender issues. The organization, as part of its ongoing police sensitization project, also had developed a curriculum on dealing with gender-based violence.

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 sus-

pect must begin. Indicted suspects often were held for months or years before being brought to court. Police from the arresting location were responsible for serving court summons and for picking up detainees from the prison each time the courts heard their cases. Police often failed to show up or lacked the means to transport the detainees, who then were forced to await the next hearing of their case.

The law provides that families and attorneys of persons arrested and charged are allowed access to them, although this right often was not honored (see Section 1.c.). Family members and attorneys may visit prisoners only at the discretion of the authorities, and this privilege often was denied. For those who were charged, it often was possible to be released on bail with a bond or other assurance of the suspect's return.

The police continued to conduct massive searches ("sweeps") for illegal immigrants, criminals, and firearms; citizens frequently accused police officers of soliciting bribes or falsely arresting individuals to extract bribes during such searches (see Section 1.f.). In August and September, police conducted several sweeps in the coastal cities and reportedly arrested 830 persons in Mombasa, 120 in Kilifi, and 83 in Lamu for illegal immigration or conducting business without a license. Community members criticized the manner in which the sweeps were conducted; an Imam charged that women and children were being arrested as they sat on their verandas during the sweeps.

During the year, police arrested some journalists and NGO members (see Sections 2.a. and 4).

Student protests and riots continued during the year and resulted in some arrests (see Section 2.b.).

Unlike in the previous year, there were no reports that the Government arrested opposition politicians for allegedly participating in illegal gatherings; however, an IMLU employee and 30 other persons were arrested for illegal assembly during the year (see Section 2.b.).

Unlike in previous years, there were no reports of the arbitrary arrest of members of the Mungiki; however, police arrested numerous criminal suspects who were members of the group.

During the year, most of the 511 illegal aliens detained during the June 2002 sweeps in Nairobi's Eastleigh area, home to a large Somali community, were released; the status of the remaining aliens was unknown at year's end.

Charges of inciting coffee farmers remained pending against James Orengo, who was arrested on questionable charges more than eight times between 1997 and 2001.

Pretrial detention remained a serious problem. In its 2002 report, the SCHR highlighted numerous cases of lengthy delays in the prosecution of cases against inmates held in pretrial detention, adding that pretrial detainees constituted "a large percentage of the prison population thereby overstressing the limited resources available to prisons." The Government reported that approximately 33 percent of the prison population were pretrial detainees; in its May report, the SCHR reported that 60 percent of the total prison population was made up of pretrial detainees. In a March news report, Commissioner of Prisons Abraham Kamakil claimed that the average time spent by suspects in pretrial detention on capital charges was approximately 16 months. Many detainees spend more than 3 years in prison before their trials were completed, often because they cannot afford even the lowest bail. Very few can afford attorneys. The Government has acknowledged cases in which persons have been held in pretrial detention for several years.

In March, the media reported that Joseph Kamau Njoroge had served 18 years in prison awaiting the outcome of his trial and that Wanjiku Kamandere had served 17 years in prison on pretrial detention; both men remained in custody at year's end.

During the year, Margaret Wanjiku Mugo and her five children, who had remained in detention since 2000 for the alleged killing of their husband and father, were acquitted of all charges and released.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary often was 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 tribunal appointed by the President. Although judges have life tenure (except for the very few foreign judges who were hired by contract), the President has extensive authority over transfers.

During the year, the Government took steps to curb widespread judicial corruption. Two anti-corruption bills were passed: The Anti-Corruption and Economic Crimes Bill, which sets rules for transparency and accountability; and the Public Of-

ficer Ethics Bill, which requires high government officials and their spouses to declare their wealth. The Government established an anti-corruption authority to investigate and prosecute cases of corruption, and appointed an anti-corruption czar. Former Chief Justice Bernard Chunga and High Court Judge Samuel Oguk, both implicated for corruption and incompetence, retired. Chief Justice Evans Gicheru established internal committees to implement judicial reform. In its September 30 report, the Integrity and Anti-Corruption Committee, headed by High Court Judge Aaron Ringera, cited credible evidence of corruption against 5 of 9 Appeal Court judges and proof of graft and misconduct against 18 of 36 High Court Judges and 82 of 254 magistrates; 38 magistrates were suspended (although most resumed work during the year to alleviate the caseload backlog), and 40 others were transferred. The Government maintained that all those accused, whose names were withheld pending investigation, would be subject to prosecution; however, no legal charges were filed against any of the judges who were suspended or transferred by year's end.

The court system consisted of a Court of Appeals, a High Court, and two levels of magistrate courts, where most criminal and civil cases originated. The Chief Justice was a member of both the Court of Appeals and the High Court, thus undercutting the principle of judicial review. Military personnel were tried by military courts-martial, and verdicts may be appealed through military court channels. The Chief Justice appointed attorneys for military personnel on a case-by-case basis.

Civilians are tried publicly, although some testimony may be given in closed session. The law provides for a presumption of innocence, and defendants 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 received a sitting allowance for the case. Although the assessors render verdicts, their judgments are 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 was available, and then only in Nairobi and other major cities. As a result, poor persons may be convicted for lack of an adequate 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 classified documents to hide the guilt of government officials. Court fees for filing and hearing cases were high for ordinary citizens. The daily rate of at least \$25 (2,000 Kenyan shillings) for arguing a civil case before a judge was beyond the reach of most citizens.

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." There were no other customary or traditional courts in the country. However, the national courts used the customary law of an ethnic group as a guide in civil matters so long as it did not conflict with statutory law. This was done most often in cases that involved marriage, death, and inheritance issues and in which there was an original contract founded in customary law. For example, if a couple married under national law, then their divorce was adjudicated under national law, but if they married under customary law, then their divorce was 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 sought to eliminate customary law because they felt it was biased in favor of men (see Section 5).

Critics of the Government—politicians, journalists, lawyers, and students—have been harassed through abuse of the legal process. There were 48 M.P.s, student leaders, or human rights activists who still had one or more court cases pending during the year (see Section 2.a.). Several cases involving opposition M.P.s, many of whom became members of the Government after the 2002 NARC election victory, 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.

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 used this authority during the year to terminate a case against M.P. Anthony Ndilinge.

There were no reports of political prisoners. However, some NGOs alleged that police arrested and jailed political and human rights activists on spurious charges to curb their activities. In 2002, human rights activists Nicodemus Mutuki and Alois Mwaiwa Muia were acquitted of murder charges following mob violence that left one person dead; however, an appeal to the acquittal was filed and remained pending.

During the year, the Government released the remaining five members of the February 18 Movement (FEM) and its military wing, the February 18 Revolutionary Army (FERA); the five were arrested in 1995 along with hundreds of other suspected members on charges of attempting to overthrow the Government. The Government charged that FEM and FERA were part of a guerrilla movement led by a citizen in exile in Uganda, a charge the Ugandan government denied.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices; however, authorities sometimes 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 obtained search warrants, they occasionally conducted searches without warrants to apprehend suspected criminals or to seize property believed to be stolen. Citizens frequently accused police officers of soliciting bribes during searches or of falsely arresting individuals to extract bribes.

The police continued to conduct massive sweeps for illegal immigrants and firearms in residential neighborhoods of major cities (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, then demanded bribes to refrain from confiscating those items in the absence of such documents.

Unlike in the previous year, there were no reports that police conducted sweeps of street families and children. Most of the approximately 100 street persons arrested during a 2002 sweep were released during the year; the others were charged with petty offenses. No further information was available.

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.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government sometimes restricted these rights. Security forces harassed, beat, and arrested members of the media during the year; however there were fewer such reports than in previous years. The regulatory framework for broadcast media allowed abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies. Police sometimes dispersed demonstrators to prevent criticism of the Government, and journalists covering such events often were present during the dispersal (see Section 2.b.). In spite of these pressures, the press, civic organizations, and opposition parties continued to present their views to the public, particularly in the print media. Journalists practiced self-censorship.

The Government broadly interpreted existing laws to restrict freedom of expression. Both the Constitutional prohibition of debates on issues under consideration by the courts and the ruling by the Speaker of the House against parliamentary debate of certain aspects of Presidential conduct limited the scope of deliberation on a number of political issues.

During the year, the three police officers fired in 2002 for reportedly holding a private political discussion were reinstated in the police department.

Charges against M.P. David Manyara, who was arrested in April 2001 and charged with "incitement" after a speech he gave at an opposition rally, were pending at year's end; Manyara was arrested on separate charges during the year (see Section 1.a.).

In general, the print media remained candid and independent. The mainstream print media included four daily newspapers that reported on national politics: The independent Nation, which published articles generally critical of government policies; the East African Standard, which previously reflected KANU party views, but was more independent during the year; the People Daily, which was owned by an

opposition politician and was highly critical of the Government; and the Kenya Times, which generally reflected KANU party views. There also were numerous independent tabloid or “gutter” periodicals, which appeared irregularly and were highly critical of the Government. Reporting in these tabloids ranged from revealing insider reports to unsubstantiated rumormongering.

The government-owned Kenya Broadcasting Corporation (KBC), the country’s oldest broadcaster, was the only station with a national network of broadcast and cable television, AM and FM radio, and short-wave broadcasts. KBC generally did not criticize the Government; however, since the August arrival of its new managing director, KBC coverage was somewhat more balanced. KBC’s monopoly on national broadcasting continued to severely limit the ability of opposition leaders and other critics of the Government to communicate with the electorate outside the capital. Stations operated by other media companies, including 12 radio stations, operated primarily in Nairobi and its outlying areas.

Kenya Television Network (KTN), which was owned by KANU supporters, aired news programs with more balanced political coverage than KBC; it broadcast in Nairobi, Mombasa, and Nakuru. Stellavision, which also was owned by KANU supporters, rebroadcast SKY TV and British Broadcasting Corporation (BBC) world news in Kisumu, Mombasa, and Nairobi. Other TV stations in operation in Nairobi were Nation-TV, associated with the Nation newspaper group, and Family, a Christian-oriented broadcaster. Citizen TV and Citizen Radio broadcast generally objective news programs. Family TV and Radio broadcast in the Nairobi metropolitan area; Nation Television also broadcast in Mombasa, providing independent media coverage.

During the year, the print media, which has been relatively independent for decades, continued to expand. The Government also continued its efforts to loosen 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 lived. In January, the Government repossessed several dormant frequencies from various companies, including 60 from the national broadcaster KBC, to redistribute such frequencies. Some radio and television stations also began operating in markets outside of Nairobi during the year. For example, the Nation was granted radio frequencies to broadcast in Mombasa, Nakuru, Timboroa, and Nyeri, and programming by the Catholic Church radio station, which began broadcasting in Nairobi, reached areas beyond the city into Murang’a, Naivasha, Machakos, Makeni, Kajiado, and parts of Nyeri, Isinya, and Ol Donyo Sabuk.

Representatives of the international media remained free to operate; 120 international correspondents worked in the country, and approximately 100 media organizations reported out of Nairobi without official interference.

Security forces harassed, beat, and arrested members of the media during the year; however, there were fewer such reports than in previous years. Police dispersed demonstrators to prevent criticism of the Government, and journalists covering such events often were present during the dispersal (see Section 2.b.). The Government also used 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.

On March 9, GSU officers reportedly assaulted BBC and Daily Nation reporters, who were covering a peaceful protest in Turkana, and seized their equipment (see Section 2.b.). The journalists reported the incident to police; however, apart from the transfer of one GSU officer, no action had been taken by year’s end.

On September 29, police arrested East African Standard journalists Tom Mshindi, David Makali, and Kwamchetsi Makokha for publishing an article about the confession of suspects in the killing of University of Nairobi professor Crispin Mbai (see Section 1.a.); the three journalists were charged with violating a Penal Code section which precludes the publishing of “any false statement, rumor or report which is likely to cause fear and alarm to the public or disturb the peace.” Police subsequently interrogated the journalists to determine the source of their report on Mbai’s killing, which some observers believed was politically motivated. Several M.P.s criticized the arrests, which the Kenya Union of Journalists charged were an effort by the Government to intimidate the press. Mshindi and Makokha were released the day of their arrest. Makali, who was charged with stealing public property—a cassette containing the transcript of a police interrogation—was eventually released.

No action was taken against supporters of the now defunct National Development Party, who in March 2002 beat Nation journalist Odhiambo Orlale with clubs, or in the September 2002 beating of a television crew by persons attending a political rally organized by the opposition “Rainbow Alliance.”

There were no developments in the investigation of the April 2002 beating in Nairobi of People Daily photographer Collins Kweyu by city council guards.

In May 2002, Parliament passed a controversial bill regulating the media. Under the act, commonly known as the "Media Bill," publishers were required to purchase a bond of \$12,800 (one million Kenyan shillings) before printing any publication and to deposit copies of their newspapers and books with a registrar within 2 weeks of publication. The bond amount was a 100-fold increase over the previous bond amount of \$128 (10,000 Kenyan shillings). The law makes it a crime to sell or distribute publications not deposited or bonded, under penalty of a fine of \$256 (20,000 Kenyan shillings) or 6 months' imprisonment. Some members of the media were concerned that the Government would use this law, the Books and Newspapers Act, and the Official Secrets Act to stifle freedom of expression.

The regulatory framework for broadcast media allowed abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies. The Government, through the Communication Commission of Kenya (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 CCK regulated frequency allocations, while the Ministry of Transport and Communications issued licenses. The Ministry has licensed 33 organizations (6 of which were 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. During the year, the Government granted Nation Media a nationwide broadcasting license; in 1999, Nation Media had sued the Government for permission to broadcast radio and television nationwide. In 2001, 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 the end of 2001.

Some stations with previously issued licenses began broadcasting during the year. In July, the Catholic Church began broadcasting by radio and television in Nairobi; however, it continued to seek frequencies in Mombasa, Nyeri, and Kisumu. Private organizations that have been issued frequencies to broadcast but had not yet done so included the Pentecostal Church, Pete Aviation, and Maritime Media Services. Despite licensing the East African Television Network (EATN) to broadcast, the Government continued to block EATN from using the frequencies over a dispute and the case was pending in the courts at year's end.

In 2001, the CCK closed the offices of Citizen broadcasts and confiscated its equipment, allegedly for unpaid licensing fees and improper use of communications equipment. During the year, CCK returned the equipment to Royal Media, the parent company of Citizen Radio and Television.

During the year, public officials used libel laws to attack publications directly critical of actions by government officials. M.P. Nicholas Biwott sued KTN for reporting that he was implicated in the 1990 murder of Foreign Minister Robert Ouko, and Statehouse Comptroller Matero Keriri sued the Kenya Times for reporting that he had engaged in a fight with a member of the presidential escort. Printers and distributors were 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.

Former President Moi's 2001 libel suit against a former U.S. Ambassador, who wrote a book that alleged Moi was involved in the 1991 murder of Foreign Minister Robert Ouko, still was pending in court at year's end.

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 that journalists accepted payments to report or withhold certain stories, some of which were fabricated.

Sedition was not grounds for censorship of publications; however, the Prohibited Publications Review Board reviewed publication bans. A number of publications remained banned, including such works as "The Quotations of Chairman Mao Zedong" and Salman Rushdie's "Satanic Verses." Unlike in the previous year, there were no reports that plays were banned.

The Government did not restrict access to the Internet. There were approximately 20 domestic Internet service providers (ISPs) that generally were privately owned. Although liberalization of Internet communications continued, Internet access in the country continued to be limited by the parastatal Telkom, which has a monopoly on satellite uplinks. All ISPs were required to use the communications parastatal

to connect to the Internet. There were no reports of Telkom interfering with the content of Internet transmissions.

The Government and school administrators on occasion limited academic freedom; however, the Government took steps during the year to limit such interference. Most post-secondary students attended government-run institutions, partly because of their lower fees. During the year, President Kibaki ceded the role of chancellor of all state universities and appointed chancellors for each of the country's six public universities. A number of student activists have been expelled from universities in previous years because of political activities; however, most of these students had been readmitted by year's end. Students claimed that the Government interfered in student elections to ensure sympathetic student leaders. In March, some members of the Students Organization of Nairobi University (SONU) protested the outcome of their group's elections, charging that university administrators rigged the polls; the elections were SONU's first in 2 years since the former Government banned the group.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Organizers must notify the local police in advance of planned public meetings, and authorities may cancel such gatherings only if there are simultaneous meetings previously scheduled for the same venue, or if there are specific security threats; however, authorities continued to disrupt public demonstrations and meetings about which the police had been informed in advance, often characterizing them as “illegal” gatherings.

On March 13, security forces arrested an IMLU employee and 30 other persons for holding an illegal assembly and inciting violence; the group had provided local police with advance notice of their meeting.

During the year, police used excessive force to disperse demonstrations. For example, on March 9, GSU officers violently dispersed a demonstration in Turkana to protest insecurity along the Kitale-Sudan road; one person was killed, and another was injured. The GSU also assaulted two journalists covering the demonstration (see Section 2.a.). No action had been taken against the responsible GSU officers by year's end.

In May, police in Thika shot a man in the arm while they attempted to quell a riot following a meeting of the Samuru Gituto Farmers Cooperative Society. The injured man demanded the arrest and arraignment of the officer; an investigation was ongoing at year's end.

On September 15, police mounted roadblocks and fired tear gas into 3 buses carrying approximately 300 university students, who were traveling to a demonstration to protest the September 14 killing of Crispin Odhiambo Mbai (see Section 1.a.). Police reportedly whipped the students as they fled the buses to escape the gas.

Police also used excessive force to disperse strikes during the year, which resulted in one death (see Section 6.b.).

The investigation into the February 2002 violent dispersal of a demonstration organized by the Center for Human Rights and Civic Education in Mwingi District was ongoing at year's end. No action was taken against security forces responsible for the violent dispersal of numerous other demonstrations in 2002 and 2001.

Police prevented some political and civil society activities from occurring during the year. For example, on March 29, police barred teachers in Kiambu from convening a meeting to call a strike over the Government's failure to implement the salary raise it had promised.

In July, police prevented Gideon Moi, an M.P. and the son of the former President, from holding a rally for his constituents. The Government claimed its action had been taken for Moi's safety.

Violent incidents continued between pro-government supporters and opposition supporters during the year, mainly during by-elections; political parties reportedly used gangs of young followers to harass other parties and to prevent them from holding meetings or events.

No action was taken against the armed youth who attacked Ford People officials attempting to assemble in April 2002.

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. Approximately 40 political parties were registered; however, the Government continued to refuse to reverse its 1994 denial of registration of the Islamic Party of Kenya (IPK), which has not resubmitted an application to register since NARC came to power in 2002.

The Mungiki, who were banned along with a number of other vigilante groups in 2002, remained banned. Mungiki espoused political views and cultural practices that were controversial to mainstream society; however, many observers character-

ized the Mungiki as a vigilante group or gang because of the criminal activities of some of its members as well as their reported harassment and intimidation of residents in areas where the group was active (see Section 1.a.). The number of Mungiki members was unknown, but the group had a significant following among the unemployed and other marginalized segments of society. Other groups that remained banned included the Kamjesh, Chinnololo, Sanina Youth, Baghdad Boys, Jehila Embakai, Jeshi la Mzee, Nmachuma, and the Taliban.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected 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 required religious organizations to register with the Registrar of Societies, which reported to the Office of the Attorney General. The Government allowed traditional indigenous religious organizations to register, although many chose not to do so. Religious organizations generally received 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, membership in the Tent of the Living God has diminished greatly.

Unlike in the previous year, there were no reports that civil servants who were Seventh-Day Adventists were suspended from their jobs for refusing to perform official duties on a Saturday or that students were suspended for refusing to take tests on Saturdays.

Practicing witchcraft reportedly was a criminal offense under colonial-era laws; however, persons generally were prosecuted for this offense only in conjunction with some other offense, such as murder. Unlike in previous years, there were no reports that police arrested persons for practicing witchcraft. Witchcraft traditionally has been a common explanation for diseases for which the causes were unknown. The practice of witchcraft was 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 included or accommodated belief in the efficacy of witchcraft, they generally approved of harmful witchcraft only for defensive or retaliatory purposes and purported to offer protection against it.

Muslim leaders continued to charge that the Government was hostile toward Muslims. In April, the National Constitutional Conference convened to draft a new constitution and to consider a draft constitutional provision that would expand the jurisdiction of the Kadhis' courts. Several thousand Muslims demonstrated peacefully across the country to demand that the Kadhis' courts be enshrined by the new constitution; however, the proposal to expand the jurisdiction and role of the Kadhis' courts in the constitution faced stiff opposition, particularly from Christian clerics, who charged that Muslims would be given preferential treatment if Kadhis' courts were incorporated into a new constitution. The debate on the issue, which highlighted latent religious animosities between the country's Muslims and Christians, was ongoing at year's end.

Muslims continued to complain that non-Muslims received better treatment when requesting citizenship documents. According to Muslim leaders, government authorities scrutinized more rigorously the identification cards of persons with Muslim surnames and required them to present additional documentation of their citizenship, such as birth certificates of parents and, sometimes, grandparents. The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members were required to carry an additional form of identification to prove citizenship. Ethnic Somalis must produce upon demand their local identification card and a second identification card verifying screening; both cards were required to apply for a passport. This heightened scrutiny appeared to be due to an attempt to deter illegal immigration, rather than due to the religious affiliation of ethnic Somalis. In 2002, former President Moi announced that the Government had stopped screening ethnic Somalis and that the Government instead would rely on local elders and leaders to determine the citizenship of ethnic Somalis. However, it was unclear whether this policy was being enforced.

Wanjiru Nduhiu, the leader of an unregistered Kikuyu group, charged in 2002 with urging her followers to renounce Christianity and revert to traditional beliefs and practices such as FGM, remained in custody awaiting trial at year's end; during the year, the charges against her were reduced to "incitement."

During the year, the African Independent Pentecostal Church of Africa (AIPCA) continued repossessing its schools that had been seized by the British colonial government.

There generally was a great deal 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.

On June 13, Muslims in Bura Division of Tana River District reportedly burned down five churches after an Islamic preacher was arrested and briefly interrogated by police. The cleric had converted to Islam from Christianity and had reportedly angered the Christians in the area with his teachings against Christianity; he was released from police custody at the request of an M.P. Reverend Simon Mgumba of the Pentecostal Evangelism Fellowship of Africa, one of the churches that was burned, said his congregation was diminishing after the incident, due to fears of additional attacks. Reconciliation efforts between the communities were underway at year's end.

There were several disputes over land ownership and institutional conflicts between rival religious factions during the year; some resulted in violence.

On March 16, Joseph Okech was killed in a fight during Sunday services between two factions of St. Stephen's Church in Dandora, Nairobi. The conflict reportedly came about as a result of a leadership struggle. However, church leaders contended that non-church members were actually responsible for the incident, which remained under investigation at year's end.

On May 11, rival factions of the African Independent Pentecostal Church of Africa in Nyeri clashed violently, and several worshippers were injured. The two factions were aligned to two feuding archbishops.

The 2002 land use dispute between Egerton University and the Africa Inland Church (AIC) had not been resolved by year's end.

For years Muslims and Christians have held an open debate over their respective places in society. Each group claimed to have a larger number of adherents than was plausible, and some Muslim groups believed that the Government and business communities deliberately impeded development in predominantly Muslim areas. Some Muslim leaders claimed that discrimination against Muslims has resulted in a greater incidence of poverty among Muslims than among other religious groups; however, there was no statistical evidence to support this claim.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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 stopped vehicles and checked vehicle safety and driver documents on roads throughout the country. Police often demanded bribes at such checkpoints. Ethnic Somalis must produce upon demand their local identification card and a second identification card verifying screening; both cards were required to apply for a passport (see Section 2.c.).

The Government did not restrict foreign travel or emigration; however, the law requires a woman to obtain her husband's or father's permission to obtain a passport. In practice, adult women often were 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 was granted routinely.

The majority of the estimated 400,000 persons displaced or forced to relocate during the early 1990s because of ethnic violence were 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 asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol; however, in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The UNHCR granted refugee status to Somali refugees at the Dadaab camps and to Sudanese refugees arriving at the Kakuma camp. A UNHCR eligibility committee in Nairobi performed a similar function for individuals of other nationalities. The Government also provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol. The Government provided temporary protection to the approximately 200,000 refugees registered by UNHCR who lived in official UNHCR camps. An undetermined number of refugees lived outside the camps in cities and rural areas. Somalis accounted for approximately 64 percent of

the total refugee population, followed by large numbers of Sudanese and smaller numbers of other nationalities from across the region.

The Government required that all refugees reside at designated camps, most of which were located near the Somali and Sudanese borders, unless granted permission to live elsewhere in the country, primarily to attend higher education institutions, undergo medical treatment, or avoid security threats at the camps. However, many refugees lived illegally outside the camps, especially in Nairobi.

Incidents of rape of women and girls in refugee camps continued to occur (see Section 5). Many rapes occurred when women and girls collected firewood and building materials outside the camps; however, reported rapes declined during the year.

Acts of violence, including banditry and shootings, occurred frequently near the camps. Refugees have been mistreated and abused by citizens and by residents of different refugee camps because of ethnic and religious differences. Interclan violence frequently erupted among rival Somali clans at the camps (see Section 5); family members also may subject Somali refugees who marry non-Muslims to abuse.

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; this right was realized fully only in December 2002, when citizens chose a new president through an election for the first time since former President Moi came to power in 1978. The December 2002 multiparty general elections were the country's third for presidential, parliamentary, and civic seats. Five presidential candidates contested the elections, but the main contestants were KANU candidate Uhuru Kenyatta and NARC candidate Mwai Kibaki, a former Vice-President and Minister of Finance in former President Moi's government. NARC was a coalition of more than a dozen political parties, including former members of KANU who defected, that formed a united front to contest the December general elections. Since independence in 1963, KANU had continuously controlled both the presidency and the national legislature. President Kibaki won 61.9 percent of the vote in the election, which was largely peaceful and determined by international observers to reflect the will of the people. In the December 2002 elections for the 222-member National Assembly, 210 seats were filled by election and 12 seats filled by nomination. By year's end, the NARC coalition held 132 seats (7 nominated); KANU held 68 seats (4 nominated); Ford-P held 15 seats (1 nominated); Safina, Ford-A, and Sisi held 2 seats each; and Shiriksho held 1 seat. Observers concluded that the elections broadly reflected the popular will and were free and fair.

During the year, five parliamentary seats were left vacant because of the death of their holders; NARC candidates won elections for all vacated seats. President Kibaki named M.P. Moody Awori to replace Vice President Michael Wamalwa, who died during the year; Awori was also the Minister for Home Affairs.

During 2002, there were active political campaigns throughout the year, some of which were marred by violence. The former Government used physical beatings, arbitrary arrest, and prosecution to harass and intimidate opposition M.P.s, and political violence and intimidation, often with ethnic undertones, increased during the run up to the elections; however, the level of election-related violence was substantially less than in the previous two general elections. The freedoms of assembly and of speech often were restricted as opposition leaders complained their activities were being targeted and their views were not being covered sufficiently by KBC. The Government's domination of domestic broadcast media, especially outside major urban centers, continued to restrict the ability of opposition politicians to communicate with citizens (see Section 2.a.). Police or organized youth gangs disrupted or forced the cancellation of a number of opposition meetings and rallies during the campaign, and politicians and public servants routinely warned political rivals against campaigning in their areas.

At the local level, President Kibaki increased funding for provincial and district governments. However, like President Moi, he continued to exercise tight control over local administrations. The President appoints both the powerful provincial and district commissioners as well as numerous district and village officials. Elected local councils exist, but the central Government continued to restrict 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 were limited to partial oversight of schools, secondary and tertiary roads, markets, and natural resources such as forests. Most councils lacked sufficient financial autonomy and revenues to adequately perform even these limited functions.

At the national level, the Constitution authorizes the President to dissolve the legislature and prohibits debate on issues under consideration by the courts (see Section 2.a.). M.P.s were entitled to introduce legislation, but in practice it generally

was the Attorney General who did so. President Kibaki exercised considerably less influence over the legislative agenda than did former President Moi. The National Assembly had the power to hire its own staff and to vote its own budget. In 2000 the National Assembly passed implementing legislation to establish the Parliamentary Service Commission, which fully exercised its power to hire staff and establish a budget in 2002.

During the year, the Constitution of Kenya Review Commission (CKRC) continued its review of proposed language in the country's new constitution; however, the Government suspended the second of its two sessions held during the year. Several NGOs continued to conduct civic education programs on the constitutional reform process.

Although there were no legal restrictions, traditional attitudes circumscribed the role of women in politics; however, the December 2002 elections increased the number of women in politics. At year's end, there were 15 female M.P.s, (7 elected and 8 nominated) in the 222-seat National Assembly, 3 female ministers, and 3 female assistant ministers. In February, Alice M.W. Kagunda was appointed Senior Deputy Commissioner of Police, making her the first woman in the country's history to hold the position.

The 5 largest ethnic groups represented 70 percent of the population and held 167 of the 222 National Assembly seats. The remaining 37 ethnic groups represented 30 percent of the population and held 55 seats; 4 of the 25 ministers and 6 of the 27 assistant ministers were from the smaller ethnic groups.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, there were some reports that government officials intimidated and threatened to disrupt NGO activities, and that less established NGOs, particularly those in rural areas, were subjected to interference from provincial administrators and security forces.

Approximately 15 NGOs actively advocated for human rights in the country. Several NGOs maintained comprehensive files on human rights abuses. A number of attorneys represented the indigent and human rights advocates without compensation, although they could handle only a small percentage of those who needed assistance, and were concentrated chiefly in Nairobi and other large cities. 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. Some local human rights NGOs complained that the Attorney General's office and other government offices often were not responsive to their inquiries; however, there were fewer such complaints than during the previous government.

During the year, members of the Government publicly criticized NGOs, accused them of incompetence and fraud, and called for increased government regulation of such groups. Unlike in previous years, the Government did not use the governmental NGO Coordination Board to put pressure on the nongovernmental National NGO Council. All district governments monitored NGOs within their districts with a view to ensuring that NGOs either advance government-approved objectives or cease to operate; however, NGOs did not report an increase in government monitoring during the year.

On December 31, security forces arrested an IMLU employee who visited a police station to ask about a case; the employee, who was released the following day, was accused of creating a disturbance. On March 13, security forces also arrested an IMLU employee and 30 other persons for holding an illegal assembly and inciting violence (see Section 2.b.).

Some civil society activities were disrupted during the year (see Section 2.b.); however, unlike in the previous year, there were no reports that police raided local NGOs, seized their documents, or interrogated members of their staffs.

The KHRC produced its "Quarterly Human Rights Report" that cataloged 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 NGOs monitored elections in cooperation with the Electoral Commission and diplomatic missions.

In July, the KNCHR was established to succeed the SCHR; the move was a result of 2002 legislation drafted by the Attorney General and the SCHR with the help of NGOs and civil society. The responsibilities of the KNCHR, which was created by an Act of Parliament, were the same as those held by the SCHR, which was cre-

ated by presidential decree—including investigating complaints of abuse, informing and educating citizens on human rights issues, and advising the Government on compensation for victims of abuse. Unlike the SCHR, which was filled mostly with staff on secondment from the Government, the KNHRC's nine commissioners were recruited mainly from human rights and other civil society organizations. As such, the KNCHR was more independent of executive control and better funded.

Section 5. Discrimination Based on Race, Sex, 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 was credible evidence that some government officials at least have tolerated and in some instances instigated ethnic violence on a smaller scale. The SCHR stated in its 2002 general report that "many undisputed reports indicate that leaders and senior public servants have continued to mismanage their freedom of expression by making inflammatory and inciting statements with far reaching consequences." The report also noted that "incitement has played and continues to play a very significant role in the genesis, escalation and recurrence of ethnic conflicts."

Women.—Domestic violence against women was a serious and widespread problem. Press accounts of such violence, sometimes resulting in the death of women, were reported frequently. According to the Government, there were 951 rape cases between January and May, an increase from the same period in 2002, when 784 rape cases were reported. The Police Department attributed the upsurge to increased reporting by rape victims; however, available statistics probably underreported the problem since social mores discouraged women from going outside their families or ethnic groups to report sexual abuse. In August, FIDA reported an increase in rape and defilement cases during the year, particularly in rural areas, and noted that rape cases alone had tripled from the previous year. According to a study by The Center for Human Rights and Democracy in Eldoret, 60 percent of rape cases in the North Rift region were not reported because women feared unfair treatment by police. A 2001 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 in 2001. 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 these two studies was unproven, the basic figures supported other published figures as well as numerous press accounts and anecdotal evidence. Police typically viewed violence against women as a family matter, not a crime.

The law carries penalties of up to life imprisonment for rape, although actual sentences usually were no more than 10 years. The rate of prosecution remained 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 was prevalent and largely condoned by much of society. Traditional culture permitted a man to discipline his wife by physical means and was ambivalent about the seriousness of spousal rape. There was no law specifically prohibiting spousal rape.

In September, Robinson Githae, the Assistant Minister for Justice and Constitutional Affairs, criticized the increasing demand by courts for DNA tests in rape cases. Githae, who noted that the country's only DNA testing center (the Kenya Medical Research Institute) required 3 to 6 months to complete a single test, charged that requiring such tests was tantamount to giving "licenses to rapists to rape our women."

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 2001, compared with 82 rapes in 2000.

The law prohibits FGM, also referred to as "female genital cutting," for girls under 18 and forced FGM on girls or women of any age; however, FGM was practiced by certain ethnic groups and remained widespread, particularly in rural areas. According to a 2001 report by the Government and UNICEF, 38 percent of women nationwide have undergone FGM; however, according to the women's rights organization Maendeleo Ya Wanawake ("Development of Women" in Swahili), the percentage of girls undergoing the procedure was as high as 80 to 90 percent in some districts of Eastern, Nyanza, and Rift Valley provinces. FGM usually was performed at an early age. The press reported severe injuries to several girls from the practice of FGM. On September 3, the Daily Nation reported that a mother in Meru North District was reportedly forced by her in-laws to circumcise herself in order to save

her marriage when her husband left her for not being circumcised. Former President Moi issued two presidential decrees banning FGM, and the Government prohibited government-controlled hospitals and clinics from practicing it.

Various communities have instituted “no cut” initiation rites for girls as an alternative to FGM. The Family Planning Association of Kenya (FPAK) established such a rite called Ntanira na Kithomo (initiate me through education) in Nyambene in Meru; some Marakwet and Maasai communities also have instituted similar rites of passage. According to the FPAK, its program contributed to a 13 percent decline in the prevalence of FGM in Meru North District. However, in 2002, girls sought refuge at the Centre for Human Rights and Democracy (CHRD) in Eldoret to escape undergoing FGM. They were among a group of 350 girls who had participated in an alternative rite of passage in 2001 and were being threatened by family members with FGM. CHRD secured a court injunction against the girls’ parents preventing them from forcing the girls to undergo FGM.

Prostitution is illegal; however, it was a problem and was perpetuated by poverty. Prostitution has contributed to the spread of HIV/AIDS, which affected approximately 13 percent of the population. In June 2002, the U.N. Program on HIV/AIDS (UNAIDS) reported that 30 percent of pregnant women in Embu District in Eastern Province were HIV-positive, making it the area with the highest rate of infection in the country.

Trafficking in women was a problem (see Section 6.f.).

Sexual harassment in Export Processing Zones (EPZs) was a problem (see Section 6.e.).

Women experienced a wide range of discriminatory practices, limiting their political and economic rights and relegating them to second-class citizenship. The Constitution provides equal rights to men and women and specifically prohibits discrimination on grounds of gender; however, constitutional provisions allow only males to transmit automatically citizenship to their children. The Government has not passed enabling legislation to implement international conventions on women’s rights. In 2002, 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 debated but were pending at year’s end.

Women continued to face both legal and de facto discrimination in other areas. For example, a married woman legally was 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 did not come before the courts. Women often were excluded from inheritance settlements, particularly if married, or given smaller shares than male claimants. 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 were relatives by blood or marriage. Wife inheritance was practiced in some communities, which restricted a woman’s right to choose her mate and placed her at risk of contracting a sexually transmitted disease such as HIV/AIDS.

Women made up approximately 75 percent of the agricultural work force and have become active in urban small businesses. Nonetheless, the average monthly income of women was approximately two-thirds that of men, and women held only six percent of land titles. Women had difficulty moving into nontraditional fields, were promoted more slowly than men, and were laid off more. Societal discrimination was most apparent in rural areas.

A growing number of women’s organizations were 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. The Women’s Political Caucus continued to lobby over matters of concern to women and to increase the influence of women on government policy.

Children.—Until January when the Government instituted tuition-free primary education, students paid both tuition and other costs, which placed a heavy burden on most families. The Government’s Free Universal Primary Education Program that began in January raised school enrollment from 5.9 million to over 7 million, and most persons welcomed tuition-free education; however, the policy also resulted in overcrowded classes because of increased enrollment, insufficient teachers, and inadequate budget. In January, the Government introduced a new syllabus that incorporated human rights, citizenship, and good governance for students in Standard One, Standard Five and Form One.

Although the law mandates compulsory schooling for all children through grade 12, there was a very high dropout rate, in part because of previously large educational expenses and the practice of children working to help support their families. There also was a shortage of schools. According to a 2001 media report, approximately 8,000 girls dropped out of school each year due to pregnancy, and an estimated 4 million children between 6 and 14 years of age did not attend school. Levels of education for boys and girls differed widely. Although the number of boys and girls in school roughly was equal at the primary level, boys substantially outnumbered girls in higher education. Rural families were more reluctant to invest in educating girls than in educating boys, especially at the higher levels. Seventy percent of illiterate persons in the country were female.

Corporal punishment of students was formally banned in 2001; however, it did not cease completely in practice. A teacher who beat a 13-year-old student to death at Nyamarambe Primary School, Kehancha Division in 2002 for failing a math test was not located by year's end.

The health care system for school children, which once provided periodic medical checkups and free milk, was defunct. In 2001, Parliament passed the Children's Bill, which has provisions to ensure children's welfare and provide them with basic rights; however, many of its provisions were not implemented by year's end.

Child rape and molestation continued. There were repeated reports of molestation or rape of children by schoolteachers, mostly in rural areas, and there were frequent press reports of rapes of young girls by middle-aged or older rapists. For example, in February, a police constable was arrested for the defilement of a 14-year-old girl; the constable was awaiting trial at year's end. 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 was up to 5 years' imprisonment; the law does not stipulate a minimum sentence for rape. Men convicted of rape normally received prison sentences of between 5 and 20 years, plus several strokes of the cane. Child marriages were a problem, and the issue frequently was highlighted in newspapers.

FGM was practiced commonly on young girls by certain ethnic groups, particularly in rural areas (see Section 5, Women).

Child prostitution was a major problem in Nairobi and Mombasa, often connected with the tourist trade. 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. According to the International Labor Organization (ILO), approximately 30,000 girls under the age of 19 years were engaged in prostitution in the country.

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

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. In 2002, the East African Standard reported on the growing problem of "street families," where entire nuclear families were living on the street due to a failing economy. The Standard also reported that there were an estimated 250,000 children living on the streets in urban areas—primarily Nairobi, Mombasa, Kisumu and Nakuru—a figure that it said was a conservative estimate. These children often were involved in theft, drug trafficking, assault, trespassing, and property damage. Street children faced harassment as well as physical and sexual abuse from the police and within the juvenile justice system. They were held in extremely harsh conditions in crowded police station cells, often without toilets or bedding, with little food, and inadequate supplies. They often were incarcerated with adults and frequently beaten by police (see Section 1.c.).

The Government provided programs to place street children in shelters and assisted NGOs in providing education, skills training, counseling, legal advice, and shelter for girls abused by their employers.

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 were denied drivers' licenses. There were no mandated provisions of accessibility for persons with disabilities to public buildings or transportation. KTN broadcast some news programs in sign language.

A 2001 report by the African Medical Research Foundation of Kenya (AMREF) found a high prevalence of rape of persons with disabilities.

National/Racial/Ethnic Minorities.—The country's population was divided into more than 40 ethnic groups, among which there were frequent and credible allega-

tions of discrimination, as well as frequent interethnic violence. In general, each ethnic group had a distinct primary language and was concentrated in a distinct region; however, the languages of some groups were 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.

Unofficial results of the 1999 census indicated that the Kikuyu constituted 21 percent of the population, the Luhya 16 percent, the Kalenjin 12 percent, the Luo 11 percent, and the Kamba 10 percent of the population.

Ethnic-regional differences continued to pose obstacles to political and economic liberalization. Members of former President Moi's Kalenjin ethnic group (a coalition of nine small ethnic groups) and other traditionally pastoral Nilotic ethnic groups were represented disproportionately and held key positions in the previous Government, the former ruling KANU party, the GSU, and the Presidential Escort. Many members of these groups appeared to believe that economic and political liberalization would likely harm their groups and 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 dominated much of private commerce and industry and have tended to support opposition parties. The Kikuyu, the largest, best-educated, and most prosperous ethnic group, dominated the country under its first president, Jomo Kenyatta, a Kikuyu. The Kikuyu remained the largest in population and the strongest economically because of their culture's emphasis on entrepreneurship; however, the Kikuyu were less dominant than in previous years.

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.

Members of the Nubian community, most of whom were Muslim, claimed that the Government discriminated against them by trying to eliminate their ethnic identity. They also claimed that despite living in the country for generations, they were frequently denied identity cards, work permits, passports, and the right to own land because they could not prove that their grandparents or great-grandparents were citizens of the country. These measures, they claimed, hampered their access to education and employment opportunities, resulting in the impoverishment of their community, which numbered about 200,000 in the country.

In 2002, under judicial pressure, the Government released the "Akiwumi Report" on ethnic clashes between 1991 and 1998. The report indicted public officials from petty policemen to senior officials and cited political factors as the primary cause of ethnic violence that resulted in more than 1,000 deaths during the 1990s, disrupted two general elections, and displaced hundreds of thousands of persons. The report detailed a pattern of local authorities failing to act on warnings of impending violence, failing to intervene to stop violence while it was occurring, and failing to pursue known perpetrators. It also accused senior officials of giving inflammatory speeches in volatile areas and in some cases, financing persons responsible for violence. The Attorney General claimed that the report was biased, and some opposition leaders claimed it had been changed to obscure the role of the State House; however, the report largely was recognized as a significant document.

Attacks and revenge counterattacks continued between ethnic groups throughout the country, resulting in an average of 50 to 75 deaths per month. 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.

On January 17, raiders attacked a homestead in Molo, killing one man, injuring several others, and torching 30 homes; the raiders escaped with a number of cattle, sheep, and goats. Although the raid lasted throughout the night, police reportedly did not respond until morning.

It was unknown whether any action was taken against the perpetrators of numerous ethnic attacks involving Kissi, Maasai, Turkanas, Pokot, Boranas, Samburu, Orma, Pokomo, and other ethnic groups in 2002 and 2001.

The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members were required to carry an additional form of identification to prove that they were 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 was widespread resentment among citizens of African ethnicity toward Asians living in the country. The Asian community constituted between 0.5 and 1 percent of the total population and consisted of second and third generation Asians with full citizenship and a smaller body of recent immigrants. Many persons of African descent resented 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 saw Asians as taking jobs and commercial opportunities away from Africans. The involvement of some Asians in corrupt activities along with government officials further fueled popular resentment. Politicians, both opposition and ruling party, from time to time appealed to majority prejudices by attacking Asian citizens, accusing them of exploiting and usurping the natural inheritance of African citizens.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers are free to join unions of their choice, and workers exercised this right in practice. The Police Act prohibits members of the national police force from joining unions. Workers employed in EPZ firms no longer faced dismissal if they joined unions (see Section 6.b.).

The law provides that as few as seven workers may establish a union if the objectives of the union do not contravene the law and no union was representing the employees 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. In May, the University Academic Staff Union was registered after a 10-year battle.

There were 42 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 300,000 workers, were affiliated with the one approved national federation—the Central Organization of Trade Unions (COTU). The largest non-COTU union was the 240,000-member Kenya National Union of Teachers (KNUT).

Frances Atwoli, the leader of the Agriculture and Plantation Workers Union and Secretary General of COTU pledged to end corruption within the union. In 2001, Atwoli removed the provisions in COTU's constitution that grant seats on COTU's board to government and ruling party officials and reasserted COTU's leadership role on behalf of workers; however, most union activity took place at the shop steward level and not at the industrial level where most labor-related decisions were made.

A tripartite Task Force on Labor Law Reform was revising the labor law to ensure that it incorporates the ILO core labor standards and is consistent with the African Growth and Opportunity Act.

The law prohibits employers from intimidating workers but some anti-union discrimination still exists. 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 was not a common remedy. More often aggrieved workers have found alternative employment in the lengthy period prior to the hearing of their cases.

The COTU was affiliated internationally with both the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions. Many of its affiliates were 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, 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 were 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 to ensure adherence to these guidelines.

In 2001, the Union of Kenyan Civil Servants (UKCS), banned in 1980, was reregistered and in 2002, national UKCS officials, the majority of whom were civil service retirees, were elected to 5-year terms. The UKCS has the right to negotiate the terms and conditions of civil service employment, and it submitted a collective bargaining agreement to the Government during the year. Approximately 40,000 civil servants have joined the UKCS, which conducted awareness seminars and recruitment drives throughout the year. During the year, the UKCS filed suit against the Government to reclaim assets the former government repossessed when the UKCS was banned.

Following a series of strikes from February through March, EPZ workers were permitted to join a union. During the year, the Tailors and Textile Union began organizing workers in the EPZ for the first time and raised membership from 5,000 to 30,000. The TTWU also negotiated a collective bargaining agreement for more than 10,000 employees in 9 factories of the Athi River EPZ.

The law permits workers to strike with some restrictions. The workers must submit a letter to the Minister of Labor and then wait 21 days before a strike can occur. Members of the military services, police, prison guards, and the National Youth Service are prohibited from striking. Other civil servants, like their private sector counterparts, can strike following the 21-day notice period (28 days for essential service workers, 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 up to five judges appointed by the President, for binding arbitration. Once a dispute is referred to mediation, fact-finding, 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.

During the year, the Minister of Labor declared strikes by EPZ workers illegal; however, he subsequently allowed them to join a union. In 1997, the KNUW called a nationwide strike, which the Government quickly settled with promises of pay increases of more than 200 percent spread over more than 5 years. The Government's failure to implement the second of the promised pay hikes resulted in a 1998 KNUW strike, which the Government declared illegal. Negotiations and strikes continued on and off (particularly around election time) for years with no payments ever being made, but with new promises to pay over 10 years. However, on May 1, President Kibaki ordered a re-negotiation to shorten the payment timeframe, and on July 1, the Government made the first payment, with the remainder to be spread over 6 years, rather than 10.

During the first 5 months of the year, there were 111 strikes, primarily in the EPZs; some of the strikers used violence to keep other workers off the job. Police sometimes used excessive force to disperse strikes. For example, during an April 2 demonstration in Namanga by taxi operators, anti-riot police reportedly shot and killed a demonstrator. Unlike in the previous year, there were no reports that the Government fired or replaced striking workers.

With the exception of the Factories Act, all labor laws, including the right to organize and bargain collectively, apply in the EPZs (see Section 6.e.); however, the EPZ Authority and the Government granted many exemptions to applicable laws. For example, the Government waived a provision of the law that prevents women from working in industrial activities at night. Until a series of strikes by EPZ workers during the year, such workers faced dismissal if they joined unions.

c. Prohibition of Forced or Bonded Labor.—The Constitution proscribes slavery, servitude, and forced and bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.d.). 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, there was no attempt to use the law during the year. Some observers alleged that prison officials used free prison labor for personal profit (see Section 1.c.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. 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 was employed, or to children serving as apprentices under the terms of the Industrial Training Act. Ministry of Labor and Human Resources Development officers nominally enforced the minimum age statute, and the Government worked closely with the COTU and the ILO's International Program for the Elimination of Child Labor to eliminate child labor. During the year, the Government initiated its Free Universal Primary Education Program, which has

resulted in the return to school of approximately 750,000 children who formerly were working; more than 1 million children were believed to still be working. The Central Bureau of Statistics estimated in 2001 that approximately 18 percent of working children had no formal education. The problem has received considerable media attention for several years.

Children often worked as domestic servants in private homes, and during the year, there were reports of abuse of children serving as domestic employees. There were many instances of children working in the informal sector, mostly in family businesses. Children usually assisted parents on family plots rather than seek employment on their own. A significant number of workers on tea, coffee, sugar, and rice plantations were children, who usually worked in family units. 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. 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 was less common.

The Child Labor Division in the Ministry of Labor and Human Resources Development was established and the Children's Act enacted to combat the worst forms of child labor. The Division assisted in completing the National Child Labor Policy Paper and domestication of ILO Convention 182. The labor inspection report has been revised to include child labor, a practical guide to labor inspection was developed, and 104 labor inspectors and 65 occupational health and safety officers have been trained in the detection and reporting of child labor. More than 8,000 children working in commercial services, agriculture, domestic service, building and construction, and forestry sectors have been taken out of employment and sent to school; approximately 2,000 of the 4,300 children found to be working in hazardous conditions had been removed from hazardous work. Many NGOs also were active in this area and assisted in the return to school of child laborers. During the year, there were reports, especially in rural areas, that children were loaned out as workers to pay off family debts.

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 equaled the maximum wage. On May 1, President Kibaki announced a 12 percent increase in the minimum wage for workers in urban areas and a 50 percent increase for workers in rural areas; the inflation rate was 10 percent. These increases were implemented immediately. The lowest minimum wage was \$47 (3,251 Kenyan shillings) per month in the largest urban areas and \$39 (2,930 Kenyan shillings) in rural areas. The minimum wage was 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.

Workers covered by a collective bargaining agreement generally received a better wage and benefit package than those not covered. For instance, the average covered worker received \$97 (7,303 Kenyan shillings) per month in addition to a housing and transport allowance, which often constituted 25 to 50 percent of a worker's compensation package.

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 was the case with respect to minimum wage limitations, the law specifically excludes agricultural workers. An employee in the nonagricultural sector was entitled to 1 rest day per week. There also were 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 120 hours (144 hours for night workers). The Ministry of Labor and Human Resources Development was 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.

The Factories Act sets forth detailed health and safety standards; however, a 1991 decree by the Minister of Finance excludes EPZs from the Act's provisions (see Section 6.b.). The Ministry of Labor's Directorate of Occupational Health and Safety Services (DOHSS) has the authority to inspect factories and work sites; however, the DOHSS lacked statutory authority to inspect factories in the EPZs. The Permanent Secretaries for Labor and Finance have begun the revocation process for the 1991 decree. The increased attention on workers' rights in the EPZs was also adding pressure for change. Labor and NGOs continued to criticize health and safety conditions in the EPZs and around the country. For example, during the year, the unions

have highlighted problems of sexual harassment in the EPZs since a large majority of the workers there are women. In addition, NGOs continued to highlight problems in the cut flower farming sector. During the year, the KHRC sponsored a national "Flower Week" to call attention to problems on flower farms, including the use of hazardous pesticides and fertilizers without adequate protection, low wages, and casualization (hiring long term "seasonal workers" without providing any benefits or job security). The Kenya Flower Council, established in 2002, a joint group of employers, KHRC, and the Ministry of Labor, has developed a code of ethics to deal with these alleged violations of workers rights. The DOHSS has opened an office in Naivasha, where the majority of flower farms are located, to ensure compliance with occupational health and safety regulations.

The 65 DOHSS health and safety inspectors may issue notices enjoining employers from practices or activities that involved 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 DOHSS hired additional inspectors, to include medical doctors. 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 had instituted health and safety committees. Workers were 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.

Foreign workers, both legal and illegal, were covered by the same legislation and work rules as citizens.

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, particularly women and children. However, traffickers could be prosecuted under laws that prohibit child labor, the transportation of children for sale and the commercial exploitation of children, and the detention of females against their will for the purposes of prostitution. To date, none of these laws has been used to prosecute traffickers.

Women were trafficked to Lebanon and other Middle Eastern countries for labor, and children were often trafficked to Uganda to work. Women from Eastern Europe and Asia were trafficked through the country to western countries. Child prostitution was a major problem (see Section 5).

In previous years, there were unconfirmed 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. During the year, traffickers lured citizens to the Middle East under fraudulent work programs that resulted in indentured servitude, document confiscation, and inhumane labor conditions.

The Government did not have any programs that specifically targeted trafficking. Several NGOs provided services that could benefit persons who were 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. In May 2002, Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD) party, was re-elected in free and fair elections. In the 2002 elections, the LCD won 79 of 80 constituency-based seats, and the opposition Lesotho Peoples Congress (LPC) won the remaining constituency seat; the 40 proportionally elected seats were divided among 9 opposition parties. The judiciary was independent in law and practice.

The security forces consist of the Lesotho Defense Force (LDF), the Lesotho Mounted 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 LDF continued to be the subject of a national debate on the structure, size, and role of the armed forces. The NSS and the LPS also continued to undergo comprehensive restructuring. Civilian authorities maintained effective control of security forces. Some members of the security forces committed human rights abuses.

The country, which has a population of approximately 2.15 million, is landlocked and surrounded by South Africa. Approximately 13 percent of the adult male work force worked in mines in South Africa. Per capita GDP remained approximately

\$400. State-owned enterprises predominated in the agro-industrial and agribusiness sectors, but private sector activity dominated in the small manufacturing and construction sectors. Under the traditional chieftainship structure, land use and tenure were controlled by the traditional chiefs and formally owned by the Kingdom as “crown lands”; however, land use decisions increasingly were transferred to locally elected bodies.

The Government generally respected the human rights of its citizens; however, there were 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 were poor, and lengthy pretrial detention was a problem. There were 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 was a problem in traditional agriculture and in 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 political killings; however, police killed two persons participating in a labor demonstration during the year (see Section 6.b.).

The trials for the 25 members of the LDF accused of killing the Deputy Prime Minister in the 1994 palace coup resumed early in June. Of the 25 persons arrested, 7 were released because of lack of evidence, 1 died, and 17 were being tried at year’s end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits such practices; however, there were allegations of torture by security forces and credible reports that the police at times used excessive force.

Police reportedly used torture during the May interrogation of Theko Lerotholi, a military officer who had been arrested in connection with a spate of robberies. Lerotholi subsequently was released.

On September 16, police arrested Malefa Mapheleba, a leader of the Basotho National Party (BNP), for suspected involvement in the escape of a fugitive from Central Prison. Mapheleba claimed that police subsequently tortured her in prison. There were unconfirmed reports that Mapheleba left the country after her release.

Prison conditions were poor, and facilities were overcrowded and in disrepair. Women were housed separately from men, and juveniles were housed separately from adults. Pretrial detainees often were held with convicted prisoners.

Prison regulations provide for visiting committees that were 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 were allowed to do so. The committee reports its findings to the prison director. The International Committee of the Red Cross, through its regional office in Botswana, monitored prison conditions in the country during visits in January and February.

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

Police corruption was a problem; however, the Government continued its reform efforts. During the year, the Minister of Home Affairs began a program to reform and retrain police; approximately 30 police officers were suspended, dismissed, or otherwise disciplined as a result. The Government also established a Police Independent Complaints Directorate staffed by former police personnel during the year.

Persons detained or arrested in criminal cases and defendants in civil cases had the right to legal counsel; however, there was no system to provide public defenders. The Ministry of Justice and the nongovernmental community (NGO) maintained a few legal aid clinics. The law provides for granting bail, which the authorities granted regularly and generally fairly.

In June, Zwelakhe Mda, the president of the Law Society, was arrested for obstructing justice by “illegally obtaining evidence.” He was the lead defense attorney for the individual accused of murdering the Prime Minister’s son in January 2002 and a vocal critic of the government, particularly the Ministry of Justice. Mda was acquitted in October, due to testimony from crown witnesses that the court described as “overwhelmed with discrepancies, contradictions, and improbabilities.”

Because of serious backlogs of court caseloads, pretrial detainees were a significant portion of the prison population, and pretrial remand could last months or even years.

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

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

The judiciary consisted of the Court of Appeal (which meets semi-annually), the High Court, magistrates courts, and customary or traditional courts, which existed largely in rural areas to administer customary law. The High Court also provided procedural and substantive guidance on matters of law and procedure to military tribunals; however, it did not participate in judgments.

Military tribunals have jurisdiction over military cases only. Decisions by military tribunals can be appealed only to a special court-martial appeal court, which was composed of two judges from the High Court, one retired military officer with a legal background, and the registrar of the High Court.

The authorities generally respected court decisions and rulings. There was no trial by jury. Criminal trials normally were adjudicated by a single High Court judge who presided, with two assessors that served in an advisory capacity. In civil cases, judges normally heard cases alone. There was a large case backlog, which led to lengthy delays in trials (see Section 1.d.).

In civil courts, women and men were accorded equal rights; however, in traditional and customary courts certain rights and privileges accorded to men were denied to women (see Section 5). When traditional law and custom were invoked in a court case, a male plaintiff could opt for customary judgments by a principal chief rather than a civil court, and the judgment was binding legally. This system greatly disadvantaged women.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law does not fully protect citizens' privacy rights; however, there were no reports that authorities infringed on citizens' privacy rights during the year. Although search warrants were required under normal circumstances, the law provided police with wide powers to stop and search persons and vehicles and to enter homes and other places without a warrant. There are some prohibitions against monitoring telephone conversations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were 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 consisted of one radio station, a 1½ hour daily newscast on a local television channel, and two weekly newspapers. All reflected official positions of the ruling party. There were five private radio stations, but no private local television station. South African and global satellite television and radio broadcasts were widely available.

In June, the High Court ordered that the assets of the independent Sesotho language radio station and newspaper MoAfrica be seized because the owner lost a defamation suit and was unable to pay the fine; the suit was brought by a member of Parliament. An anonymous benefactor paid the fine, and publication and broadcast resumed.

Although access to government information was incomplete, websites of government ministries, parastatals, and private organizations provided significant information.

Internet services were freely available from a number of private Internet service providers.

The Government did not restrict academic freedom. Although the Government owned and administered the country's only university, the academic staff represented the full political spectrum and was free to express its views.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. A public meeting, rally, or march required only advance notification. Political party meetings and rallies were held regularly and without hindrance from the Government. In addition to the LCD and the BNP, there were 16 smaller, registered political parties.

Police fired on demonstrators during the year, killing two persons and injuring others (see Section 6.b.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The majority of the members of the Government were Christians, which reflected the religious composition of the country.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government continued to cooperate with UNHCR and other humanitarian organizations in assisting refugees. The Government also has designated a Commissioner for Refugees. The Government provides protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol; however, the issue of temporary protection did not arise during the year.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

In the May 2002 elections, the LCD party won 79 of the 80 constituency-based seats, the opposition LPC party won the remaining constituency seat, and the 40 proportionally elected seats were divided among 9 opposition parties; Prime Minister Mosisili, the leader of the LCD party, was re-elected. Domestic and international observers concluded that the elections were free, fair, peaceful, lawful, and transparent. The opposition accepted the election results peacefully, and the BNP instituted several legal challenges to the elections, all of which were dismissed by year's end. The BNP has taken its seats in the National Assembly and participated in Parliamentary proceedings.

There were 14 women in the 120-member National Assembly and 12 women in the 33-member Senate. Four women were government ministers, and two women were assistant ministers. In June 2002, the Parliament unanimously re-elected the first female Speaker of the National Assembly, who remained in office 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, Language, Disability, or Social Status

The Constitution prohibits discrimination based on race, color, sex, language, 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 were restricted severely under the traditional chieftainship system.

Women.—Domestic violence against women occurred 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.

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 and was a problem; police seldom prosecuted offenders.

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 is 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 married 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) was 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. The Ministry of Gender, Youth, Sports, and Recreation funds efforts by women's groups to sensitize society to the status and rights of women.

Children.—The Government devoted substantial resources to primary and secondary education. Education was not compulsory even at the primary levels, and a substantial number of children did not attend school, particularly in rural areas where there were few schools, where children were involved in subsistence activities in support of their family's welfare, or where families could not afford the costs associated with school attendance, such as fees for the purchase of uniforms, books, and materials. The problem of school nonattendance affected boys disproportionately more than girls. In traditional rural Basotho society, livestock herding by young boys frequently interfered with their school enrollment (see Section 6.d.). The Government began a program that provided free public education through the primary grades (1 through 6). The program covered the costs of school fees, books, and one meal per day in all schools in 1st grade. Expansion of the program to the fourth grade occurred during the year.

There was no pattern of societal abuse against children. However, familial stress, poverty, the spread of HIV/AIDS, and divorce led to a rise in child homelessness and abandonment, creating a growing number of street children.

Child prostitution was a problem. Young girls, many of whom were orphans, reportedly moved to urban areas to work as prostitutes. A 2001 UNICEF assessment concluded that child prostitution in the country was a poverty-driven phenomenon rather than a commercial enterprise and that the financial arrangements were casual and not the product of organized criminal syndicates. However, UNICEF and the Government agreed that while the numbers remained small, the trend toward commercial prostitution by children under age 18 was a growing problem in the country. There is little capability within either the police force or the Department of Social Welfare to address the needs of children likely to engage in prostitution.

Persons with Disabilities.—Discrimination against persons with physical disabilities in employment, education, or provision of other government services is unlawful; however, societal discrimination was common. The Government has not legislated or mandated accessibility to public buildings for persons with disabilities. The Minister of Justice, Human Rights, Rehabilitation, Law, and Constitutional Affairs is blind; he was appointed to this position in 2001.

National/Racial/Ethnic Minorities.—Most citizens spoke a common language and shared common historical and cultural traditions. Small numbers of Asians (primarily ethnic Chinese and Indians) and South African whites were active in the country's commercial life. Economic and racial tension between the Chinese business community and the Basotho remained a problem. On July 4, demonstrators looted a few Chinese-owned shops during a demonstration against the Maseru City Council.

Section 6. Worker Rights

a. The Right of Association.—Under the law, workers have the right to join and form trade unions without prior government authorization, and workers exercised this right in practice. The Labor Code prohibits civil servants from joining or forming unions; however, the law allows them to form staff associations. The Government regarded all civil servants as essential employees. Under the Labor Code, prepared with the assistance of the International Labor Organization (ILO), all trade union federations must register with the Government. The Department of Labor found that only 11 of 43 registered trade unions were functioning, with a total membership was 19,729. Three of the four registered federations were functioning: The Lesotho Trade Union Congress, the Lesotho Federation of Democratic Unions, and the Lesotho Trade Union Congress. The labor and trade union movement was weak and fragmented. There were 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 dropped from approximately 10 percent of the work force in 2002 to approximately 2 percent during the year. The reduction resulted in part from dissension between the Lesotho Clothing and Allied Workers Union

(LECAWU) and the Factory Workers Union (FAWU); numerous workers subsequently disassociated themselves from both unions. Approximately 9 percent of the male labor force worked in the coal and gold mines of South Africa; the majority of those who did not were engaged primarily in traditional agriculture. A majority of Basotho mineworkers were members of the South African National Union of Mineworkers (NUM); while the NUM, as a foreign organization, was not allowed to engage in union activities in the country, it provided training, constructed agricultural projects, and performed other social services.

The law prohibits antiunion discrimination; however, there was credible evidence that some employers prevented union organizers from accessing factory premises to organize workers or represent them in disputes with owners or managers. Some employees were threatened with expulsion and loss of employment if they joined unions. There were reports that some employers harassed union organizers, intimidated members, and frequently fired union activists, particularly in domestic industries, such as guard forces; however, there were fewer such reports than in previous years. The Commission of Labor, which operated as part of the Labor Ministry, was charged with investigating allegations of labor law violations (see Section 6.e.).

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.—The law provides for these rights, and the Government generally respected them in practice; however, some private sector employers tried to restrict them. There was credible evidence that most employers in the textile and garment sector used blacklists to deny employment to workers who had been fired by another employer within that sector.

The main textile union, LECAWU, and the Employers Association meet annually to negotiate wages independent of the minimum set by the Government. Internal divisions within LECAWU during the year resulted in the formation of a rival textile union, the FAWU. Employers generally honored employee decisions on union representation.

The law provides for the right to strike; however, civil servants were not allowed to strike, and all public sector industrial actions were 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. Legal protection for strikers from retribution has not been enforced always in cases of illegal strikes.

On November 10, police fired into a crowd of demonstrators on strike, allegedly for marching on an unauthorized route; 2 persons were killed and more than 100 were injured. A police investigation was being conducted at year's end.

The Labor Code establishes a Directorate of Dispute Prevention and Resolution (DDPR) within the Ministry of Employment and Labor to provide speedy, independent, fair, and effective dispute prevention and resolution mechanisms; the Directorate was independent of government, and promptly handled cases during the year. The Labor Department also handled employee grievances, and there were no significant backlogs of cases during the year. The Industrial Peace, Advisory and Promotion Unit (IPAPU), within the DDPR, trained employers and employees in preventing and resolving workplace disputes. By December 2002, the IPAPU had conducted 19 training workshops in Maseru, Maputsoe, and Mafeteng, the 3 districts where the textile industry is located.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem in the informal sector. The legal minimum age for employment in commercial or industrial enterprises is 15 years, and the legal minimum age for hazardous employment is 18 years; however, children under 14 years of age reportedly were employed in family-owned businesses. Many urban street children worked in the informal sector. Most jobs performed by children were gender-specific: Boys (as young as ages 4 and 5) were livestock herders, carried packages for shoppers, washed cars, and collected fares for minibus taxis; girls were domestic servants; teenage girls (and a few boys) were involved in prostitution; and both boys and girls worked as street vendors.

There are statutory prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, and the Ministry of Labor and Employment's Inspectorate conducted quarterly inspections during the year. Children under 18 years of age may not be recruited for employment outside of the country. Child labor laws covered all sectors except for the agricultural sector. In traditional society, rigorous and occasionally

dangerous working conditions for the country's young livestock herdboys were 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 continued the cycle of poverty for most youth.

e. Acceptable Conditions of Work.—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 was \$80 (648 maloti) and \$140 (1,129 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 supplemented 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, some employers reportedly treated the minimum wage as a maximum wage.

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. Required overtime was legal as long as overtime wages were paid for work in excess of the legally mandated 45-hour workweek. Inspections by both buyer's representatives and the Labor Department have ensured that workers in the garment industry were paid the proper overtime rate for overtime hours worked.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner to minimize the risk of injury; employers generally followed these regulations. The law provides for a compensation system for industrial injuries and diseases related to employment. The Labor Code also empowers the Minister of Labor to make regulations pertaining to work safety in specific areas, and there are regulations concerning welding and cutting, noise, and spray painting. The Labor Code does not protect explicitly the right of workers to remove themselves from hazardous situations without prejudice to employment; however, sections on safety in the workplace and dismissal implied that such a dismissal would be illegal.

There were allegations in 2001 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, particularly small businesses, allegedly refused sick-pay leave and engaged in unfair dismissal practices. The majority of complaints dealing with these issues were brought to the DDP, where they were resolved within weeks. Of the 2,261 cases brought before the DDP in 2002, 2,177 involved overtime pay, underpayments, unlawful deductions, or failure to pay notice or severance pay. Only 10 percent of the complaints filed with the Directorate concerned the export-related textile sector.

The Labor Department also handled employee grievances, was 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 a year. The Labor Commission was authorized to order the reinstatement of wrongfully dismissed employees and the payment of back wages, but it did not have the authority to impose criminal fines.

The Labor Code protects both legal and illegal foreign workers, unless the workers signed contracts that specified differently.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were no reports of trafficking.

The Government and the local UNICEF office recognized that poverty and the high incidence of HIV/AIDS have led to a growing problem of child prostitution (see Section 5).

LIBERIA

Liberia is a republic. The Constitution provides for three branches of government—executive, legislative and judicial—but there has been no effective system of checks and balances, and presidents traditionally have wielded extraordinary power. Fighting between the Government and an armed insurgency known as Liberians United for Reconciliation and Democracy (LURD) intensified during the year, and was exacerbated by the emergence of a second insurgency, Movement for Democracy in Liberia (MODEL), during the early part of the year. On June 4, the Special Court for Sierra Leone indicted President Charles for war crimes, and a warrant was issued for his arrest. On August 4, the Economic Community of West African States

(ECOWAS) sent a peacekeeping force, ECOMIL, to the country to serve as an interpositional force between government and rebel forces. On August 11, President Taylor resigned, and fled into exile in Nigeria. In accordance with the Constitution, Vice President Moses Blah became President. On August 18, a Comprehensive Peace Accord (CPA) was signed in Accra, Ghana, that formed the National Transitional Government of Liberia (NTGL). On October 1, the U.N. commenced a peacekeeping operation in the country (UNMIL) to support the peace process set forth in the August 18 CPA. On October 14, President Blah ceded power to the NTGL, and Gyude Bryant, of the Liberian Action Party, was chosen as Chairman of the NTGL; Wesley Johnson, of the United People's Party, was chosen as Vice Chairman. The judiciary was subject to political influence, economic pressure, and corruption.

During the Taylor administration, the regular security forces included: The Armed Forces of Liberia (AFL); the Liberia National Police (LNP), which had primary responsibility for internal security; the LNP Special Operations Division (SOD); the Antiterrorist Unit (ATU), composed of an elite special forces group consisting of foreign nationals from Burkina Faso and the Gambia, as well as former Revolutionary United Front (RUF) combatants from Sierra Leone; and the Special Security Service (SSS), a large, heavily armed executive protective force. The NTGL dissolved the ATU and the SOD. There also were numerous irregular security services attached to certain key ministries and parastatal corporations, who did not belong to a permanent, organized military force and whose responsibilities appeared to be poorly defined. Other militia elements consisted primarily of young soldiers who were armed but not trained. These irregulars were the primary fighters during the conflict and the first line of defense—or offense—for the Government. During the year, several thousand government security forces were deployed in northern and southeastern counties fighting LURD and MODEL. As fighting intensified, security forces frequently acted independently of government authority, particularly in rural areas. Members of the security forces committed numerous, serious human rights abuses.

The country, with an estimated population of approximately 3.3 million, was very poor with a market-based economy suffering from the ravages of the civil war. Few statistics were available, but real growth probably was negative. An estimated 80 percent of the population lived on less than \$1 per day. The country also had an unemployment rate of at least 70 percent. Most of the population in urban areas survived on income generated through the informal sector, predominantly consisting of "buying and selling" clothing and household effects. Extensive looting fueled the informal economy. The internal displacement of thousands of civilians throughout the countryside, particularly in Lofa, Bong, and Nimba Counties, the prevalence of conflict, the absence of police security, and the absence of infrastructure throughout the country continued to depress the economy, despite the country's rich natural resources and potential self-sufficiency in food. Persons controlling armed men continued to exploit the country's natural resources for personal profit. Extortion was widespread in all levels of society.

Prior to the resignation of President Taylor, the Government's human rights record remained poor, and it continued to commit numerous, serious abuses. The security forces committed many unlawful killings, including possible summary executions, and they were accused of the disappearances of numerous persons, particularly ethnic Mandingos suspected of antigovernment sympathies. Security forces frequently tortured, beat, and otherwise abused or humiliated citizens. Prison conditions remained harsh and sometimes life threatening. Impunity was a serious problem. The Government investigated some of the alleged abuses by the security forces; however, abusers rarely were charged or disciplined. Security forces continued to use arbitrary arrest and detention, and lengthy pretrial detention remained common. The judicial system 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. Security forces violated citizens' privacy rights. The Government restricted freedom of speech and of the press; it detained, threatened, and intimidated journalists. Security forces restricted freedom of movement. Ritualistic killings also persisted. Security forces frequently harassed human rights monitors. Violence and discrimination against women remained problems. The welfare of children widely remained neglected, and female genital mutilation (FGM) continued to be practiced. Societal ethnic discrimination remained widespread, ethnic differences continued to generate violence and political tensions, and the Taylor administration continued to discriminate against groups that had opposed Taylor in the civil war, particularly 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. There were reports of trafficking.

There were no reports that the NTGL committed any serious human rights violations in its first few months in office. NTGL officials have publicly stated they would continue to work with the international community toward restructuring and reforming state and local security.

Rebels fighting in the northwest and the southeast committed numerous serious human rights abuses. Rebels fighting in the northwest and the southeast committed serious human rights abuses. The absence of independent observers in rebel-controlled areas made documentation of such abuses difficult.

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 of political killings. Both security forces and rebel elements continued to commit unlawful killings. Human rights organizations estimated that such killings increased during the year as hundreds of civilians died in the fighting that occurred throughout the country (see Section 1.g.).

The Government was believed to be responsible for summary executions during the year. On June 4, the Government arrested Deputy National Security Minister John Yormie, Deputy Public Works Minister Isaac Vaye, Chief of intelligence at the Executive Mansion Peterson Marbiah, and Vice President Blah, and accused them of plotting a coup d'etat against President Taylor. On October 5, the Government confirmed that Yormie and Vaye were dead. The Government did not admit responsibility or elaborate on the circumstances of their deaths, and the bodies were not returned to the families. General Benjamin Yeaten was reported to have executed or supervised the execution of Yormie and Vaye. No further information regarding the welfare and whereabouts of Marbiah was available at year's end. Blah was released on June 13. Yeaten was in hiding at year's end.

There were numerous other unlawful killings during the year. On February 16, AFL First Battalion Commander Colonel Daniel K. Bracewell reportedly stabbed and killed, in public, AFL First Lieutenant Francis P.B. Sumo because Sumo deserted his post at a battlefield. Sumo's body was never returned to his family for burial. The Catholic Justice and Peace Commission (JPC) and other human rights organizations spoke out against Bracewell's action; however, the Government did not charge him.

On March 28, an unnamed ATU officer attacked Alex Boye, a gas dealer, with a hand grenade. The grenade killed both Boye and the officer; 15 civilian bystanders, including several children, were injured. No government investigation occurred by year's end.

On May 6, government officials announced that Sam "Mosquito" Bockarie, the former commander of the disbanded RUF in Sierra Leone, had been killed while trying to enter the country from Cote d'Ivoire with heavily armed bodyguards. The Government stated that Bockarie and his bodyguards resisted arrest and opened fire on security forces, and Bockarie was killed in the crossfire. There were unconfirmed reports that President Taylor had Bockarie's mother, wife, and two children killed. On May 29, Patrick Nyema of the SOD allegedly shot and killed SSS Officer Richard Taylor, who was assigned to President Taylor's wife after Richard Taylor tried to intervene in a dispute between Nyema and a civilian in Monrovia. The Government has not produced a report of its investigation by year's end.

There were no updates in the following 2002 cases: The March killing of Harry Cooper by unknown persons; the June killing of a 6-year-old child by an ATU officer and presidential security forces; the September killing of Issac Gono by ATU officers; the September killing of John Toe by SOD policemen; the prison death of Kla Hneyene; and the July killing of Kennedy Kessely by police.

There were no further developments in the 2001 reported cases of killings by security forces.

Incidents of ritualistic killings, in which human body parts used in traditional rituals were removed from the victim, continued to be reported (see Section 2.c.).

b. Disappearance.—Government security forces and rebels were responsible for numerous disappearances, including of internally displaced persons (IDPs) (see Section 1.f.). For example, between September 2002 and March, government security personnel reportedly rounded up scores of ethnic Mandingo youths from various suburbs of Monrovia, including Duala, Gardnersville, Paynesville, and Central Monrovia, on suspicion of being members of, or collaborators with, LURD. The abducted youth were taken to unknown locations, and most of them remain unaccounted for at year's end.

Chief of intelligence at the Executive Mansion Peterson Marbiah, who was arrested on June 4, remained missing at year's end (see Section 1.a.).

In September, government militia abducted 15 persons from Todee, north of Monrovia, and they remained missing at year's end.

Four teenage soccer players, Toe Bryant, Nicodemus Jacobs, Ezekiel Doekpa, and Emmanuel Johnson, who were abducted by alleged government-affiliated militia on Bushrod Island in 2002, were returned on November 23.

There were no developments in the following 2002 abductions by government militiamen: The May abduction of several ethnic Mandingos near Monrovia; the August alleged abduction of eight persons from Kolahun; the September abduction of Sangay Kanneh and Kpana Kamara in Lofa County; the December abduction of Joseph Moore on Bushrod Island; and the abduction of seventh-grader James Howe while selling goods at Paynesville Red Light market.

Rebels were also responsible for disappearances during the year. Nabil Hage, a foreign citizen, disappeared on Bushrod Island sometime between July 25 and August 4, while the island was firmly under LURD control. LURD forces were aware of his presence. Sekou Kamara, also known as General "K1," and General "Dragonmaster," was reported to have been seen wearing Hage's Army uniform. At year's end, Kamara was in hiding after he allegedly killed a fellow LURD General known as "Black Marine." LURD has yet to produce an investigation report or otherwise explain or account for Hage's disappearance, despite repeated calls by members of the international community for such an investigation and report during the year.

In early June, LURD forces allegedly attacked the Jah Tondo, VOA, and Wilson Corner Displaced Camps and abducted dozens of civilians. After the departure of Taylor administration, most persons were returned to their families; however, a few were unaccounted for.

LURD forces reportedly abducted Liberian refugees in Sierra Leone and forced them to haul loads of weapons and goods under threat of injury or death. Some were allegedly sent to the Guinean border to bring weapons into the country for LURD. Witnesses reported that those who complained of exhaustion, thirst, or hunger were shot in the feet or legs and left to bleed to death.

No developments were reported from the 2002 LURD force abductions of civilians in Dodo Village in Kolahun District, including small boys who were never seen again.

In March, 87 humanitarian workers and 5,268 refugees, returnees, and third country nationals disappeared during fighting between government forces and rebels from Cote d'Ivoire. All of the humanitarian workers from Action Against Hunger (AAH), Doctors Without Borders-France (MSF), World Food Program (WFP), U.N. High Commission for Refugees (UNHCR), United Methodist Coordination on Relief (UMCOR) and Liberians United to Serve Humanity (LUSH) were later accounted for even though rebels had abducted some of them and released them across the border in Cote d'Ivoire. Most of the refugees were accounted for after showing up in Tapeta and Greenville, but some remained unaccounted for having fled into the forests. Some of them also showed up in the Ivorian town of Zounhouen.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police and security forces frequently tortured, beat, and otherwise abused and humiliated citizens. Detainees continued to charge that they were tortured while in detention particularly at a security-training base in Gbatala where victims and witnesses reported beatings, torture, killings, and sexual abuse. LURD forces overran Gbatala in early October. Unlike in the previous year, there were no reports that government forces tortured LURD captives during interrogation in conflict zones.

David Moore and James Kollie, members of the security forces charged with the 2002 assault of lawyer Tiawan Gongole, were released and there was no further information on the case.

Security forces targeted and abused critics of the Government, including journalist, students, and human rights activists (see Sections 1.d., 1.f., and 2.a.). In June, the Media Foundation of West Africa (MFWA) stated that alleged government security forces and irregular elements targeted journalists and human rights activists in Monrovia for systematic looting, arson, and rape.

Law enforcement personnel, including the security forces, were implicated in numerous reports of harassment, intimidation, and looting (see Sections 1.f. and 1.g.). There were many credible reports that government security forces, LURD, and MODEL harassed travelers, displaced persons, and humanitarian aid workers at checkpoints throughout the country throughout the year. There have been few reports of any disciplinary actions for such harassment.

There were numerous reports that security forces raped persons during the year (see Section 1.g.).

Violent clashes among rival security personnel at times resulted in civilian injuries. In June, various units of government troops clashed in Sanoyea during which several civilians were reported killed and others injured.

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.

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 were overcrowded, mostly with detainees awaiting trial. Similar conditions existed 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. There also were reports that local officials forced 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. Convicted prisoners and detainees awaiting trial were not held in separate facilities.

The Government generally permitted the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC). The ICRC often was allowed to visit persons held in prison facilities and police detention centers without third parties present and to make regular repeat visits, including to Gbatala. Access generally was denied to unofficial detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces continued to arrest and detain persons arbitrarily. There were fewer reports of arbitrary arrest and detention after the NTGL came into power.

Officers of the Liberia National Police (LNP) committed serious human rights offenses during the year. Police brutality against unarmed civilians was often commonplace. The police lacked adequately training and equipment. They were hardly paid and when paid, their salaries were meager. Public confidence in the LNP was completely absent. Police officers often held detainees for long periods without charge or trial. The civilian police component of UNMIL started training a new police force in December and have commenced joint patrols around Monrovia.

Corruption was widespread during the year. The absence of salaries for government employees exacerbated the situation. Corruption was present in all sectors of society including the judiciary. Those who publicly admitted to corruption were often not charged or tried.

Impunity was also a major problem during the year. Offenders were not punished for their crimes. Government supporters who committed crimes or abused other people's rights were often allowed to go with impunity.

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. Warrants were not always based on sufficient evidence, and detainees, particularly those without the means to hire a lawyer, often were held for more than 48 hours without charge. The police only have limited logistics and forensic capabilities and cannot adequately investigate many crimes, including murder cases. When the courts released known criminals for lack of evidence, police officers often arrested them again on false charges.

Security forces at times refused to produce suspects being held in detention without charges even after the courts issued writs of habeas corpus on the application of human rights organizations. The NTGL had no unofficial detention centers.

Security forces arrested and detained a number of journalists, NGO members, and human rights activists during the year (see Section 2.a.). On February 10, police arrested student leader Siaffa Momoh Kpoto for causing pandemonium after riots broke out over fears that security forces were going to attack the University of Liberia (UL) campus while opposition LUP presidential candidate Charles Brumskine was there to deliver a speech. Kpoto was promoting Brumskine's speech. On February 12, he was released without charge after more than 500 students demonstrated outside the police headquarters. University authorities subsequently banned all student political activities on campus and ordered all major student political parties to leave the campus. UL was closed at year's end.

The Government also arrested religious leaders during the year (see Section 2.c.).

In July, the Government pardoned Sheikh K.M. Sackor after he was detained as an “illegal combatant.”

In July, numerous persons detained without being charge as ‘illegal combatants’ were released during the year.

Manasuah Kollison left for a neighboring country shortly after his release from detention on July 11.

Government security forces, LURD, and MODEL detained, tortured, and killed hundreds of civilians during the year (see Sections 1.b. and 1.g.).

In October, MODEL released 28 detainees arrested in connection with the war to the ICRC.

The Constitution provides for the right of a person who is charged to receive an expeditious trial; however, lengthy pretrial and pre-arraignment detention remained serious problems. In some cases, the length of the pretrial detention equaled or exceeded the length of sentence for the crime.

The Constitution prohibits forced exile, and 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.

With the emergence of the NTGL, many citizens from the Diaspora (citizens afraid to return to the country when Charles Taylor was in power) have returned to the country to live and to work in varying capacities.

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, judges were subjected to political, social, familial, and financial pressures, and the judiciary was corrupt. Some judges and magistrates were not lawyers. The judiciary has determined that it was not feasible to retire all judicial personnel who were not legally trained. By statute members of the bar must be graduates of a law school and pass the bar examination. During President Taylor’s administration, the executive branch continued to exert strong influence on the judiciary. For example, the Government’s assertion that persons identified as “illegal combatants” have no recourse to civil courts appeared to have no basis in law. There were no reports that the NTGL exerted influence on the judiciary.

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 August, unidentified individual looted the Parliament and judiciary, and stole documents of court proceedings from the Criminal and Supreme Courts.

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 was unable to revitalize the court system outside of Monrovia due to the war and 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 the war, lack of supplies, and lack of 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; however, in practice these rights were not always observed. Defendants have the right to a public trial and timely consultation with an attorney; however, there was no effective system to provide public defenders, especially in rural areas. Some local NGOs provided legal services to indigents and others who have no representation. There continued to be long delays in deciding cases involving juveniles.

At year’s end, there were no political prisoners.

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. Although 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, police and paramilitary officers frequently entered private homes and churches without warrants to carry out arrests and investigations. Police also raided the offices of newspapers during the year (see Section 2.a.).

Police used so-called security sweeps to search for dissidents in the Paynesville area after LURD rebels allegedly distributed leaflets there, and several persons abandoned their homes and moved in with relatives. Throughout the year, government troops carried out cordon and search operations in various neighborhoods around Monrovia including Paynesville, Gardnersville, and Bushrod Island.

In rural areas, particularly in remote parts of Lofa and Gbarpolu Counties, members of the security forces generally were paid and provisioned inadequately and

often extorted money and goods from citizens. Armed security forces and rebels illegally entered homes, most often to steal food, money, or other property, usually after clashes. Local communities were compelled to provide food, shelter, and labor for members of the security forces stationed in their villages.

ATU members, government irregular forces, and LURD elements increasingly were involved in criminal activities such as theft, looting, and killings in Monrovia. The looting of humanitarian supplies during the June to August crisis was a serious problem, and many hospitals were targeted. Few, if any, perpetrators were apprehended.

The security forces harassed and threatened opposition figures and their families by conducting illegal surveillance. 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 the northwest.

There continued to be reports that students were under security forces surveillance and that security forces monitored e-mails.

There were reports that security forces and rebels forcibly conscripted men and boys to fight in the conflict in Lofa County (see Sections 2.d. and 5). In April, the Government promulgated a controversial regulation that mandated that male IDPs be screened and taken to camps more than 62 miles from Monrovia. Several young men rounded up from the various IDP camps in the western suburbs of Monrovia have yet to be returned to their families.

The Government continued the occasional practice of arresting family members to persuade a suspect to turn himself in.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—Fighting between the Government and LURD intensified during the year, and was exacerbated by the emergence of a second insurgency, MODEL, during the early part of the year. Most towns with significant populations experienced conflict, including Ganta, Gbarnga, Tubmanburg, Greenville, Buchanan, Zwedru and Harper. The fighting culminated with three LURD incursions on Monrovia from June through August, marked by intense urban combat that killed and injured hundreds of civilians, and MODEL's occupation of Buchanan at the end of July. Thousands more were displaced during the fighting, and serious health and sanitation problems arose in the greater Monrovia area as established camps for IDPs were disbanded and persons crowded into Monrovia. As of year's end, the Government was only in control of places UNMIL has deployed, including the Greater Monrovia area, Tubmanburg, Gbarnga, and parts of Nimba County. At year's end, humanitarian organizations reported continued frequent skirmishes between the former government fighters, LURD, and MODEL irregulars throughout the countryside, most seriously in Nimba County. No perpetrators were arrested or convicted for any killings connected to the conflict.

Until June, there continued to be credible reports that government forces, particularly the ATU, as well as members of the Lorma ethnic group, continued to harass, intimidate, detain, and kill members of the Mandingo ethnic group and other suspected LURD supporters.

There were numerous unlawful civilian killings committed during the year by security forces and rebel elements. These killings increased as the fighting spread throughout the country. During the year, government armed elements and uncontrolled rebels killed an undetermined number of civilians, who were suspected of being government or rebel sympathizers respectively, by shooting them, burning them alive, or cutting their throats. Some soldiers killed civilians while looting their villages. Human rights monitors reported that abuses included torture and rape.

On December 9, predominantly armed government irregulars that left Camp Schieffelin during an UNMIL disarmament exercise killed at least five persons during a 5-day looting spree. Those killed were believed to have been looters. No investigation occurred by the NTGL by year's end.

There were no further developments in the 2002 attack by alleged government security forces on Kiatahun who reportedly burned 65 of the 125 abducted civilians alive in a house in Lofa County.

There were reports that MODEL rebels killed civilians in Greenville and Harper after capturing these towns from government forces. MODEL fighters summarily executed scores of civilians believed to be government sympathizers. MODEL fighters also reportedly kill officials of Taylor's National Patriotic Party (NPP). MODEL fighters were also reported to have killed persons in River Gee County on suspicion of being members of the progovernment River Gee Defense force.

Rebels were responsible for numerous killing during the year. For example, Between July 21 and August 11, LURD forces occupying Bushrod Island allegedly killed, in public, several persons they believed were members of government security

forces. Witnesses also reported seeing a number of bodies in the streets of Bushrod Island that appeared to have been killed deliberately, as opposed to accidentally during fighting. On August 6, three bodies were seen near Vai Town Hardware stores, in the southern end of Bushrod Island, an area firmly under LURD control. One body had been stripped, the hands were bound with wire, and there was a bullet wound in the back of the head. The other bodies were clothed but there were gunshot wounds in the head. On August 8, there were several bodies floating in the water at the port, which was under LURD control, and one in a warehouse. There are unconfirmed reports of a far greater number of such alleged deliberate killings in areas controlled by LURD during that period. All appeared to have been shot in the head or back. LURD did not produce investigation reports regarding these matters by year's end.

On August 22, LURD-affiliated ex-combatants allegedly killed General Moses Fayiah Senneh of former President Taylor's forces in Logan Town, on Bushrod Island.

There were numerous attacks on IDPs and IDP camps during the year. Between March and June, government irregulars and LURD elements repeatedly raided IDP camps in the Western suburbs of Monrovia. Humanitarian organizations reported that civilians were killed in some of these raids. Neither the Government nor LURD has investigated these matters.

On July 21 and 25, mortar rounds dropped in a foreign Embassy compound killed IDPs, including women, children, and elderly persons. One foreign Embassy employee, James Koryan, was killed in the attack. The bodies of those killed were piled in front of the Embassy to draw the attention of the international community for assistance in ending the crisis.

In June and July, mortars apparently launched by LURD elements on Bushrod Island, landed in Greystone compound in the Mamba Point neighborhood, killing numerous displaced persons and other civilians that had sought refuge in the compound and surrounding environs. LURD, which was employing mortars in its combat against government forces, denied the attacks and blamed them on government forces stationed in the nearby Ducor Hotel.

On July 25, LURD rebels launched mortar shells that landed on the Newport High School campus, which housed several hundred IDPs. Eight IDPs died and several others were injured during the 10-minute span when more than 30 shells landed around the Newport Street and Mamba Point areas. Several others were killed in various locations by the shells.

On July 25, 25 persons were killed in and around a Holiday Inn on Carey Street in Central Monrovia where 200 hundred civilians had gone to seek refuge, according to Holiday Inn owner Mr. H.M. Jawary.

On July 26, mortars fell on Greater Refuge Church in Monrovia where an estimated 300 persons sought refuge. Five persons were killed and several persons were injured.

Civilians were killed during fighting between government and rebel forces. For example, on October 1, five persons were killed during a firefight between security and LURD forces in the Paynesville and Red Light neighborhoods of Monrovia, following an attempt by President Blah and LURD Chairman Sekou Conneh to meet at Blah's residence. The meeting never occurred. Afterwards, LURD and government forces exchanged recriminations regarding who bore responsibility for triggering the incident. Neither the Government nor LURD has investigated further.

At times, it was difficult to determine who was responsible for killings. On February 28, unknown assailants killed Emmanuel Sharpolu, Musa Keita, and Kaar Lund, Adventist Development and Relief Agency (ADRA) humanitarian aid workers, when their vehicle was ambushed in Grand Gedeh County near Toe Town. The Government and rebel officials exchanged recriminations regarding the deaths. Despite heavy international pressure, the Government took no action by year's end.

Sexual violence and rape was common. In August, within 1 week, 40 women and 20 girls reported being raped in the Samuel Doe Stadium in Monrovia, where as many as 50,000 IDPs lived. The perpetrators often entered the camp disguised as displaced civilians. One local NGO reported that between June 5 and August 27, they treated 626 victims of rape. In northern Bong County, the rape of young boys reportedly was on the rise.

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. Cabinet ministers periodically objected to

critical articles and forced stories to be dropped or modified. However, from July until year's end, harassment and censorship of the media decreased significantly.

Unlike in the previous year, the Government did not arrest critics of the state of emergency during the year.

There was no further information on the trial of New Deal Movement Chairman Nigba Wiaplah, who was arrested in 2002 on charges of "inciting insurrection" for criticizing the state of emergency.

In Monrovia there were 18 newspapers that published during the year, with varying degrees of regularity. Two were independent dailies and five usually appeared at least once a week. Their political orientation ranged between pro-government and critical of the Government. The Public Affairs Bureau of the Ministry of Information, Culture, and Tourism published one newspaper, and the communications network owned by the President published a weekly newspaper. After President Taylor left the country, his newspaper stopped publishing and his radio station stopped broadcasting.

Newspaper availability fluctuated during the year. All newspapers were printed through one printing facility. The Taylor administration had at times pressured the managers of the facility not to print articles the Government perceived to be unfavorable. To meet the costs of production, the typical newspaper's eight pages included two or three pages of advertisements or paid announcements. Some articles were the result of gifts or money that supplemented reporters' meager salaries.

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 was limited to the Monrovia region. As a result, radio was the primary means of mass communication. There were a number of FM stations in Monrovia. There also was the state-run national station (ELBC), a FM station operated by President Taylor's private Liberia Communications Network (LCN), which closed after Taylor left. There were at least five new FM stations on the airwaves: Power FM, King's FM, UNMIL Radio, and Radio LJJ. ELBC, and Radio Veritas, which was operated under the Catholic Archdiocese, also broadcast on short-wave frequencies strong enough to reach all parts of the country. In November, Chairman Bryant lifted the ban on Star Radio, an independent radio station closed by former President Taylor in 2000. DC-101 was broadcasting at year's end, and UNMIL Radio also began broadcasting in December.

Due to the economic situation in the country and the dependence on generators requiring expensive fuel, most stations limited broadcast hours and in some cases ceased operation for short periods, was particularly during the June to August crisis.

Call-in radio talk shows were popular and frequently a forum for both government and opposition viewpoints. Interviews with prominent persons were broadcast frequently. DC-101 removed its popular talk show DC Talk off the air after government operatives threatened the show's host and the station management for condoning and preaching anti-government sentiments.

Television was limited to those who could purchase sets, the generators, and fuel to provide electricity. For those persons and businesses with satellite capability, CNN was generally available. There were two television stations: LCN, owned by then-President Taylor, and the Ducor Broadcasting Corporation, which was privately owned but supplied with a generator by President Taylor. LCN closed down after Taylor's August 11 departure from office. Ducor radio FM101 and television closed during the June-August fighting and resumed broadcasting after the fighting.

With some notable exceptions, government officials reluctantly tolerated the press; however, they frequently criticized the media publicly for what they considered negative reporting. Requirements for foreign journalists, including a minimum 72-hour advance notice of the intent to enter the country and a 24-hour waiting period for accreditation after arrival remained in force. During the crisis, international correspondents were charged frequent and irregular accreditation fees. In mid-June, the Government suspended all foreign press credentials for 2 days in response to an article accusing then-President Taylor of "returning to cannibalism." The Government attempted to intimidate some journalists during that period. The government order that required local journalists to clear reporting on the insurgency prior to publication, generally was obeyed out of fear of government retribution.

From July until year's end, government cooperation with the media, particularly the international media, improved. The Government permitted a significant volume of reporting on the crisis with little censorship. However, local media did not publish during this period. Following President Taylor's resignation, local press returned to publishing and broadcasting, and government harassment and interference was significantly reduced from earlier in the year.

In January, there were reports that ATU forces tortured into a coma Throble Suah, a reporter for the Liberian Inquirer newspaper. He was evacuated out of the country for medical treatment. No action was taken against members of the security forces who were responsible.

Prior to July, reporting that criticized the Government generally had brought threats of violence, closure, or directives from powerful government officials to advertisers that they should discontinue business with that media outlet. Security personnel sometimes interpreted criticism as a license to harass, threaten, arrest, and even assault targeted persons; the Government often required arrested journalists to apologize in writing prior to releasing them. There were fewer such reports during the second half of the year.

In January, the Justice Ministry held the Manager of Radio Veritas, Ledgerhood Rennie, for several hours because his station held a live interview with opposition leader Charles Brumskine from abroad.

In May, the Government closed six local FM radio stations in the central part of the country without proffering specific charges against them.

Journalists practiced self-censorship; however, reporting of issues increased during the second half of the year.

During the year, security personnel visited Sabanoh Printing Press and prevented the publication of newspaper stories, which it considered critical. The premises of leading independent newspapers were vandalized by government troops during the recent conflict.

The Government did not specifically restrict or limit access to the Internet; it was available to those who could afford it. Several Internet cafes operated in Monrovia, although relatively high fees limited access. Prior to President Taylor's resignation, the Government continued to charge that opponents used the Internet to wage a propaganda war. However, the Ministry of Information also maintained an unofficial website that promoted a pro-government view of the country. Two Internet Service Providers (ISPs) operated in Monrovia and both were linked to prominent persons. Some persons believed that government security personnel monitored the Internet, particularly e-mail.

The Government did not restrict academic freedom. UL did not open for the fall session due to the crisis. Alphonse Nimene, president of the Student Union, 15 student leaders, and numerous other students returned to the country after the inauguration of the Transitional government in October.

There were several attacks on the press during the year by unknown persons. For example, on June 5, armed men assaulted and robbed The News reporter Stanley McGill. A week earlier, three armed men who appeared to be wearing ATU uniforms assaulted him.

On June 12, alleged LURD rebels abducted three journalists, Bobby Tapson and Bill Jarkloh, both of the The News, and Joe Watson of the Liberia Broadcasting System. The three men were reported released several days later.

On June 12, armed men looted the home of Independent journalist Lyndon Ponnio. The whereabouts of his family was unknown at year's end.

The MFWA reported that the homes of three other journalists had been looted and set ablaze in June.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government at times limited this right in practice. During the second half of the year, neither President Blah nor the NTGL limited gatherings, and few of such gatherings occurred.

The Government generally permitted demonstrations during the year. However, in June and July, as the crisis in Monrovia worsened, there were a number of spontaneous demonstrations that the Government tried to forcibly prevent. There were also several clashes between demonstrators seeking peace and international assistance, and pro-government demonstrators. On July 3, anti-Taylor demonstrators rallied outside a foreign Embassy. Government security services clashed with some of the demonstrators to prevent them from moving to the Embassy, and beat some civilians.

Police forcibly dispersed demonstrations during the year (see Section 2.c.).

No action was taken against security forces who forcibly dispersed demonstrating students and beat them in October 2002.

The Constitution provides for the right of association, and the Government generally respected this right in practice. There were 18 political parties registered by year's end. Dozens of civil society organizations, organized around themes such as human rights, women's issues, development objectives, poverty alleviation, health concerns, and worker's associations were active.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some exceptions.

In December 2002, the Government arrested Brother David Kiazolu and Reverend Christopher Toe, the Secretary-General and Assistant Secretary General respectively, of the Inter-Religious Council of Liberia (IRCL) and charged them with possessing e-mails from the LURD. They were held incommunicado for 2 weeks. On January 8, the two were charged with treason. They were subsequently pardoned and released in May.

All organizations, including religious groups, must register with the Government; however, traditional indigenous religious groups were not required to register, and generally did not register. Registration was routine, and there have been no reports that the registration process was burdensome or discriminatory in its administration.

The law prohibits religious discrimination; however, Islamic leaders complained of discrimination against Muslims. Although there were some Muslims in senior government positions, many Muslims believed that they were bypassed for desirable jobs because of their religion. Many Muslim business proprietors believed that the Government's decision to enforce an old statute prohibiting business on Sunday discriminated against them.

In April, the Government banned street preaching by evangelists and church leaders in Monrovia. The ban was not in effect at year's end.

Some tensions existed between the major religious communities. The private sector in urban areas, particularly in the capital, gave preference to Christianity in civic ceremonies and observances, and discrimination against followers of other organized religions affected areas of individual opportunity and employment. There was an interfaith council that brought together leaders of the Christian and Islamic faiths.

Ethnic tensions continued in Lofa County between the predominantly Muslim Mandingo ethnic group and the Lorma ethnic group.

Little reliable information was readily available about traditions associated with ritualistic killings in which body parts used in traditional indigenous rituals were removed from the victim; however, they continued to occur. The number of such killings was difficult to ascertain, since police often described deaths as accidents even when body parts were removed. It was believed that practitioners of traditional indigenous religions among the Grebo and Krahn ethnic groups concentrated in the southeastern counties most commonly engaged in ritual killings. The victims were usually members of the religious group performing the ritual, and body parts removed from a member whom the group believed to be powerful were considered to be the most effective ritually. 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 body parts of former leaders of rival factions. Ritual killings for the purpose of obtaining body parts traditionally were committed by religious group members called "heart men;" however, since the 1990–96 civil war, common criminals also may have sold body parts.

On March 4, citizens of Buchanan in Grand Bassa County held a mass demonstration to protest the rising rate of mysterious disappearances and ritualistic killings in the county. The demonstration later turned into a riot in which several persons were injured and SOD police officers arrested and detained scores of others. The spate of ritualistic killings that sparked the riots included the killings of a 3-year-old girl, Maryemmue Saelekon of Moore Town; Government Morning school teacher Abraham Sarkpah of Harlandville; Buchanan Port Watchman Sundaygar Duo; and the killings of citizens Binda Korkollie, Eric Jallah, and Nyonie Doe.

In October 2002, Nyema Brooks, Ma-Gbanni, and Dio Tyre Dennis were arrested and jailed at the Harper Central Prison in Maryland County for the alleged ritualistic killing of 11th grade student Dio Dennis. Dio Tyre Dennis was the father of the deceased. Dennis' body was found with several body parts removed, including his eyes. After MODEL captured Harper in May, whereabouts of the three were unknown.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, government elements, the LURD, and MODEL restricted them in practice. Government security forces, LURD, and MODEL maintained checkpoints where travelers routinely were subjected to arbitrary searches and petty extortion; there were some reports that members of the SOD raped persons at checkpoints. Government security forces,

LURD, and MODEL were also accused of beating and robbing IDPs fleeing fighting throughout the country.

MODEL Rebels enforced a strict curfew from 4 p.m. to 7 a.m. in Buchanan. The rebels registered citizens and refused to allow many to leave.

In October, President Blah suspended the requirement of exit visas for citizens to leave the country. Passport services remained partially suspended during the year. Prospective travelers were able to obtain passports through irregular means, such as contacting an associate of President Taylor and paying a bribe.

Relief agencies estimated that there were several hundred thousand—the numbers fluctuated throughout the year—IDPs in more than a dozen camps throughout the country. Numerous outbreaks in fighting during the year resulted in tens of thousands of persons fleeing, often more than once. Militias loyal to the Government often forcibly conscripted IDPs to fight against the LURD, and IDPs faced harassment and intimidation (see Sections 1.f. and 1.g.). An estimated 250,000 persons were living on the outskirts of Monrovia at year's end. There were also thousands of refugees in neighboring countries.

During the year, there were reports that government radio announcements of impending attacks caused large-scale displacements in Salala and Totota; however, the places often were not attacked following the announcement, and security forces looted the abandoned homes.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government provided temporary protection to nearly 20,000 refugees, the vast majority of whom were from Sierra Leone. Between 10,000 to 15,000 refugees from Sierra Leone repatriated during the year. The Government generally cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees; however, government elements, LURD, and MODEL allegedly were responsible for hundreds of cases of abuse against individual refugees (see Sections 1.b. and 1.g.).

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, because most voters believed that military forces loyal to Taylor would have resumed the civil war if he lost. Since his election in 1997, President Taylor used intimidation, patronage, and corruption to maintain power. Because the legislative elections were held on the basis of proportional representation, Taylor's NPP won control of the legislature by the same 75 percent majority that he received in the popular vote for the presidency. There was widespread belief in the country and the international community that conditions did not exist for free and fair elections, which were previously scheduled to occur in October. Under the CPA, elections are scheduled for October 2005.

The CPA, negotiated between the warring parties, the registered political parties, and representatives from civil society, was designed to end several years of active conflict primarily between the Government and the LURD. As a political compromise, the CPA suspends certain articles of the Constitution temporarily, but states that articles not in conflict with the CPA remain in effect. The president and vice president roles are replaced by a chairman and vice chairman, and ministries are apportioned based on political affiliation. The executive branch is headed by a Chairman and Vice Chairman. Ministerial positions are apportioned between members of the former warring parties, the registered political parties and civil society. The NTGL has a unicameral legislature, the National Transitional Legislative Assembly (NTLA). On October 14, the Congress was replaced by the unicameral NTLA, and Bryant assumed the role of Chairman.

Under the Taylor administration, the legislature did not appear to 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.

Constitutionally the Senate must approve presidential nominees; however, the confirmation process lagged substantially behind the appointments themselves and

often appointees served months in their positions prior to confirmation. However, since the NTGL, this portion of the Constitution was suspended.

The State is highly centralized. The President appoints the superintendents (governors) of the 15 counties. Municipalities and chieftaincies were supposed to elect their own officials; however, elections—postponed in 1998 due to lack of funds and disorganization and scheduled to be held during the year—were not held. Local governments had no independent revenue base and relied entirely on the central Government for funds. Education, health services, and public works were provided by the central Government. Local officials served mainly to lobby the central Government.

There were no restrictions on the participation of women in politics, and several women held ranking positions in the Government and the NTGL. There were 4 women in the 76-seat legislature, and 3 women cabinet Ministers.

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; however, under the Taylor administration, members of the security forces frequently harassed NGO members and democracy and human rights activists. There was generally cooperation between the NTGL and NGOs, although certain Ministries, acting independently have been less cooperative, such as over-billing them for their phone charges.

Domestic human rights organizations were under funded and understaffed, and their personnel lacked adequate training. There were three coalitions of human rights groups: The National Human Rights Center of Liberia had nine member organizations; eight other groups comprised the Network of Human Rights Chapters; and four belonged to the Federation of Human Rights Organizations. 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 established branches outside of the capital and perform similar monitoring functions there. There was no pattern of government interference with these activities.

Members of government security forces, LURD, and MODEL frequently harassed members of NGOs and democracy and human rights activists. For example, in June, unidentified assailants assaulted and sexually abused three nieces of Ishmael P. Campbell, a human rights advocate and Vice President of the Liberia Bar Association. Campbell's home was also looted, forcing him to go into hiding.

In July, the Government pardoned human rights activist Aloysius Toe.

The staff of the National Human Rights Center resumed operations after the departure of Charles Taylor, and operated unhindered at year's end.

The Government permitted international NGOs and human rights organizations to operate in the country, and a number of international organizations did so during the year. Visiting observers and local employees monitored the situation and reported their findings openly.

The National Human Rights Commission remained inactive during the year.

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

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion; however, discrimination existed. There were no laws against gender discrimination, ethnic discrimination, or FGM. Differences involving ethnic groups, notably the Krahn, Mano, Gio, Lorma and Mandingo ethnic groups, continued to contribute to serious political violence and abuses.

Women.—Domestic violence against women was widespread; however, the Government, the courts, the media, LURD, or MODEL did not seriously address it as a problem. Several NGOs in Monrovia and Buchanan continued programs to treat abused women and girls and increase awareness of their rights.

FGM 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. 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 believed that the incidence of FGM dropped to as low as 10 percent. Traditional societies were reestablishing themselves throughout the country, and the practice of FGM continued. The most extreme form of FGM, infibulation, was not practiced. The Government took no action against FGM during

the year. The Association of Female Lawyers in Liberia (AFELL) also spoke out against FGM.

Women never recovered from the setbacks caused by the 1990–96 war, when many schools were closed and they were prevented from maintaining their traditional roles in the production, allocation, and sale of food. The intensification of fighting between the Government, LURD, and MODEL during the year, further setback women, as thousands were again displaced and prevented from pursuing livelihoods or education.

Women married under civil law can inherit land and property; however, women married under traditional laws were considered the properties of their husbands and were not entitled to inherit from their husbands or retain custody of their children if their husbands die. The Government prohibits polygamy; however, traditional laws permit men to have more than one wife. Women's organizations, particularly AFELL, continued to press for legislation on behalf of inheritance rights in traditional marriages. The Liberian chapter of the Mano River Women's Peace Network visited neighboring countries in 2002 to promote regional peace and stability.

During 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.

Children.—The Government generally was unable to provide for the education and health of children. Due to the poor condition of government schools, many children who attended school, particularly in Monrovia, went to private institutions. Since many private schools still needed to be refurbished due to wartime damage, school fees remained relatively high, 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, paper, and even desks. In November, UNICEF launched a “Back to School” campaign, which began when schools in Monrovia opened for the first time since the June fighting, and provided books, pens, and other teaching materials to children. In 2001 1.05 million out of an estimated 1.7 million school-age children, less than half of whom were girls, were enrolled in primary and secondary schools. Expenditures on education were estimated at \$2.4 million (167 million ld). In 2000 the literacy rate was 70 percent for boys and 37 percent for girls.

FGM was performed primarily on young girls (see Section 5, Women).

Child prostitution and trafficking was a problem (see Section 6.f.).

Government and rebel forces forcibly conscripted persons, including children, to serve as porters, forced laborers, combatants, and sex slaves. There were credible reports that the commanders of these children used narcotics and cocaine to induce the children to fight and to kill. The various armed militias continued to recruit forcibly from IDP camps and schools and deploy underage soldiers, including girls. Some children were as young as 9 years old. There were an estimated 15,000 child soldiers in the country. UNICEF reported that in some factions, 70 percent of combatants were children. In June, government forces attempted to forcibly conscript dozens of young men from the streets of Monrovia, and take them to military camps where they were to be armed and sent to fight. There were credible reports that the LURD engaged in similar forced recruitment and deployment tactics. Thousands of child soldiers have yet to be demobilized or disarmed.

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

There were thousands of children living on the street of Monrovia; however, it is difficult to tell who were street children, ex-combatants, or IDPs. Approximately 100 under-funded orphanages operated in and around Monrovia; however, many orphans lived outside these institutions. These institutions did not receive any government funding, but relied on private donations. Nearly all youths witnessed terrible atrocities, and some committed atrocities themselves.

Persons with Disabilities.—As a result of the civil wars, a large number of persons had permanent disabilities, in addition to those disabled by accident or illness. It is illegal to discriminate against persons with disabilities; however, in practice they did not enjoy equal access to public buildings or government services. No laws mandate accessibility to public buildings or services. Persons with disabilities faced discrimination, particularly in rural areas. Babies with deformities often were abandoned. Some NGOs provided services to persons with disabilities.

National/Racial/Ethnic Minorities.—Although the Constitution prohibits 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 were denied full rights as a result of this racial distinction.

The country was ethnically diverse and has 16 indigenous ethnic groups. The indigenous ethnic groups generally spoke distinct primary languages and were concentrated regionally. No ethnic group constituted a majority of the population.

During the Taylor administration, Mandingo citizens faced growing discrimination, arbitrary arrests, and violence based on their ethnicity (see Section 1.b.). However, during the year, the Mandingo dominated LURD was in control of Lofa country and portions of Bong and Nimba countries, allowing some Mandingos to return to the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers, except members of the military and police, the right to associate in trade unions, and workers exercised this right 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 leadership struggles, was common both before and during the civil war.

Although most economic activity was interrupted by the conflict, unions proliferated. There were approximately 30 functioning unions organized loosely under two-umbrella groups, the Liberian Federation of Labor Unions (LFLU) and the Congress of Liberian Trade Unions (CLTU), with the common objective of protecting the rights of their 60,000 members, who largely were unemployed. The actual power that the unions exercised was extremely limited. Since the country's work force largely was illiterate, economic activities beyond the subsistence level were very limited, and the labor laws tended to favor management.

During the year, the Government strictly enforced the union registration requirements that fell into disuse during the war. Applicants needed to register at two different ministries, and processing time was arbitrary. Some groups received official status in only a few days while the Government never issued registration for others.

The law does not prohibit anti-union discrimination; however, under the Taylor administration, there were discriminations against union activities.

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. These rights largely were unused during the year because of the lack of economic activity.

Labor laws provide for the right to strike. The laws were nullified by a 1984 People's Redemption Council decree that outlawed strikes, but that decree has not been enforced for years. Due to the destruction of the economy and the estimated 80 percent unemployment rate, strikes were infrequent.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, this prohibition was ignored widely in many parts of the country, and there were reports such practices occurred (see Section 6.d.). In some rural areas, farmers were pressured into providing free labor on "community projects" that often benefited only local leaders. There were allegations that large logging companies and mining companies forcibly recruited workers. There also were reports that local officials forced convicts to work for them.

Unlike in the previous year, there were no reports that local government officials coerced persons to work without compensation on President Taylor's farm or that security forces forced persons to dig for diamonds and gold. Allegedly, LURD and MODEL rebels have used forced labor to dig gold and diamonds in their controlled territories during the year.

There were reports that LURD rebels forced civilians into service as porters for LURD ammunition and supplies in Lofa and Gbarpolu Counties (see Section 1.b.). In Gbarnga, there were reports that local LURD commanders forced women to harvest rice from local farms for LURD generals.

LURD and MODEL rebels also forcibly conscripted children to fight as child soldiers (see Section 5).

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 was lax and child labor was a serious and widespread problem. The Ministry of Labor frequently lacked 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.

Some former combatants, including some in the security forces, were accused of forcing children to work in the mining industry. Human rights groups reported instances of forced child labor in some rural areas, particularly in alluvial diamond mining. A child rights advocacy group's report on child labor in the southeastern counties and that of another prominent human rights group contradicted a government report, issued in 2002, which concluded that there was no 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 remained pending.

All existing military groups have abducted or otherwise compelled large numbers of children to serve as soldiers, sex slaves, and in other service capacities (see Section 5).

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 country'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 claimed it lacked 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 \$1.00 (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 highly competitive 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 engaged in subsistence farming, small-scale marketing, petty extortion, and begging. Civil Servants salaries were in arrears for anywhere from 10 to 24 months, depending on the Ministry. The NTGL paid salaries for October, November and December; however, the arrears were not paid by year's end.

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 were government-established health and safety standards that the Ministry of Labor was responsible for enforcing; however, the Ministry rarely enforced them. The law does not give workers the right to remove themselves from dangerous situations without risking loss of employment.

The law protects legal, but not illegal, foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons were trafficked to, from, and within the country. There were reports of forced labor, including by children, and the recruitment of child soldiers (see Sections 5, 6.c., and 6.d.). Citizens, including children, have been trafficked to the Cote d'Ivoire, Sierra Leone, the Gambia, and the United Kingdom, in some cases for commercial sexual exploitation.

MADAGASCAR

The country is a multiparty democracy in which the President and a bicameral legislature shared power. President Marc Ravalomanana, who was elected in December 2001, and his party, Tiako-I-Madagasikara (TIM), dominated political life. Until May 2002, when President Ravalomanana was declared President, incumbent President Didier Ratsiraka and his party, Alliance for the Rebirth of Madagascar (AREMA), disputed the results of the 2001 election, which resulted in widespread violence and numerous deaths. The December 2002 legislative elections, which international observers judged as generally free and fair, resulted in an overwhelming victory for TIM and its alliance partners, the pro-Ravalomanana National Alliance. In the November municipal elections, TIM won a majority of both rural and urban mayoral seats. During the year, the President continued his anti-corruption campaign, which resulted in the conviction of 12 magistrates and the establishment of the National Anti-Corruption Council. The judiciary remained susceptible to corruption and subject to executive influence.

The Minister for Public Security (formerly a State Secretary at the Ministry of the Interior) heads the national police and is responsible for law and order in urban areas. The Gendarmerie Nationale, part of the Ministry of National Defense, is responsible for security in all other areas of the island. Regular army units and reservists at times assumed law enforcement roles in matters requiring large-scale

logistical support, such as cattle theft. Some members of the security forces committed human rights abuses.

The country was very poor with a population of 16 million; the economy was mixed. Agriculture was the largest sector of the economy, and shrimp and vanilla were the leading exports. Approximately 70 percent of the population was below the Government's own poverty level of approximately 45 cents a day in income. The gross domestic product, which declined 12.7 percent in 2002, grew by 9.6 percent during the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Security forces used lethal force to disperse demonstrations, which resulted in numerous injuries and one death. Prison conditions were harsh and life threatening; some prisoners were physically and sexually abused by other prisoners. Arbitrary arrests and detentions occurred. Suspects often were held for periods that exceeded the maximum sentence for the alleged offenses, and lengthy pretrial detention remained a serious problem. Some local government officials limited freedom of speech and of the press in rural areas. Journalists practiced self-censorship. The Government at times limited freedom of assembly. Women continued to face some societal discrimination. Child labor occurred. Unlike in previous years, there were no reports that workers' rights were limited in the export processing zones (EPZs). There were unconfirmed 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.—Unlike in the previous year, there were no political killings; however, security forces used lethal force to disperse demonstrations during the year (see Section 2.b.).

Lieutenant Colonel Assolant Coutiti and former Antsiranana Deputy Soaline, who were charged in 2002 with numerous politically motivated killings, were tried and sentenced during the year (see Section 1.e.).

In an April 9 article in a national daily newspaper, the family of Roland Ravalomasoa, a supporter of former President Ratsiraka, demanded an inquiry into his April 2002 death; Ravalomasoa died from injuries sustained during interrogation by security forces. Government sources said no investigation had been conducted because the family had not made a formal request.

No action was taken in the March 2002 killing by gendarmerie of the former Regional Director of the Office of Copyrights.

No investigation was conducted into the February 2002 killing by several Ravalomanana supporters of a Ratsiraka supporter outside the Palace of Justice.

The results of an investigation into the April 2002 killing of a Canadian missionary by suspected pro-Ratsiraka militias were not released by year's end.

Unlike in the previous year, there were no high-profile killings of Karana (persons of Indo-Pakistani origin living in the country), and no further action was taken in previous killings.

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

There were several kidnappings and attempted kidnappings of members of the Karana community. These kidnappings appeared to have criminal rather than political motives and generally ended with payment of ransom and release of the victim.

The Government prosecuted and jailed Lieutenant Colonel Coutiti, the suspected ringleader in the 2002 abduction of the Church of Jesus Christ in Madagascar (FJKM) pastor Ndriamisaina.

No action was taken against the perpetrators of other 2002 abductions attributed to pro-Ravalomanana forces, such as the abduction of the state prosecutor for Fianarantsoa Province.

There were no arrests or other action taken in any of the 2001 cases of kidnapping.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the inviolability of the person, and unlike in the previous year, there were no reports that government forces or supporters of former President Ratsiraka used torture. However, security forces subjected prisoners to physical abuse, including the rape of female prisoners, and used lethal force to disperse demonstrations during the year, which resulted in numerous injuries (see Section 2.b.).

In July, Lieutenant Colonel Coutiti and former Deputy Soaline, who were charged in 2002 with numerous counts of abduction, torture, and killings, received partial sentences in connection with the arbitrary arrest, torture, and detention of persons

in Pardes military camp. Several other persons were tried and sentenced during the year on charges related to actions at the Pardes camp (see Section 1.e.).

Prison conditions were harsh and life threatening. The country's 97 facilities, which were built for approximately 13,000 prisoners, held approximately 19,000, according to the Ministry of Justice. Prison cells averaged less than one square yard of space per inmate. Prisoners' diets were considered inadequate, and families and NGOs, including the Catholic Prison Chaplains (ACP), supplemented the daily rations of some prisoners. Authorities sometimes permitted outpatient care for well-known inmates; however, medical care for most prisoners was inadequate. Malnutrition, malaria, tuberculosis, pneumonia, and other ailments resulted in an unknown number of deaths during the year. According to a 2002 Catholic Relief Services' (CRS) report, many prison health problems could be alleviated through provision of adequate food. Unlike in the previous year, there were no reports that prisoners were denied family visitation.

During the year, the Government took steps to improve prison conditions. In January, President Ravalomanana granted amnesties and sentence reductions to numerous convicted prisoners; since 2002, approximately 3,300 prisoners have been granted such treatment. In February, in cooperation with the ACP and a foreign embassy, the Minister of Justice inaugurated a new water supply system for the Tsihafahy prison, a maximum-security facility.

Prisoners can be used as forced labor, and the Government acknowledged that this occurred during the year (see Section 6.c.).

Women were not always held separately from men, and there were reports of rapes committed by other prisoners. Approximately 10 of the 650 women incarcerated in the country were accompanied by their pre-school-aged children; unlike in the previous year, there were no reports that such children were subjected to abuse. Approximately 270 of the country's 19,000 prisoners were under 18; juveniles were not always held separately from the adult prison population. Pretrial detainees were not always kept separate from the general prison population.

In October, one of the detainees held in connection with the 2002 political crisis died in prison of neglect, according to media reports and other sources.

The Government was candid about prison conditions and generally open to requests for independent monitoring. The International Committee of the Red Cross (ICRC) has permanent offices in the country and was permitted access to detention centers throughout the country and unfettered access to detainees held in connection with the 2002 political crisis.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for due process for persons accused of crimes and prohibits arbitrary arrest and detention; however, the Government did not always respect these provisions in practice. There were fewer reports of arbitrary arrest after the end of the 2002 political crisis.

There are two national police forces in the country: The National Police, which has jurisdiction in cities; and the Gendarmerie Nationale, which is part of the armed forces and has jurisdiction in all other areas. Corruption persisted in the lower ranks of both police forces. During the year, the Government appointed new senior leadership in both the National Police and the Gendarmerie.

The law mandates that a criminal suspect must be charged or released within 48 hours of arrest; however, during the year, the Government detained individuals, including some held in connection with the 2002 political crisis, for significantly longer periods of time before charging or releasing them. Long delays in bringing cases to trial often resulted in pretrial detention for periods longer than the maximum sentence on the charges faced.

The law provides that arrest warrants must be obtained in all cases except those involving hot pursuit; however, often a person was detained and jailed on no more than an accusation by another person. The Government at times used reservists, who operated outside the normal armed forces chain of command, to make arrests; however, the Government began disbanding reservist forces in December.

The law provides defendants in criminal cases with the right to counsel and the right to be informed of the charges against them; however, the Government was only required to provide counsel in cases in which defendants were indigent and faced charges carrying greater sentences than 5 years. Unlike in the previous year, the Government generally allowed detainees, including those held in connection with the political crisis, access to counsel and family visits.

A system of bail exists; however, in practice it was not available to many defendants. Magistrates often resorted to an instrument known as a retaining writ (mandat de depot) by which defendants were held in detention for the entire pretrial period or for periods longer than the maximum sentence on the charges faced. More than 65 percent of defendants arrested on suspicion of crimes related to the 2002 political crises were arrested with mandats de depot.

In February, soldiers arrested three persons for suspected complicity in plotting an abortive coup, including General Bruno Rajohnson and political activist Liva Ramahazomanana. Rajohnson was acquitted for lack of evidence; however, Ramahazomanana was sentenced to 2 year's imprisonment and remained in prison at year's end. No other information on the case was available.

In March, reservists arrested Olivier Hamada, a former government minister. The reservists had no arrest warrant and apparently were operating independently of police and gendarmerie chains of command. No other information was available by year's end.

In May, security forces arrested former Secretary for State Security Ben Marofy Azaly, the first high-ranking official of the Ratsiraka regime to return voluntarily to the country, and his two sons upon their arrival at Antananarivo airport. Azaly and one of his sons were held for several weeks before being charged with compromising the internal security of the state and inciting tribal hatred; in August, they were tried and sentenced to 5 years' imprisonment. Both Azaly and his son filed an appeal, which was pending at year's end.

Long pretrial detention was a serious problem. In September, the Ministry of Justice reported that 73 percent of the country's approximately 19,000 prisoners were in pretrial detention; however, only 27 of these were incarcerated on political crisis-related charges. Poor record keeping, lack of resources, and the difficulty of access to remote parts of the island hindered the monitoring of pretrial detainees. Despite legal protections, investigative detentions often exceeded 1 year. Many detainees spent a longer period in investigative detention than they would have spent incarcerated following a maximum sentence on the charges faced. The January amnesty that benefited several hundred prisoners specifically excluded pretrial detainees.

On April 14, General Jean-Paul Bory, the second highest-ranking Army officer at the time of his 2002 arrest for "compromising state security," was released for insufficient evidence after 9 months of pretrial detention.

Unlike in the previous year, the Government did not use house arrest.

The Constitution does not specifically prohibit forced exile; however, the Government did not use it. Former President Ratsiraka and other members of his administration remained in self-imposed exile at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, at all levels, the judiciary was susceptible to the influence of the executive and at times susceptible to corruption.

In July, the Government suspended 18 mayors for alleged fiscal and administrative improprieties, including Roland Ratsiraka, the mayor of Toamasina and the nephew of the former president; Ratsiraka was arrested in 2002 and released pending a hearing on multiple charges related to the political crisis.

The judiciary is under the control of the Ministry of Justice. During the year, the Government took steps to implement its campaign against widespread judicial corruption. In March, 12 magistrates were suspended for corruption; in July, the 12 were sentenced to punishments ranging from 1 year's imprisonment to administrative sanctions, such as demotions and further suspensions. The Justice Ministry was investigating other magistrates suspected of similar wrongdoing at year's end. Also in July, the President appointed a prominent magistrate to be the president of the National Anti-Corruption Counsel, established in 2002 to develop a national anti-corruption strategy and a quasi-ministry to enforce anti-corruption measures.

The judiciary has four levels. Courts of First Instance hear civil cases and criminal cases carrying limited fines and sentences. The Court of Appeals includes a criminal court of first instance for cases carrying sentences greater than 5 years. The Supreme Court of Appeals hears cases on appeal from the Court of Appeals. The High Constitutional Court (HCC) reviews the constitutionality of laws, decrees, and ordinances and certified election results. The judiciary also includes specialized courts designed to handle specific matters such as cattle theft.

The Constitution provides defendants with the right to a full defense at every stage of the proceedings, and trials were public. Defendants have the right to be present at their trials, to confront witnesses, and to present evidence. The law provides for a presumption of innocence; however, the presumption of innocence was often overlooked. The CRS stated that the human rights of a person charged with a crime were often violated, and that there was a "large gap between the laws that served to protect the rights of the accused and the implementation of these laws in fact."

Military courts are reserved for the trial of military personnel and generally followed the procedures of the civil judicial system, except that military officers are included on jury panels. Defendants in military cases, as in civil cases, have access to an appeals process that re-examines points of law rather than questions of fact.

A civilian magistrate, usually joined by a panel of military officers, presides over military trials.

The Constitution provides traditional village institutions with the right to protect property and public order. An informal, community-organized judicial system called Dina was used in certain rural areas to resolve civil disputes between villages over such issues as cattle rustling. The law limits Dina remedies to money damages; however, in the past, Dina-based punishment could be severe. The Dina process does not ensure internationally recognized standards of due process; however, unlike in previous years, there were no reports that Dina resorted to sentences involving physical force or loss of liberty. Dina decisions may be appealed through formal judicial channels to a court of general jurisdiction or to the Office of the Mediator, which investigated and sought redress through formal judicial authorities.

The status of prisoners detained for their role in the political crisis remained a major concern. According to the Ministry of Justice, 388 persons had been arrested by August 1 for their roles in events linked to the 2002 political crisis; 254 of those individuals were remanded to custody. Of the 254, 80 were convicted, 147 were released, and 27 had not yet been tried. In December, the Government tried several dozen defendants, some for the first time, on charges that ranged from compromising the internal security of the state, inciting tribal hatred, and destroying national infrastructure to assault and theft. On December 31, President Ravalomanana announced a pardon for prisoners who were sentenced to 3 years' imprisonment or less; the pardon was expected to affect between 70 and 140 prisoners. The President added that further pardons would be considered on a case-by-case basis.

In July, Lieutenant Colonel Coutiti and former Antsiranana Deputy Soaline, who were charged in 2002 with numerous politically motivated abductions and killings in Antsiranana Province, received partial sentences: Coutiti, who was awaiting trials on other charges at year's end, was sentenced to 18 years imprisonment; Soaline, who remained outside the country, was sentenced in absentia to 5 year's imprisonment for obstruction of free movement of goods and persons and faced further charges.

The Criminal Court of General Jurisdiction also tried and sentenced in absentia other members of the former administration: Former President Didier Ratsiraka was sentenced initially to 10 years' hard labor for a single count of embezzlement, and subsequently sentenced to 5 years' imprisonment for secession; former Minister of Finance Razafimanjato and Ferdinand Velomia, the former Director of the Toamasina branch of the Malagasy Central Bank, were sentenced to 6 years' hard labor for embezzlement; and Pierrot Rajaonarivelo, the National Secretary of AREMA and former Vice Prime Minister, was sentenced to 5 years' imprisonment for abuse of public office. Former Prime Minister Andrianarivo was sentenced to 12 years' hard labor and fined \$7 million (40 billion FMG) for abuse of office; however, on December 31, President Ravalomanana said Andrianarivo would be permitted to leave the country for medical treatment. In December, the Court also sentenced five former governors (two in absentia) to between 3 and 5 years' imprisonment for secession. During Rajaonarivelo's trial in March, the presiding magistrate ordered an impromptu 45-minute recess to attend to what press reports described as an "urgent call". Defense attorneys charged that the executive had interfered with the judicial process. Authorities later admitted the incident was a "formal irregularity" but denied allegations of improper government meddling.

There were no further developments in the 2002 case of pending charges against the former Mayor of Toamasina, Roland Ratsiraka.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these provisions in practice. Unlike in the previous year, there were no reports that supporters of President Ravalomanana looted and burned homes of Ratsiraka supporters or that pro-Ratsiraka militias forced pro-Ravalomanana supporters from their homes. Unlike in the previous year, there were no reports that a write-in informant system operated in Toamasina Province.

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. There were reports that some provincial government officials pressured the media to curb its coverage of certain events and topics, and there were reports that government personnel intimidated journalists. Journalists practiced self-censorship.

There were six privately owned major daily newspapers and many other privately owned national and local news publications that published less frequently; however,

widespread illiteracy and a poorly developed system of distributing publications printed in the capital limited the impact of print media.

The Government owned the only nationwide television and radio networks. In August, MBS Radio, owned by President Ravalomanana and managed by his daughter, broadened its reach through satellite relays and became the first private radio station to have near-nationwide coverage.

In May, the daily *Gazette de la Grande Ile* published an article alleging that TIKO, the dairy products firm owned by President Ravalomanana and managed by his daughter, illegally purchased two state-owned companies. TIKO sued for defamation, and demanded the closure of the paper; a prison term for Lola Rasoamaharo, the *Gazette* editor; and damages of \$100,000 (600 million FMG). In September, the Antananarivo Correctional Court sentenced Rasoamaharo to a 3-month suspended sentence and a symbolic fine of less than 1 cent (1 FMG).

Many journalists privately admitted practicing self-censorship, particularly at the local level. Some journalists in provincial capitals reported being threatened with prison sentences after broadcasting or publishing stories that were critical of local leaders. Others reported receiving messages threatening members of their families if they pursued controversial stories. Many journalists reported avoiding articles critical of wealthy individuals and corporations because they lacked the means to defend themselves in court. Journalistic organizations were ineffective in defending such individuals because they were weak, poorly paid, and not always impartial. In almost all such cases, journalists chose to stop working on the story at issue.

Government agencies and private companies sometimes bribed journalists, who generally received minimum or below minimum wages, to ensure positive coverage of certain events.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government at times limited the right in practice. The Government routinely issued permits for public meetings and demonstrations.

During the year, the Government used increasingly strong measures to disperse demonstrations. In March, security forces used tear gas to disperse a demonstration in Tulear by the opposition group Committee for Truth and Justice (KMMR); six persons were injured. At a second KMMR rally in Antananarivo in May, dozens of unidentified youths, unhindered by nearby police units, rushed the stage, torched banners, destroyed decorations, and dismantled the podium; the rally was abandoned. The Government refused to investigate either incident, and maintained that the police were not obligated to intervene. On June 7, security forces used live ammunition to disperse a demonstration in Toamasina by the National Reconciliation Committee (CRN), a political opposition group; one person reportedly was killed and numerous others were seriously injured. The Government claimed no investigation of these matters was warranted because security forces acted within the scope of their authority. No opposition groups organized large demonstrations after June 7.

No investigation was conducted into the 2002 cases in which security forces forcibly dispersed demonstrations.

The Constitution provides for the right of association and permits citizens to organize political parties and associations; however, the Constitution also explicitly forbids associations that “call into question the unity of the Nation, and those that advocate totalitarianism or ethnic, tribal, or religious segregation.” There were 160 political parties throughout the country.

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

Religious organizations are not required to register with the Ministry of Interior; however, it is recommended that they do so. There are no penalties for failure to register and there were no reports that any group was denied registration during the year.

Unlike in the previous year, there were no reports that the Government restricted religious freedom, threatened and mistreated church pastors, or imposed restrictions on religious gatherings.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and unlike in the previous year, the Government generally respected these rights in practice. The fear of crime effectively restricted travel in some areas, especially at night.

Curfews were briefly imposed in Toamasina after minor disturbances in June and October; however, unlike in the previous year, when martial law was imposed as a result of the political conflict, there were no port barricades or restrictions of movement.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting the small number of refugees in the country. The Government provided temporary protection to individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

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

The Constitution provides citizens the right to change their government peacefully; however, some degree of turmoil accompanied the three changes of government that occurred over the last 13 years.

The country nominally was a democracy in which power was divided between the executive, a bicameral assembly, an independent judiciary, and six provincial administrations. The President names one-third of the senators. Political and business leaders disproportionately influenced the administration of the country. Political parties coalesced around the single most powerful person, usually the President. "Pensee Unique," a national belief in which dissent was viewed as an attack on societal harmony, made an effective opposition difficult in practice. Representatives of the President's political party usually controlled the National Assembly. The December 2002 legislative elections and four follow-up contests held in March resulted in a substantial majority (133 of 160) of deputies elected from the President's TIM party and the pro-Ravalomanana National Alliance. International observer teams found the December 2002 election process to be transparent and the results credible, despite some organizational problems.

In the December 2001 presidential elections, which were conducted amid widespread allegations of fraud, former President Ratsiraka received 40.69 percent of the vote, while his main challenger, Mayor of Antananarivo Marc Ravalomanana received 46.49 percent. Following mediation by the Organization of African Unity in April 2002, the HCC gave Ravalomanana the victory. Ratsiraka, from his base in the east coast port city of Toamasina and with the support of five of the country's six provincial governors, tightened the blockade around the capital Antananarivo by attacking its infrastructure, particularly the bridges. After the HCC ruling, the Armed Forces, until then largely neutral, shifted increasingly to the Ravalomanana side. Starting in May, the Ravalomanana forces steadily gained control over the entire country, ultimately forcing Ratsiraka into exile in July 2002. From January 2002 to June 2002, both Ravalomanana in Antananarivo and Ratsiraka in the port city of Toamasina claimed to be the legitimate head of state. Widespread, politically motivated conflict resulted in approximately 100 deaths; blockades and infrastructure attacks by pro-Ratsiraka forces severely disrupted the economy.

During the year, the President continued his anti-corruption campaign (see Section 1.e.). In July, the Government suspended 18 mayors for alleged fiscal and administrative improprieties, including Roland Ratsiraka, the mayor of Toamasina and the nephew of the former president; Ratsiraka was arrested in 2002 and released pending a hearing on multiple charges related to the political crisis. None of the suspensions led to criminal charges; however, one of the suspended mayors was arrested on unrelated charges and released shortly afterward.

Soon after the July suspension of the 18 mayors, the Government announced that municipal elections would be held in November. The Government claimed the suspensions would not bar the 18 from running; however, the suspensions complicated preparations for the election, as did August legislation that established two different processes for municipal elections—one for large cities and the other for the remainder of the country. In cities, the candidate with a plurality won; in rural communities, a party list system (in which the winner is the first name on the party list receiving the plurality of votes) was used. Municipal councils in both urban and rural communities were chosen using party lists. Logistical problems, including a shortage of transparent ballot boxes, resulted in the elections being held on two different dates: November 9 and 23. The TIM party received 56 percent of rural and 60 percent of urban mayoral seats.

There were 8 women in the 160-member National Assembly elected in December 2002.

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

A number of local and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Constitution requires the Government to create apolitical organizations that promote and protect human rights. However, the governmental National Commission for Human Rights (CNDH) has had a limited impact on promoting human rights issues and was viewed as partisan during the 2002 political crisis because of its general support for former President Ratsiraka. During the year, the CNDH was technically inactive because the Government did not name replacements for its 25 members, whose mandates expired in October 2002. The Government offered no explanation for the delay in naming replacements.

The Government permitted visits during the year by international NGOs, including the ICRC.

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

The Constitution prohibits all forms of discrimination; however, no specific government institutions were designated to enforce these provisions.

Women.—Domestic violence against women was a problem. Police and legal authorities generally intervened when physical abuse was reported. Amendments promulgated in January to the Penal Code specifically prohibit domestic violence, expand the definition of rape, and prohibit sexual harassment. In December 2002, the Government launched the first national campaign highlighting domestic violence.

Prostitution was not a crime; however, related activities, such as pandering, are criminal. Incitement of minors to debauchery is a crime. During the year, authorities reportedly dismantled a prostitution ring in Reunion involving some Malagasy women; the women reportedly claimed they could earn more in a month in Reunion than the equivalent of 12 years' minimum wage in the country.

The Ministry of Tourism acknowledged the problem of sexual tourism, conducted several workshops during the year to address the issue, and in March, established an oversight committee to coordinate work on the problem.

There were unconfirmed reports of trafficking (see Section 6.f.).

Under the law, wives have an equal voice in selecting the location of the couple's residence and generally received half the couple's assets if the marriage was dissolved. In practice, this requirement was not always observed. Widows with children inherit half of joint marital property. A tradition known as "the customary third" occasionally was observed in some areas. Under this custom, the wife had the right only to one third of a couple's joint holdings; however, a widow was eligible to receive a government-provided pension, while a widower was not.

There was relatively little societal discrimination against women in urban areas, where many women owned or managed businesses and held management positions in state-owned companies. In August, the Ministry of Labor reported that women owned 30 percent of formal sector companies and 53 percent of informal sector companies. However, women may not work in positions that might endanger their health, safety, and morals. A number of NGOs focused on the civic education of women and girls, and publicized and explained their specific legal protections; however, due to cultural traditions, few women lodged official complaints or sought redress when their legal rights were compromised.

Children.—The Ministry of Health, the Ministry of Education, and the Ministry for Population and the Condition of Women and Children were responsible for various aspects of child welfare; however lack of funding resulted in inadequate services and precluded the compilation of reliable statistics.

The Constitution provides for tuition-free public education for all citizen children and makes primary education until age 14 compulsory; however, only 50 percent of primary school age children were enrolled (see Section 6.d.). In August, the Government implemented the Education for All program to provide essential school supplies to primary school children.

Child prostitution was a problem. During the year, the International Labor Organization's (ILO) International Program for the Elimination of Child Labor (IPEC) conducted a study of child prostitution in Mahajanga. According to the study, acute poverty and lack of family support were the primary reasons that children engaged in prostitution, and the practice was so widespread in Mahajanga that it was not considered abnormal.

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

Persons with Disabilities.—There was no official discrimination against persons with disabilities in employment, education, or in access to state services. The law

broadly defines the rights of persons with disabilities and provides for a National Commission and regional sub-commissions to promote the rights of persons with disabilities; however, neither the National Commission nor the regional sub-commissions have been established. International NGOs, including Handicap International Madagascar, and numerous local associations, including the Collective of Organizations Advocating for Persons with Disabilities, advocated for legislation mandating equal access for persons with disabilities and the establishment of the National Commission.

National/Racial/Ethnic Minorities.—The Malagasy, of mixed Malay-Polynesian, African, and Arab descent, were divided into 18 tribes, a term without pejorative overtones in the country. The vast majority of Malagasy spoke a single Malagasy language, albeit with certain regional differences. None of the 18 tribes constituted a majority. There were also large minorities of Indo-Pakistani and Chinese heritage in the country.

A long history of military conquest and political dominance raised the status of highland ethnic groups of Asian origin, particularly the Merina, above that of coastal groups of African ancestry. This imbalance persists and fueled an undercurrent of tension between Malagasy of highland and coastal descents. Ethnicity, caste, and regional solidarity often were factors in hiring practices.

A significant Indo-Pakistani (Karana) community has been present for over a century. Traditionally engaged in commerce, the Karana number approximately 20,000 persons. Few of them hold citizenship, which is acquired through a native-born Malagasy mother, and most believed they were denied full participation in the society and subject to discrimination. In August, National Assembly and public debate over a bill to permit foreigners to own land created public controversy because many citizens believed it would facilitate ownership of real property by resident, but non-citizen, Karana. Although tensions persisted, there were some efforts to facilitate greater inter-community understanding.

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 were required to register with the Government, and registration was granted routinely. Ministry of Labor statistics indicate that less than 5 percent of workers in EPZ companies and less than 10 percent of all workers were unionized, in part because between 70 and 80 percent of the workforce engaged in subsistence agriculture. Despite the existence of several public employees' unions, few public employees were union members. There were a number of trade union federations, many of which formally affiliated with political parties.

The Labor Code prohibits discrimination by employers against labor organizers, union members, and unions. In the event of anti-union activity, unions or their members may file suit against the employer in civil court.

Unions may join international labor organizations and may form federations or confederations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right of workers to bargain collectively; however, collective bargaining agreements remained rare. The Labor Code states that either management or labor may initiate collective bargaining. The Government set wages (see Section 6.e.).

The Constitution provides for the right to strike, including in EPZs, within parameters fixed by law. The Labor Code calls for workers to exhaust all options including conciliation, mediation, and arbitration before resorting to strikes. Workers in essential services have a recognized but restricted right to strike; however, they did not exercise this right during the year.

In October, a union representing former employees of SOLIMA, the state petroleum company, held a short strike to contest the restructuring that followed privatization. After the strikers blocked distribution from regional terminals, authorities invoked a public safety provision of a privatization law and ordered resumption of fuel deliveries, which began shortly after the government action. A peaceful settlement was reached in October.

Labor laws apply uniformly throughout the country; however, the Government's enforcement of labor laws and regulations was hampered by a lack of staff and financial resources. Workers had 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 were many EPZs that in practice were firms operating under special import and export rules. EPZ firms were required to follow all pertinent labor laws and regulations, including minimum wage laws. EPZ firms gen-

erally used worker representation councils, whose members were elected by the employees but were not necessarily union representatives. Unlike in the previous year, these representatives were not perceived to be subject to pressure from management. Unlike in the previous year, there were no reports that union members working in EPZs were mistreated or fired. The Foundation Friedrich Ebert held workshops during the year to promote union cohesiveness and encourage the formation of a single confederation of EPZ unions.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor, including by children; however, at times the Government did not respect this prohibition, specifically with respect to prison labor. In 2002, the ILO noted that the Government hired out some prisoners and pretrial detainees to private firms that provided basic amenities such as food and clothing in return for the prisoners' labor; the ILO recommended that the Government cease the practice. In September, the Ministry of Decentralization, in cooperation with the ILO, began a comprehensive study of forced labor in the country (see Sections 6.d. and 6.e.). Results of the study, which concluded in December, were expected in 2004.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The Labor Code defines a child as any person under the age of 18 years and sets the minimum age for employment at 14. The Labor Code also prohibits persons under age 18 from working at night and at sites where there is an imminent danger to health, safety, or morals. Nearly 20 percent of urban children and 60 percent of rural children between the ages of 7 and 14 were intermittently employed, the vast majority on family farms. Children in rural areas generally dropped out of school to help on family farms, and urban children often worked as domestic laborers and servants. In the agricultural sector, work for children on the family subsistence farm may begin at an even younger age. In cities many children worked in occupations such as transport of goods by rickshaw and petty trading. During the year, IPEC reported that children as young as 8 years old were being used in mines because they could maneuver in cramped spaces more easily than adults.

The Government, with IPEC assistance, implemented some provisions of ILO Convention 182 on the worst forms of child labor by undertaking a study of the worst forms of child labor in the country, including prostitution and quarry and salt marsh work.

The Government enforced child labor laws in the formal economic sector by means of inspectors from the Ministry of Civil Services; however, enforcement in the much larger informal sector remained a serious problem.

In May and June, the Ministry of Labor, in conjunction with the ILO/IPEC, conducted a child labor awareness campaign in all six provincial capitals. The initiative, which targeted employers, called for raising the minimum age of employment to 15 years and culminated in a well-publicized "Day Against Child Labor."

e. Acceptable Conditions of Work.—The Labor Code and its implementing legislation prescribe working conditions and wages, which were enforced by the Ministry of Civil Service, Labor, and Social Laws. The law makes separate provisions for agricultural and nonagricultural work.

In April, the Government passed a decree increasing the monthly minimum wage by 12 percent to \$32.29 (197,000 FMG) in the nonagricultural private sector and \$32.78 (200,000 FMG) in the agricultural sector. The national minimum wage did not provide a decent standard of living for a worker and family, particularly in urban areas. Although most employees knew what the legal minimum wages were, in practice those rates were not always paid. High unemployment and widespread poverty led workers to accept lower wages.

The standard workweek was 40 hours in nonagricultural and service industries and 42½ hours in the agricultural sector. Legislation limited workers to 20 hours of overtime per week; however, there were reports that employees often were required to work until production targets were met. In some cases, this overtime was unrecorded and unpaid.

The Labor Code sets rules and standards for worker safety and worksite conditions. The Ministry of Labor had 40 formal sector inspectors to enforce all labor laws, including child labor laws, throughout the country. These inspectors were only able to cover the capital effectively. If violators do not remedy cited violations within the time allowed, they may be sanctioned legally or assessed administrative penalties. CNAPS, the country's equivalent of the Social Security Administration, published reports on workplace conditions, occupational health hazards, and workplace accident trends. Workers did not have an explicit right to leave a dangerous workplace without jeopardizing their employment. The Labor Code applies to all legal workers.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were unconfirmed reports of trafficking in women and girls for prostitution between Madagascar and the neighboring islands of Mauritius and Reunion. Traffickers may be prosecuted under provisions of the Penal and Labor Codes that prohibit pedophilia and sexual tourism. There were no reports of arrests for trafficking. While the Government has expressed concern about trafficking, it lacked the resources to address it effectively.

MALAWI

President Bakili Muluzi of the United Democratic Front (UDF) party led the Republic of Malawi, which in 1999 held its second democratic multi-party 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, problems in voter registration, and the opposition lost appeals of the results in the courts. The 10 parliamentary by-elections held since 1999 have been marred by increasing violence, allegations of vote fraud, and contested results. Constitutional power was shared between a popularly elected president and the 193-member National Assembly. The UDF had 93 seats in the National Assembly; the Malawi Congress Party (MCP) had 59 seats; Alliance for Democracy (AFORD) had 29 seats; there were 7 independent members; and 6 seats were vacant. The Government generally respected the constitutional provisions for an independent judiciary; however, the judicial system was inefficient and lacked 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. While the civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses.

The country was 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. The economy was largely market-based; however, parastatal organizations dominated many sectors. The population was approximately 10.5 million, and agriculture dominated the economy, employing more than 80 percent of the labor force. The Government continued to move forward with its multisector privatization program and endorsed private sector participation in infrastructure. The economy grew by approximately 3.4 percent during the year; however, wealth remained highly concentrated in a small elite. Annual per capita income was approximately \$180.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Police use of excessive force or negligence resulted in deaths of some detainees while in police custody. The police continued 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 occurred, and lengthy pretrial detention was a serious problem. Security forces at times infringed on some privacy rights. The Government generally respected freedom of speech and the press; however, there were some exceptions. Limited self-censorship existed. At times police used force against demonstrators. Violence against women was common, and women continued to experience severe societal discrimination. Abuse of children remained a problem. The Government limited workers' rights. Child labor, including instances of forced child labor, and trafficking in persons were problems. 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, police mistreatment of a suspect resulted in one death during the year.

On September 17, Peter Mussa Gama, who was arrested for suspected armed robbery, died from injuries inflicted during his detention at the Blantyre police station; an autopsy indicated that Mussa Gama died of strangulation and sustained burns and other injuries. The Malawian Human Rights Commission (MHRC) initiated an

investigation, and the victim's family filed a civil suit against the police; both were ongoing at year's end.

There were no developments in the lawsuit filed by the family of a student demonstrator who was killed by police in 2001.

Mobs sometimes resorted to vigilante justice in beating, stoning, or burning suspected criminals to death. On October 27, a mob in Mulanje beat to death a man suspected of numerous armed robberies; police took no action against the perpetrators. Between January and March 2002, citizens in several communities killed more than 80 suspected thieves caught stealing maize.

No action was taken by police in any of the 2002 or 2001 cases of mob killings.

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

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police continued to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects.

Police assaulted journalists during the year (see Section 2.a.).

Police violently dispersed demonstrations during the year, which resulted in numerous injuries (see Section 2.b.).

The Inspectorate of Prisons' 2002 report noted that police used unnecessary force, prison cells were overcrowded and unhygienic, and prisoners did not have access to food or water while in police custody. Police used beatings and assault to restrain prisoners and to force confessions. While higher-ranking officials demonstrated familiarity with new standards for the humane treatment of prisoners, their subordinates commonly employed unacceptable techniques. Police mistreatment of a suspect resulted in one death during the year (see Section 1.a.). Such conduct partly was due to the mistaken belief of many police officers that the law required them to present a case (not just charges) to the court within 48 hours of arrest, and police often resorted to beatings to obtain information within the time limit. Lack of financial resources for appropriate equipment, facilities, and training contributed to mistreatment.

Prison conditions remained harsh and life threatening. During the year, 90 inmates died in prison, mostly due to HIV/AIDS. Unlike in the previous year, there were no violent prison riots. Overcrowding, inadequate nutrition, substandard sanitation, and poor health facilities remained serious problems. The prison system, which was meant to accommodate 6,200 inmates, held 8,800 prisoners. Programs that provided community service alternatives for some offenders were utilized throughout the country. On July 6, the President pardoned 592 prisoners, 18 of whom were women with children or persons in ill health.

Although women were not kept in separate facilities, they were segregated within the prison compound and monitored by female guards. In the four maximum-security prisons, there were separate facilities for juveniles; however, the separation was inadequate in practice, and there were reports of sexual and physical abuse of juvenile prisoners. In the other prisons, juveniles were routinely incarcerated with adults. The law requires pretrial detainees to be held separately from convicted prisoners; however, many prisons could not comply with this law due to lack of space and inadequate facilities.

During the year, the Inspectorate of Prisons, domestic nongovernmental organizations (NGOs), and international NGOs were permitted to make visits to monitor prison conditions without government interference. The Prison Reform Committee also worked in collaboration with the Ministry of Home Affairs and the Inspectorate of Prisons to visit prisons.

On July 28, the U.N. Special Rapporteur on Prisons and Conditions of Detention in Africa visited and reported on conditions at Chirchiri Central Prison in Blantyre. NGOs reported good collaboration with prison authorities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides 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 were respected in practice.

The country's police force was inefficient, poorly trained, and inadequately funded. Corruption was widespread. 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). The Government continued to seek community involvement in its comprehensive reform of the police, and in May, the Inspectorate of Prisons launched an initiative for greater civil society and local participation in prison visits. During the year, civil society groups conducted workshops for the police on crowd control measures and management of demonstrations. The country also received foreign as-

sistance during the year to train officials, procure equipment, and construct new police facilities.

Despite the constitutional requirement for police to charge a suspect within 48 hours of arrest, there were numerous reports that detainees were held for 2 weeks without being charged or having their statements taken. The use of temporary remand warrants was widespread and used to circumvent the 48-hour rule (see Section 1.c.). In cases where the court determined that a defendant could not afford to supply his own counsel, the Government provided legal services. However, since few persons were able to afford legal counsel, the country's seven public defenders could not represent all indigent detainees in a timely manner. Bail frequently was granted to reduce prison overcrowding, rather than on the merits of an individual's situation.

Police arrested some journalists and demonstrators during the year (see Sections 2.a. and 2.b.).

Unlike in the previous year, there were no reports that security forces arrested priests.

Police were accused of arbitrary arrests due to political motives and were routinely criticized for failing to act impartially with regard to political demonstrations.

Of the 8,800 persons incarcerated in the country's prisons, 2,385 were pretrial detainees; of the 354 juveniles held, 127 were pretrial detainees; and of the 81 women held, 36 were pretrial detainees.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system was inefficient and was handicapped by serious weaknesses, including poor record keeping, a shortage of attorneys and trained personnel, a heavy caseload, and a lack of resources. Unlike in the previous year, court operations were not affected by judicial strikes.

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.

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. During the year, the Department of Public Prosecutions had 7 prosecuting attorneys and 11 paralegals. The paralegals served as lay prosecutors and prosecuted minor cases in the magistrate courts. Lack of funding and a shortage of attorneys created a backlog, mainly in murder cases. In September 2002, with funding from donors, the Director of Public Prosecution stated that his office would prosecute 200 murder cases by December 2002; 103 cases were completed.

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, these protections often were denied in practice, and many juvenile offenders were incarcerated with adults (see Section 1.c.).

The Constitution provides for a National Compensation Tribunal (NCT) to adjudicate claims of criminal and civil liability against the former government. As of August, the NCT had registered more than 25,000 claims, of which 600 had been compensated fully and 7,000 had been awarded interim compensation payments. The NCT's original constitutional mandate did not permit the registration of new claimants after the December 2001 deadline; however, in 2002, the registration deadline was extended until July 13. The NCT's lack of funds limited its ability to settle claims.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government at times infringed on these rights. 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 existed.

A broad spectrum of political and ideological opinion was available in the country's two dozen newspapers and usually without government interference. Two independent newspapers, the Daily Times and the weekly Malawi News, also were available.

The state-owned Malawi Broadcasting Corporation (MBC) dominated the radio market with its two stations, transmitting in major population centers throughout the country. News coverage and editorial content clearly were pro-government. The investigation by the Office of the Ombudsman into the 2000 suspension of employees of MBC was ongoing at year's end.

There were 13 private radio stations, all broadcasting on FM frequencies with limited coverage and only in urban areas. There were two commercial stations broadcasting in Blantyre. There was a rural community radio station run by local women with the help of the Malawi Media Women's Association. Six religious stations broadcast in the capital and other major cities.

Government-owned Television Malawi was the country's sole television broadcaster.

On October 18, police assaulted several journalists who were taking photographs of an altercation between police and a motorist at a roadblock. The police, who reportedly initially permitted the photography, resorted to violence when a senior officer arrived on the scene. At year's end, no action had been taken against the responsible officers.

During the year, security forces arrested several journalists for publishing stories that could cause "public alarm." For example, in September, a Daily Times journalist was arrested for reporting that the President's nephew and son had been arrested for alleged involvement in burglaries. The reporter was released, and charges were dropped. Charges also were dropped against the journalist, printer, and four newspaper vendors who were arrested in 2001 for distributing an edition of the Dispatch newspaper; the newspaper, which stopped publishing after the arrests, resumed publishing during the year.

On July 7, several members of the Young Democrats, the youth wing of the UDF party, beat a photographer from The Nation newspaper for covering the UDF party convention in Blantyre. The UDF Deputy Regional Governor for Blantyre accused the newspaper of trying to disrupt the convention and warned that similar actions would be taken against journalists perceived to be anti-UDF who tried to attend the UDF party's second convention on August 8. On July 20, President Muluzi publicly announced that all journalists were welcome to cover the events of the convention, and there were no further attempts to exclude the media from the convention.

There were no developments in the formal inquiry into the 2002 assault on a journalist by a UDF parliamentarian.

On January 8, the Chairman of the Board of the Malawi Institute of Journalism ordered the school's student radio station to stop broadcasting political messages, news, or advertisements until the code of ethics and the broadcasting license could be reviewed; the station had broadcast the views of opposition parties. The Executive Director of the station refused to comply with the order, and the station continued to broadcast political news during the year. The Government took no action against the station.

On June 2, the Director General of the Malawi Communications Regulatory Authority (MACRA), an independent regulatory body, warned several community and religious radio stations to stop broadcasting political news and charged that the stations were "hijacking" the role of public broadcasters; however, no action was taken against the stations, which continued to broadcast throughout the year.

Unlike in the previous year, President Muluzi did not publicly criticize opposition newspapers during the year.

The MACRA issued broadcasting licenses for radio, television, and Internet service providers (ISP). There were three cellular telephone service providers and eight ISPs. The Government did not restrict access to the Internet; however, the Internet was not widely used.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, there were instances in which police limited this right.

Unlike in the previous year, authorities did not overtly prohibit opposition parties from holding political rallies; however, some opposition rallies were cancelled (see Section 3).

On June 28 and 29, in Mangochi, police temporarily detained more than 12 demonstrators who were protesting the deportation of five al-Qa'ida members the previous week; the demonstrators had vandalized and looted 7 churches and the offices of an international NGO. On June 29, in Kasungu, police fired rubber bullets, tear gas, and live ammunition at other demonstrators protesting the same deportations; one person was hospitalized from gunshot wounds.

On November 8, police used tear gas and rifle butts to disperse a student demonstration at Malawi Polytechnic University; numerous students were injured. The students, who were protesting a change in government funding of the University, reportedly had blocked a presidential motorcade. No action was taken against the police.

No action was taken against UDF members who allegedly attacked Forum for the Defense of the Constitution demonstrators in 2002.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The Government required organizations, including political parties, to register with the Registrar General in the Ministry of Justice, and registration was granted routinely.

In July, the National Democratic Alliance (NDA) registered as a political party. In 2002, the Government threatened to ban the NDA unless it complied with registrations requirements.

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

There were 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, Iran, and Sudan, and the building of new mosques, some opposition politicians and clerics accused the UDF of attempting to "Islamicize" the country.

Foreign Christian missionaries experienced occasional delays in renewing employment permits; however, this appeared to be the result of bureaucratic inefficiency rather than a deliberate government policy against foreign missionaries. Missionaries and charitable workers paid lower fees for employment permits than did other professionals.

There were generally amicable relations between the various religious communities; however, following the deportation of five Muslim al-Qa'ida suspects, violent protests led to the targeting by Muslims of Christian interests, such as churches and NGOs (see Section 2.b.).

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; however, there were long delays in the process. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. According to the UNHCR, the country hosted 9,078 refugees, primarily from the Democratic Republic of the Congo, Rwanda, and Burundi, at a refugee center in Dowa. The majority of refugees resided at the Dzaleka camp, and the UNHCR estimated that approximately 200 new refugees arrived each month. In October, the Government, in conjunction with the UNHCR, opened a second refugee camp in Luwanti to relieve overcrowding in Dzaleka. The law does not accept refugees for permanent resettlement and does not permit them to work or study; however, while no legal framework existed, the Government allowed refugees to seek both employment and educational opportunities. The UNHCR, NGOs, and the Government collaborated to provide children in refugee camps with access to education.

The Government granted hearings for individuals to establish asylum status; however, 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.

The country also provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

On November 5, the Government signed an agreement with the Government of Rwanda and the UNHCR to repatriate approximately 5,500 refugees who fled following the 1994 genocide in Rwanda; repatriations would be voluntary, according to the UNHCR. The agreement had not been implemented by year's end.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage 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. There was no clear-cut ideological difference among the three political parties. The opposition challenged the outcome of the presidential vote, and in 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 46-member cabinet exercise executive authority. During the year, Chakufwa Chihana, a member of AFORD who had previously resigned as Second Vice President citing alleged corruption in the Government, again accepted the second vice-presidency, which is reserved for a member of an opposition political party and had been vacant since 1996. The executive exerted considerable influence over the legislature; the legislature followed a hybrid parliamentary system, and consequently a number of Cabinet ministers also were Members of Parliament (M.P.s).

Local government elections to select councilors and mayors, as mandated under the law, were held in 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 party won more than 70 percent of the seats; opposition parties and some NGOs criticized the Government for manipulating the process.

Although the Government did not prevent the operation of opposition political parties, the parties continued to allege that the Government used bribery and other inducements, including violence, to encourage opposition party divisions and defections of key personnel to the ruling party. In 2002, the Anti-Corruption Bureau began investigations of some opposition M.P.s who allegedly were bribed to vote in favor of the constitutional amendment bill to abolish presidential term limits. The investigations were ongoing at year's end; however, no indictments had been made against any political figures.

Unlike in the previous year, authorities did not overtly prohibit opposition parties from holding political rallies; however, some opposition rallies had to be cancelled when organizers discovered at the last minute that the ruling party had decided to hold its own demonstration at the same venue on the same date. On occasion, members of the Young Democrats also disrupted opposition political rallies.

During the year, rival political parties and candidates resorted to violence and vandalism, which resulted in minor injuries.

There were no laws that restricted the participation of women or ethnic minorities in the political process. There were 16 women in the 193-seat National Assembly, and there were 8 women in the 38-member Cabinet. Women comprised approximately 25 percent of the civil service. There were 2 women justices among the 22 Supreme and High Court justices.

A citizen of European origin, several citizens of mixed ethnicity, and one citizen of Asian origin were 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 were cooperative and responsive to their views.

The Ombudsman was 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 was 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.

The constitutionally mandated MHRC was charged to monitor, audit, and promote human rights provided for under the Constitution, and to carry out investigations regarding violations of any human rights. Despite limited resources, in 2001, the MHRC issued its 2001–02 Human Rights Report, which described numerous complaints of human rights violations, such as overcrowding and poor sanitation in prisons, lack of proper medical attention to sick prisoners, long periods of pretrial detention, police brutality, child abuse, domestic violence, and the lack of opposition access to the media during elections.

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

The Constitution specifically provides for equal rights for women, forbids discrimination based on language or culture, 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 was limited.

Societal discrimination against persons living with HIV/AIDS was widespread and inhibited access to treatment; many individuals preferred to keep silent about their health rather than to seek help and risk being ostracized. The Ministry of Labor and Vocational Training introduced a public relations program to reduce the stigma associated with having HIV/AIDS.

Women.—Domestic violence, especially wife beating, was common, and women seldom discussed the problem openly; however, the press published frequent accounts of rape and abuse, and the judiciary continued to impose heavier penalties on those convicted of rape. A confidential shelter for women in Lilongwe who were victims of physical or sexual abuse housed 57 women and 9 children between January and July. Police did not normally intervene in domestic disputes.

The law does not specifically prohibit female genital mutilation (FGM), and there was anecdotal evidence that a few small ethnic groups practiced it.

Trafficking in women and girls was a problem (see Section 6.f.).

Under the Constitution, women have the right to full and equal protection by law and may not be discriminated against on the basis of gender or marital status; however, in practice, discrimination against women was pervasive, and women did not have opportunities equal to those available to men. Women had 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 was less than 50 percent; male literacy in the same age group was approximately 76 percent.

Women often had less access to legal and financial assistance, and wives often were victims of discriminatory inheritance practices in which the majority of the estate was taken unlawfully by the deceased husband's family. Women usually were at a disadvantage in marriage, family, and property rights; however, awareness of women's legal rights has increased, and women began to speak out against abuse and discrimination. Households headed by women were represented disproportionately in the lowest quarter of income distribution; 52 percent of the country's full-time farmers were women. Typically women worked more hours than men to complete the same farm tasks because they rarely had comparable tools and equipment, and they remained responsible for all household tasks. Women also had limited access to agricultural extension services, training, and credit. Gender training for agricultural extension workers and the gradual introduction of rural credit programs for women have increased; however, few women participated in the limited formal labor market, where they constituted less than 5 percent of managerial and administrative staff.

The law provides for a minimum level of child support, widows' rights, and the right to maternity leave; however, only individuals who utilized the formal legal system benefited from these legal protections.

The Government addressed women's concerns through the Ministry of Gender and Community Services.

Children.—The Constitution provides for equal treatment of children under the law, and during the year, the Government continued a high level of spending on children's health and welfare. The Government provided primary education for all children, although education was not compulsory; however, families were responsible for tuition, book fees, and purchasing uniforms. Students from very poor families had access to a public book fund. Girls, especially in rural areas, historically have been unable to complete even a primary education and therefore were at a se-

rious disadvantage in finding employment. The 2002 Malawi Demographic Household and Education Data Survey's report indicated that gender gaps in primary school attendance were small but that boys were much more likely to attend secondary school than girls. There also were large gaps in achievement levels between girls and boys.

More than half of the country's children lived in poverty, mostly in rural areas. Children in rural households headed by women were among the poorest. Only one-third of children had easy access to safe drinking water, infant mortality was high, and child malnutrition was a serious problem. A few charitable organizations attempted to reduce the number of child beggars in urban areas; however, the problem of street children worsened as the number of orphans whose parents died from HIV/AIDS increased. Extended family members normally cared for such children and other orphans.

There were societal patterns of abuse of children. Kupimbira, a societal practice that allows a poor family to take out a loan for cattle or money in exchange for their daughter, regardless of age, has re-emerged over the last 2 years, according to press reports. The media also reported 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 were secret, information suggested that abusive practices were widespread and very damaging.

FGM was performed in some cases on girls (see Section 5, Women).

The trafficking of children for sexual purposes was a problem (see Section 6.f.).

Although the age of sexual consent is 14, there was no age specified for the protection of minors from sexual exploitation, child prostitution, or child pornography. The belief that children were 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, contributed to the sexual exploitation of minors.

Child labor, including instances of forced child labor, was a problem (see Section 6.d.). Child prostitution occurred, but it was not considered a significant problem.

During the year, UNICEF funded the country's first birth registration program, which provides children with access to education, health care, and other basic services; the program is also expected to provide protection from discriminatory inheritance practices.

Persons with Disabilities.—The Constitution provides for the support of persons with disabilities through greater access to public places, fair opportunities in employment, and full participation in all spheres of society; however, the Government has not mandated accessibility to buildings and services for persons with disabilities. There were both public and privately supported schools and training centers, which assisted persons with disabilities. There also were several self-supporting businesses run by and for persons with disabilities. The Minister of State responsible for persons with disabilities was a cabinet-level position, which was held by a person with disabilities.

Section 6. Worker Rights

a. The Right of Association.—Workers have the legal right to form and join trade unions; however, union membership was 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 could not belong to trade unions, but other civil servants were allowed to form unions. Union leaders estimated that 12 percent of the formal sector workforce belonged to unions; however, accurate statistics on the numbers of union members were not available. Employers, labor unions, and the Government lacked sufficient knowledge of their legitimate roles in labor relations and disputes, which limited their effectiveness in the implementation and enforcement of the law; however, the International Confederation of Free Trade Unions (ICFTU) charged that trade union rights were also limited by the resistance of some employers, including the Government, to respect these rights.

Unions must register with the Registrar of Trade Unions and Employers' Organizations in the Ministry of Labor and Vocational Training (MOLVT), and registration was routinely granted. At year's end, 26 unions were registered. Unions were independent of the Government, parties, and other political forces.

The law prohibits anti-union discrimination by employers and requires that employers reinstate workers dismissed because of union activities. The ICFTU's 2002 Annual Survey stated that district education officers were fired for their membership in the Teachers' Union of Malawi; however, the Registrar of Trade Unions and Employers' Organizations denied that such dismissals occurred.

Unions may form or join federations and have the right to affiliate with and participate in international workers' organizations with the permission of the Govern-

ment; there were several such affiliations. There were no restrictions on the number of union federations. There were 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 and 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 included wage negotiation, dispute resolution, and industry-specific labor policy development. The law was 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.). In 2001, the National Bank of Malawi unilaterally abrogated an agreement with the Commercial, Industrial and Allied Workers' Union; however, there were no reports of such abrogations during the year. Collective agreements were binding legally, and both parties must deposit them with the Registrar of Trade Unions.

The law allows members of a registered union to strike or go through a formal mediation process overseen by the MOLVT. A strike can only occur after all settlement procedures established in a collective agreement (an understanding, not necessarily signed, reached by both parties to attempt mediation) and conciliation efforts 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. The law provides similar procedures for lockouts. Laws do not prohibit specifically retaliation against strikers. There was no prohibition on actions against unions that were not registered legally. Members of a registered union in "essential services" only have a limited right to strike. Essential services were specified as services whose interruption would endanger the life, health, or personal safety of the whole or part of the population; they were determined by the Industrial Relations Court (IRC) upon application by the Minister of Labor.

Arbitration rulings were legally enforceable; however, in practice, due to the lack of funding and 2-year case backlog, the IRC could not monitor cases and enforce the laws adequately. The IRC also ran complaint centers throughout the country to facilitate access to its services.

During the year, there were some small strikes that were resolved quickly and without violence.

In August 2002, judiciary support staff held a general strike to demand salary and benefits increases approved by Parliament in 2000; during the year, the Treasury agreed to meet all their demands.

At year's end, 14 firms held licenses to operate under export processing zone (EPZ) status, and all were operational. The full range of labor regulations applied to the EPZs; however, union organizers said they had little access to workers in the EPZs. The ICFTU survey noted that companies in the EPZs were also resistant to union activity.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that it occurred (see Sections 6.d. and 6.f.). According to the ICFTU, bonded labor involving entire families was widespread on tobacco plantations. Tobacco tenants have exclusive arrangements, often unwritten with the estate owners to sell their crop and to buy inputs such as fertilizer, seed, and often food. These costs, in addition to rent charges, often were greater than the artificially low price received for the tobacco crop, leading to a situation of debt and bonded labor to repay the input and other costs.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. 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 was hazardous, harmful, or interferes with their education. There was significant child labor on tobacco and tea farms, subsistence farms, and in domestic service, largely as a result of extreme poverty and longstanding cultural traditions. One local NGO reported that in urban areas, it was common to find young girls working outside of their family as domestic servants, receiving little or no wages, and living in a state of indentured servitude. School-aged children often worked as vendors. There was no special legal restriction on children's work hours.

Budgetary constraints largely precluded minimum work age and child labor law enforcement by police and MOLVT inspectors.

The results of a May 2002 MOLVT study on child labor in the country were not released by year's end.

e. Acceptable Conditions of Work.—The MOLVT set 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 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 amounted to approximately \$0.52 (MK 56) per day; in all other areas, it was approximately \$0.37 (MK 40) per day. Minimum wage rates did not provide a family with a decent standard of living. Wage earners tended to supplement their incomes through farming activities. The MOLVT lacked the resources to enforce the minimum wage effectively. However, the minimum wage largely was irrelevant for the great majority of citizens, who earned their livelihood outside the formal wage sector.

The maximum legal workweek was 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 violated statutory time restrictions.

The law includes extensive occupational health and safety standards; however, MOLVT enforcement of these standards was erratic. Workers—particularly in industrial jobs—often worked 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, workers were unlikely to exercise this right.

Mechanisms for protecting internationally recognized worker rights were weak. There were serious manpower shortages at the Ministry of Labor; as a result, there were almost no labor standards inspections.

On January 6, 11 workers at Sacha's Bakery in Blantyre were trapped inside when the building caught fire. The employees, who routinely were locked inside the building to prevent theft, were unable to escape; they also were unable to call for help because the telephones had been locked away to prevent employee abuse. After 30 minutes, trapped employees escaped unharmed when guards broke down the doors. Because the fire closed the bakery, the employees were fired. A subsequent investigation by the Occupational Health and Safety Department (OHSD) revealed that the bakery had not been inspected since 1998 and that the fire resulted from uninsulated electrical wiring. The OHSD admitted it was partially to blame for failing to carry out its duties; on May 14, the bakery owners were found in violation of four labor laws and fined.

The law protects foreign workers in correct legal status. Illegal foreign workers were subject to deportation.

According to the Government's policy statements 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 was a shortage of "suitable and qualified" citizens. The guidelines also mandate that processing times for TEP applications shall not exceed 40 working days; however, there were reports of delays.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons specifically, and trafficking was a problem. The Penal Code contains several provisions relating to prostitution and indecency that could be used to prosecute traffickers. Since 2001, seven cases involving trafficking in persons have been prosecuted; however, there were no arrests or prosecutions of suspected traffickers during the year.

No action was taken during the year on a bill introduced in the National Assembly that would criminalize trafficking.

The country is a source country for women and children trafficked for sexual purposes locally and to brothels in Europe and South Africa. According to a 2003 report by the International Organization for Migration (IOM), boys and girls were recruited by sex tourists visiting the country who promised the victims employment and educational opportunities in Europe. Victims trafficked to Europe were typically between 15- and 26-years-old, and were recruited from Lilongwe with offers of jobs in fashion, sales, factories, hotels, and restaurants. In recent years, girls from the country have been found stranded in European brothels with no means to return home. Victims trafficked to South Africa were typically between 14- and 24-years-

old, and were recruited with offers of marriage, study, or employment in South Africa.

Sex tourists, primarily from Germany, the Netherlands, and the United Kingdom, lured children into sexual relationships with them while in the country, according to the IOM. Poverty and low educational levels contributed to such exploitation. Traffickers for the European sex trade generally were local businessmen with links to Nigerian criminal syndicates in Europe. Traffickers involved in land border trafficking to South Africa were typically long-distance truck drivers and local businesswomen.

The extent of the trafficking problem was undocumented. Those cases that arose to the attention of authorities were handled by the police and the Ministry of Gender and Community Services.

There was no government funding for NGO services to victims of trafficking, and there was 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. In May 2002, General Amadou Toumani Toure was elected to a 5-year term as President. The presidential and legislative elections were judged generally free and fair by international and domestic observers; however, there were some administrative irregularities. The former ruling party, Alliance for Democracy in Mali (ADEMA), lost its majority in the National Assembly, and no party held a clear majority. The Constitution provides for an independent judiciary; however, in practice, the executive branch continued to influence the judiciary.

Security forces are composed of the army, air force, Gendarmerie, National Guard, and police. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority. The army and air force are under the control of the civilian Minister of Defense, as are the Gendarmerie and the National Guard. The police are under the Ministry of Internal Security and Civil Protection. The police and gendarmes share responsibility for internal security; the police were in charge of urban areas only. There were no reports that security forces committed human rights abuses.

The country was very poor with a market-based economy, and its population was approximately 11 million. Most of the work force was employed in the agricultural sector, particularly farming and animal husbandry. The per capita gross national product was approximately \$250, which provided most of the population with a low standard of living, although there was a sizable middle class. The economy depended heavily on foreign assistance. Desertification, deforestation, soil degradation, and social limitations, including a low literacy rate and a high population growth rate (2.4 percent), contributed to poverty. The inflation rate remained low, and public sector wages were adjusted to keep pace with inflation. 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, there were problems in some areas. Prison conditions remained poor. Occasionally police arbitrarily arrested and detained persons. 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. 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) was widespread, although educational campaigns against FGM were ongoing. Hereditary servitude relationships continued to link different ethnic groups. Child labor was common in the agricultural and domestic help sectors. Children were trafficked into forced labor in Cote d'Ivoire; the Government returned a number of these children to their families during the year.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

There were no new developments in the 2001 attack on the Gendarmerie Headquarters in Tarkint, or the 2001 killing of a bus driver.

Prison conditions were poor. Prisons continued to be overcrowded, medical facilities were inadequate, and food supplies were limited. Men and women were separated in Bamako prisons. Outside the capital, men and women remained housed in the same building but in separate cells. In Bamako, juvenile offenders usually were held in the same prison as adult offenders, but they were kept in separate cells. Pretrial detainees were held with convicted prisoners.

The Government permitted prison visits by human rights monitors. Several organizations, including the Malian Association of Human Rights, the Malian Association of Women Lawyers, and other nongovernmental organizations (NGOs) visited prisoners and worked with women and juvenile prisoners to improve their conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, on occasion, police arrested and detained persons arbitrarily.

The national police force is organized into various divisions. Each district has a commissioner who reported to the Regional Director at national headquarters. The police force was moderately effective but had problems with lack of resources and training. Corruption existed within the police force.

Judicial warrants are required for arrest. Normally, the complainant delivered the warrant, which stipulated when the person was to appear at the police station. In some cases, the police served the warrant, based on a request from an influential relative of the complainant or if they received a bribe to execute the warrant. Frequently, in cases where a monetary debt was owed, the arrested person resolved the case at the police precinct, and the police received 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 were not always charged within the 48-hour period. Limited rights of bail or the granting of conditional liberty existed, particularly for minor crimes and civil matters. On occasion, the authorities released defendants on their own recognizance.

All of the 36 Pakistani preachers whom the police detained in 2001 for allegedly entering the country illegally were deported in 2002. The Government did not release a report on the Pakistani preachers by year's end.

Administrative backlogs and an insufficient number of lawyers, judges, and courts often caused lengthy delays in bringing persons to trial. In extreme cases, individuals remained in prison for several years before coming to trial. Local lawyers estimated that approximately half of prison inmates were pretrial detainees.

The Constitution specifically prohibits forced exile; the Government did not use it.

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 appointed and had the power to suspend judges; it supervised both law enforcement and judicial functions. The President headed the Superior Judicial Council, which oversaw judicial activity. Domestic human rights groups alleged that there were instances of bribery and influence peddling in the courts. The Government continued its campaign against corruption. Although the Director of Telecommunications was convicted of corruption and sentenced to time served in April 2002, he subsequently was acquitted in January following an appeal of the case. The two cases remained under investigation at year's end.

The Supreme Court has both judicial and administrative powers. The Constitution provides for 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 were public, and defendants have the right to be present and have an attorney of their choice. Defendants and attorneys had access to government evidence relevant to their cases. Defendants are presumed innocent and have the right to confront witnesses and to appeal decisions to the Supreme Court. Court-appointed attorneys were provided for the indigent without charge.

Village chiefs, in consultation with the elders, decided the majority of disputes in rural areas. If these decisions were challenged in court, only those found to have legal merit were upheld.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Police searches were infrequent and required judicial warrants.

There were no reports of 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.

The Superior Council of Communication's primary function was to regulate the media, both protecting and controlling journalists. The Committee of Equal Access to State Media was activated during election campaigns. Mandated by the Constitution, it oversaw equal access to government-controlled media for all political parties.

There were 42 private newspapers and journals in French, Arabic, and local languages throughout the country; 39 were based in Bamako and 1 each in Timbuktu, Mopti, and Sikasso. All newspapers were required to register with the Ministry of Communications; however, registration was routine.

The Government controlled the only television station and 1 of more than 125 radio stations; however, all presented a wide range of views, including those critical of the Government. 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 were 15 private radio stations in Bamako, and there were approximately 110 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 enjoyed special tax advantages).

A number of foreign broadcasters operated in Bamako through local media, including Radio France Internationale, Africa No. 1, and the British Broadcasting Corporation; all had frequency modulation (FM) frequencies. Voice of America had three local FM affiliates in Bamako, Segou, and Sikasso. Domestic reception and distribution of foreign satellite and cable television were permitted and fairly widespread, especially in Bamako. There were no private television stations that broadcast domestically produced programs.

The law regulates the press and provides 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 has never prosecuted journalists on criminal libel charges. In October, three reporters from a private radio station were jailed for 2 weeks on charges of defaming an attorney, in what was essentially a contempt of court proceeding. The Government referred to the affair as a dilemma and noted that it took no part in the incident.

The Government did not restrict access to the Internet. Licenses to operate Internet servers were granted freely, but were prohibitively expensive.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected 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 respected this right in practice.

The Government required that all public associations, including religious associations, register with the Government. The registration process was routine and was not burdensome. Traditional indigenous religions were not required to register.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Police routinely stopped and checked 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 refugee status or asylum to persons who meet the definition in 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. A national committee in charge of refugees operated with institutional assistance from the office of the U.N. High

Commissioner for Refugees (UNHCR). The Government cooperated with the UNHCR and other humanitarian organizations in assisting 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, and Mauritania's Government have never agreed on recognition of the refugee status for these persons, who have lived in the country for more than a decade; members of these pastoralist border groups historically have made cross-border migrations. Mauritanians could register for refugee status, although few actually did.

At year's end, the country hosted approximately 2,225 urban refugees: 66 percent were from Cote d'Ivoire and approximately 32 percent from Sierra Leone. Approximately, 86 percent of the refugees were living in Bamako. The Government had a transit center located 120 miles from Bamako, where it hosted approximately 100 of the most vulnerable refugee and asylum applicants. The center had a capacity of approximately 300 persons and could be expanded to hold 900. The country received most of its refugees from Cote d'Ivoire and a small number from Liberia during the year.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised 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, other members of the Government, and high military officers as mandated by the Constitution.

In May 2002, presidential elections were held, and General Amadou Toumani Toure won more than 60 percent of the vote even without the support of a political party. Independent international and domestic observers judged the elections to be generally free and fair and without evident fraud; however, there were some administrative irregularities. There were reports of abuses of the proxy voting system, problems in verifying identification of some voters, and efforts to influence some voters. Voter turnout reportedly was 30 to 35 percent. None of the opposition parties boycotted the election.

In July 2002, legislative elections were held that most independent observers considered to be generally free and without evident fraud; however, there were some administrative irregularities. Shifting alliances had an impact on the composition of the National Assembly. The former majority party, ADEMA, held 37 of 147 seats (after losing 13 seats to the Union for the Republic and Democracy (URD)) in the National Assembly; the Rally for Mali (RPM) party and its allies held 65; and the remaining 26 seats were held by other smaller political parties and independents. No one party or coalition held a majority.

Local governments benefited from central government subsidies, but they also were able to collect local taxes to support their operations. Decentralization, which began in 1999, still was controversial. The process changed traditional power relationships between government and the governed, and relieved formerly powerful civil servants of their authority. The Government has passed many laws that allow greater financial autonomy in the areas of education, health, and infrastructure. Elected officials, especially in the southern regions, made some progress. However, in the lesser economically developed northern regions of the country, some mayors and other local officials were coping with difficulties stemming from revenue collection and local development programs. Effective service delivery strongly influenced citizens' perception and confidence in elected leaders and trust of government; however, local service delivery deteriorated where financial and administrative capacity was weak.

There were no restrictions, legal or otherwise, on voting or running for office by women or minorities. A total of 15 women held seats in the 147-member National Assembly. There were 4 female cabinet members in the 28 seat Cabinet. Five women served on the Supreme Court out of 33 justices, and 3 women served on the Constitutional Court out of 9 justices.

The National Assembly had 14 members of historically marginalized pastoralist and nomadic ethnic minorities representing the northern regions of Gao, Timbuktu and Kidal. The Cabinet also had a representative of the northern regions, the Prime Minister, who is a Tuareg.

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

Several independent domestic human rights organizations, such as the Malian Association for Human Rights, a smaller Malian League of Human Rights, and a local chapter of Amnesty International, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The International Committee for the Red Cross (ICRC) had offices in Bamako, Timbuktu, and Gao.

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

The Constitution prohibits discrimination based on social origin, color, language, sex, or race and while the Government generally respected these provisions in practice, social and cultural factors gave men a dominant role.

Women.—Domestic violence against women, including spousal abuse, was tolerated and common; no statistics were available on the extent of the problem. Assault in marriage was a crime; however, police were reluctant to enforce laws against or intervene in cases of domestic violence. Many women were reluctant to file complaints against their husbands because they were unable to support themselves financially.

The World Organization Against Torture reported that 24 percent of women married before the age of 15 years, and many were forced into marriages and polygyny.

FGM was common, especially in rural areas, and was performed on girls at an early age. According to domestic NGOs, approximately 95 percent of adult women had undergone FGM. The practice was widespread among most regions and ethnic groups, was not subject to class boundaries, and was not religiously based. There were no laws against FGM, and the Government did not propose legislation prohibiting 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, was intended to be one of education. There was some public dissemination of information in urban areas, but the program continued to develop slowly. The National Committee Against Violence Towards Women linked all the NGOs active in preventing FGM, and various NGOs campaigned against FGM.

Women had very limited access to legal services due to their lack of education and information, and because family law favored men. Women particularly were vulnerable in cases of divorce, child custody, and inheritance rights, as well as in the general protection of civil rights. The Association of Malian Women Lawyers published a booklet on women's rights and held legal clinics to raise awareness of women's rights.

Despite legislation giving women equal rights regarding property, traditional practice and ignorance of the law prevented women from taking full advantage of the law. Prospective spouses chose between polygynous and monogamous marriages; a marriage could not take place without both parties' consent. However, when no preference was specified in the marriage certificate, judges assumed that the marriage was polygynous. A community property marriage had to be specified in the marriage contract. Traditional practice discriminated against women in inheritance matters. For example, men inherited most of the family wealth, and women received a much smaller portion of estates.

Women's access to employment in the professions and government, and to economic and educational opportunities, was limited. Women constituted 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 lived under harsh conditions, especially in rural areas, where they performed difficult farm work and did most of the childrearing.

The first 4-year national plan of action for the promotion of women was completed in 2001. 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, involvement in the decision-making process, and legal rights. The Ministry for the Promotion of Women, Children, and the Family started on a second 4-year action plan that was intended to continue programs started during the first action plan.

There were numerous active women's groups that promoted the rights of women and children.

Children.—The Government was committed to providing for children's welfare and rights. Several laws protect children and provide for their welfare.

On June 2002, the Government enacted an ordinance enumerating the rights of children and establishing new government positions in each region, that of child "delegates," whose role would be to safeguard the rights and interests of children.

The ordinance also created special courts for children and specified protections for children in the legal system. There was no juvenile court system.

Education was tuition free and, in principle, open to all, although the majority of students left school by the age of 12. Students had to provide their own uniforms and school supplies to attend public schools. While primary school was compulsory up to the age of 12, only 56 percent of children (46 percent of girls) received a basic education owing to a lack of primary schools, especially in rural areas where 80 percent of the population lived; shortages of teachers and materials; poverty; and cultural tendencies to place less emphasis on education of girls. Literacy rates among girls remained significantly lower than for boys. A 1998 report indicated that the national literacy rate was 12 percent for women more than 15 years of age.

There were reports that children who attended Koranic schools spent more time begging on the streets than learning in the classroom. The Koranic schools are independent institutions that depend on donations from parents, and the money the children (known as *garibouts*) receive from begging on the streets. They received no funding from the Government, and are not part of the Government's educational system. The Minister of Education, Mohamed Lamine Traore, admitted the problem and said that it is the responsibility of the Islamic leaders to modernize and monitor Koranic schools. Koran schoolteachers reported that they requested the Government's assistance in providing basic reading and writing materials.

The Social Services Department investigated and intervened in cases of reported child abuse or neglect. According to local human rights organizations, reported cases were rare; however, statistics were unreliable.

FGM was commonly performed 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 Section 6.f.).

Persons with Disabilities.—There was no specific legislation protecting the rights of persons with physical or mental disabilities or mandating accessibility to public buildings. The Government did not discriminate against persons with physical disabilities in regard to employment, education, and other state services; however, the Government had not made provisions for persons with disabilities in these areas. There was no societal discrimination against persons with disabilities; however, in view of the high unemployment rate, persons with physical disabilities often were unable to find work.

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, and workers exercised this right in practice. Only the military, the Gendarmerie, and the National Guard were excluded from forming unions. Virtually all-salaried employees were organized. According to the National Statistics Office, 28 percent of workers were salaried. Workers established independent unions for teachers, magistrates, health workers, and senior civil servants, and most were affiliated with the National Union of Malian Workers (UNTM) federation and the Syndicated Confederation of Malian Workers (CSTM). The UNTM and the CSTM, the two major labor federations, maintained their autonomy from the Government.

Neither the Constitution nor the Labor Code prohibits anti-union discrimination, but there were no reports of anti-union behavior or activities during the year.

Unions were 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 participated in training programs on worker's rights.

b. The Right to Organize and Bargain Collectively.—The growth of independent unions led to more direct bargaining between these unions and their employers. However, wages and salaries for workers belonging to the UNTM and the CSTM were set by tripartite negotiations between the Ministry of Labor, labor unions, and representatives of the National Council of Employers of the sector to which the wages applied. Civil service salary levels were pegged nationally to an index established by the Government. These negotiations usually set the pattern for unions outside the UNTM. The Ministry of Labor has an office that deals with labor disputes and acted as a mediator in labor disputes between employers and employees.

The Constitution provides for the right to strike; however, there were restrictions in some areas. For example, civil servants and workers in state-owned enterprises were required to give 2 weeks' notice of a planned strike and 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 generally respected this requirement in practice.

Several strikes, including by teachers, police officers, foreign service officers, and magistrates, occurred during the year. These strikes were settled within a few days.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

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 less than 15 years of age, was involved.

There were some reports that the de facto slavery, long reported to have existed in northern salt mining communities, evolved to wage labor in recent years; however, reliable evidence about labor conditions in those remote facilities remained unavailable. Hereditary servitude relationships continued to link different ethnic groups, particularly in the north. For example, there was a hereditary service relationship between members of the Bellah ethnic group and other Tuareg populations.

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 were ignored in practice and child labor was a problem. 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, on Sundays, or on holidays. Children between the ages of 16 and 18 could work in jobs that physically were not demanding; boys could work up to 8 hours per day and girls up to 6 hours per day.

The vast number of children who worked in rural areas, helping with family farms and herds, and those who worked in the informal sector, for example, as street vendors were not protected by laws against unjust compensation, excessive hours, or capricious discharge.

Child labor predominated in the agricultural and domestic help sectors 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, began at an early age, especially for children unable to attend school.

The authorities enforced the Labor Code provisions through inspectors from the Ministry of Labor and Civil Service, who conducted 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 formal sector.

The National Campaign Against Child Labor in 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 throughout the country. Investigations were held when NGOs or the media provided information that there was abusive child labor. Government regional offices in charge of the promotion of women and children and NGOs also assisted IPEC in combating child labor.

There were reports that children were kidnapped, sold into effective slavery, and made to work on coffee and cocoa plantations in Cote d'Ivoire (see Section 6.f.). Some children were sold into forced labor by their parents; reportedly the children were beaten if they tried to escape. There were travel passes for children to try to prevent their being taken abroad to work illegally; however, the measure, still in effect, was criticized for leading to interference with legitimate travel.

e. Acceptable Conditions of Work.—The Labor Code specifies conditions of employment, including hours, wages, and social security; however, in practice, many employers either ignored or did not comply completely with the regulations. The national minimum wage rate, set in 1994, was approximately \$43 (26,000 CFA francs) per month. Workers had to be paid overtime for additional hours. The minimum wage did not provide a decent standard of living for a worker and family. The minimum wage was 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 supported large extended families and supplemented their income by subsistence farming or employment in the informal sector.

The normal legal workweek was 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 protections against hazards in the workplace, and workers' groups brought pressure on employers to respect parts of the regulations, particularly those affecting personal hygiene. However, with high unemployment, workers often were reluctant to report violations of occupational safety regulations.

The Labor Inspection Service of the Ministry of Labor oversaw these standards but limited enforcement to the modern, formal sector. It was not effective in investigating and enforcing workers' safety and was insufficiently funded for its responsibilities.

Workers had the right to remove themselves from dangerous work situations and request an investigation by the Social Security Department, which was responsible for recommending remedial action where deemed necessary; it was not known if any worker had done so.

The law protects legal and illegal foreign workers. Persons illegally in the country were not allowed to work; however, if they were given a job, they had the same protections as legal workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons but does specifically prohibit trafficking in children; however, children were trafficked for forced labor in Cote d'Ivoire. Child trafficking is punishable by 5 to 20 years in prison. There also were laws that prohibited the contractual use of persons without their consent. Penalties increased if a minor was involved; however, these penalties were not imposed during the year.

Both the Ministry for the Promotion of Women, Children, and the Family and the Ministry of Labor and Civil Service handled the problem of trafficking. Both ministries, in cooperation with the Ministry of Foreign Affairs and the Ministry of Territorial Administration, 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 in Mopti, Segou, Sikasso, and Bamako assisted child trafficking victims in returning to their families. Almoustapha Toure was the coordinator who specifically handled child trafficking issues, and whose office organized training sessions for law enforcement agents, labor inspectors, and the media; conducted awareness campaigns through radio and television; and held a workshop involving participants from the country, Burkina Faso, and Cote d'Ivoire.

Children between the ages of 9 and 12 were sold into forced labor on cotton, coffee, and cocoa farms in northern Cote d'Ivoire over the past few years; some also were forced into domestic service. Organized networks of traffickers deceived the children and their families into believing that they would be given paid jobs outside of their villages. They then were sold to plantation owners for sums ranging between \$20 and \$40 (14,500 and 29,000 CFA francs). The children reportedly were forced to work 12 hours per day without pay, and often were abused physically.

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 remaining in Cote d'Ivoire (see Section 6.d.). In 2001, more than 300 children were returned to their families from Cote d'Ivoire, in 2002, 58 children were returned, and, during the year, 34 children were returned. These numbers represent the number of children who were assisted at the welcome centers; children who returned home without first going through a welcome center were not counted. At year's end, 3 traffickers were arrested and charged in Sikasso versus approximately 10 in 2001. Investigations were ongoing in both cases and no information on trial dates was available at year's end.

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 Maaouiya Ould Sid'Ahmed Taya, head of the ruling Republican Social Democrat (PRDS) party, 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 67 percent of the vote on November 7. Opposition candidates alleged widespread fraud but did not choose to contest the election's results via available legal channels. The leading opposition candidate, Mohamed Haidallah, was arrested the day before the election, released, and re-arrested the day after the election, and several political parties remained banned during the year. The Constitution provides for an independent judiciary; however, the judiciary was subject to significant pressure from the executive through the latter's ability to appoint and pressure judges.

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 special-

ized paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. The civilian authorities maintained effective control of the security forces, although a coup attempt involving some units of the armed forces occurred in June. Some members of the security forces committed human rights abuses.

The country had an estimated population of 2.9 million and had a market-oriented economy. Drought, desertification, and insect infestation have contributed to rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. The Government implemented social programs slowly, but worked actively through the Commission on Human Rights, the Fight Against Poverty, and Integration to improve access to education and health care. 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, impeded economic growth. The country received foreign assistance from bilateral and multilateral sources.

The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. Democratic institutions remained rudimentary, and the Government circumscribed citizens' ability to change their government. There were three reported unlawful killings by security forces. Unlike in previous year, there were fewer reports that police used undue force in controlling crowds or demonstrations. Some members of the security forces reportedly used excessive force, beat, or otherwise abused detainees, and used arbitrary arrest and detention and illegal searches. The Government took action against some members of security forces who committed abuses; however, impunity remained a problem. Prison conditions were harsh. Lengthy pretrial detentions continued; however, the length of pretrial detentions grew shorter due to the increased number of general and specialized courts. The Government continued its program of judicial reform and training. At times, the Government restricted freedom of speech, the press, and assembly. The Government limited freedoms of association and religion. The Government continued to refuse to officially recognize some non-governmental organizations (NGOs) and human rights organizations. Discrimination against women continued. Female genital mutilation (FGM) remained a serious problem, despite some government efforts to halt the practice. Ethnic tensions continued, and the largely southern-based ethnic groups remained underrepresented in political life, and some of their members felt excluded from effective political representation. Despite government efforts to eradicate the practice, local and international reports continued that slavery in the form of involuntary servitude persisted. In addition, former slaves or descendants of slaves continued to work voluntarily for former masters or others in highly dependent relationships that constituted extreme servitude. Child labor in the informal sector was common. The Government passed a law during the year that imposed substantial criminal penalties for 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 political killings; however, there were three unconfirmed reports of arbitrary or unlawful deprivation of life committed by the Government. On February 12, Taleb Boubacar, a Black Moor, drowned on Nouakchott Beach under mysterious circumstances following an argument with several young men who had informed the local police of the argument. The report implicated the police in the drowning. According to a second unconfirmed report, on August 17, police at a Nouakchott checkpoint beat and killed Amadou Kane, a 17-year-old Afro-Mauritanian. On September 9, two policemen reportedly stopped a teenager at a checkpoint in Kaedi and allegedly killed him. An investigation was ongoing 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 such practices; however, there were reports that police beat criminal suspects in custody.

Several allegations of torture remained unconfirmed.

Lawyers and family members of 129 soldiers detained in connection with the June 8 coup attempt alleged that security forces tortured the detainees (see Section 1.d.). Human Rights Watch (HRW) sent a letter of concern to the Government on the lack of access it had provided to these detained officers. The Government refuted these accusations in a press conference and later provided limited media access to three of the detainees. Neither media nor detainees provided any conclusive evidence of torture.

During the year, there was no further action regarding the alleged torture in 2002 of Mohamed Baba Ould Said and Ould Sidi Yaaraf.

Prison conditions remained harsh, although human rights activists reported that prison administration continued to show improvement. In some prisons, serious overcrowding persisted, and sanitation facilities remained inadequate and reportedly contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international NGO, remained insufficient in all prisons. Prisoners with high-level government connections and with families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. Budget allocations to improve food and nutrition, medical services and supplies, and bedding and cleaning supplies were not sufficient. According to an international NGO, the Government made some material improvements to prison conditions by providing an onsite doctor and nurses in the Nouakchott prison, as well as donating food, bedding, medicines, and clothing to the prison in May. Guard force management enforced regulations against beatings and torture; however, there continued to be credible reports of beatings of detainees at the Commissariat outside the Nouakchott prison. The overall prison capacity was 700, and the prison population was 1,185 in September. The prison population in Nouakchott was 367 persons. There were 340 men, 10 women, and 17 minors; minors were held in separate facilities.

Female prisoners have separate facilities with female guards and 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, provided education and micro-enterprise projects to the female prisoners. UNICEF, in collaboration with the French organization CARITAS, provided services, including training and sports in the juvenile detention centers. Pretrial detainees were frequently held with convicted prisoners, as a result of crowding problems in the prisons.

The Government permitted prison visits by NGOs, diplomats, and international human rights observers. Foreign diplomats visited some prisons during the year. The International Committee of the Red Cross (ICRC) had 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, there were frequent reports that the police arbitrarily arrested and detained citizens. Nevertheless, human rights activists reported that police showed increased respect for legally mandated procedures.

The police, who are under the control of the Ministry of the Interior, lacked equipment and training, which often weakened police attempts to enforce the law. Corruption was believed to be endemic at all levels of the police. Police generally acted with impunity. The Government often did not hold security officials accountable or prosecute security officials for abuses.

The application of 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 can 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 was rarely used.

The 129 detainees in connection with the June coup attempt were not allowed contact with lawyers or with their families during the first 3 months of their detention, according to family members. These detainees were still in prison at year's end. Opposition presidential candidate Mohamed Haidallah and 15 of his supporters, arrested in early November on national security grounds, were not allowed contact with lawyers, family, or outside medical support for almost a month following their arrest.

The Government arrested several Islamists during the year.

On November 6, police detained leading presidential opposition candidate Mohamed Haidallah and several of his campaign staff. Haidallah was released for election day (November 7) and re-arrested the following day. He and 15 of his supporters stood trial in December on national-security related charges. After a short trial, most of these men, including Haidallah, received minor fines and suspended prison sentences of 2 to 5 years.

Popular Front (FP) party leader, Mohamed Lemine Ch'bih Ould Cheikh Malanine, and two of his associates were released from prison on August 30.

An estimated 10 to 15 percent of those in prison had not yet been tried or were awaiting sentencing following their trials. Some indicted detainees were released before trial without explanation.

There is no provision in the law regarding exile. The Government continued to welcome the return of any citizens who had been expelled or who had fled from 1989–91.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, in practice the executive branch exercised significant influence over the judiciary through its ability to appoint and pressure judges. In addition, poorly educated and poorly trained judges who were susceptible to social, financial, and tribal pressures limited the judicial system's fairness.

There is a single system of courts with a modernized legal system that conformed with the principles of Islamic law (Shari'a). Departmental, regional, and labor tribunals are the courts of first instance at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, heard 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 accepted appeals in commercial and civil matters from the departmental tribunals and heard misdemeanors. At the middle level, three courts of appeal, each with three chambers (civil and commercial chambers and a mixed chamber,) heard appeals from the regional courts and have original jurisdiction for felonies.

The Supreme Court nominally was independent and was headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviewed decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review was 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. The Supreme Council of Magistrates, over which the President presided, undertook annual review of judicial decisions; the president and senior vice president of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly were members of this council. The annual review was intended to determine whether courts applied the law correctly and followed proper procedures. Reviews also served as a basis for evaluating the reform process and reassigning judges based on their qualifications.

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 were open to the public. If defendants lack the ability to pay for counsel, the court appointed an attorney from a list prepared by the National Order of Lawyers, which provided a 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 provides the legal principles upon which the law and legal procedure are based, and courts did not treat women as the equals of men in all cases (see Section 5).

The minimum age for children to be tried was 12. Those between the ages of 12 and 18 were tried and sentenced to the juvenile detention center. There was a special court to hear the cases of children under the age of 18. Children who appeared before the court received more lenient sentences than adults, and extenuating circumstances received greater consideration in juvenile cases.

With international assistance, the Government continued a program to improve judicial performance and independence by organizing all laws and statutes into a single reference text and training officials throughout the justice system. Separate tribunals for specific types of disputes held court sessions more frequently. In July and August, several Islamic magistrates participated in a training program abroad that emphasized exposure to international legal concepts, including foundations of business law and property law.

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 ignored this requirement.

Multiple reports, on November 6, indicated that authorities who entered and searched the homes of Mohamed Haidallah and several members of his campaign did so without a warrant.

Government surveillance of dissidents and the political opposition was believed to continue; however, the extent to which the Government used informants was 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 Black Moors and distributing it to their friends and family.

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. In a few cases, media groups were repeatedly closed, refused access to public forums, or censored for criticizing the Government.

All newspapers must register with the Ministry of the Interior. More than 300 journals and newspapers were registered with the Ministry; more than 200 of these did not publish regularly, including some that never have published an edition. Two daily newspapers, Horizons and Chaab, were government owned. There were approximately 25 privately owned newspapers that published on a regular basis. These journals were weeklies and reached limited audiences, printing at most 3,000 copies of any 1 edition. NGOs and the privately owned press openly criticized the Government and its leaders. Anti-government tracts, newsletters, and petitions circulated widely in Nouakchott and other towns. Newspapers, journals, and privately published books were exempt from all taxes on materials used to produce them.

Radio was the most important medium in reaching the public, and the official media strongly supported government policies. All broadcast media (radio and television) were government owned and operated. The Government continued to deny, or simply not respond to, private applications to establish domestic radio stations.

In January, the Government arrested two journalists on charges of conspiring with Libya against the regime. The Government dropped all charges and released the journalists after 2 weeks. Later in the year, the Government detained two other journalists for several hours. Both journalists had written articles criticizing government officials.

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 reviewed all newspaper copy prior to publication and usually authorized 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. The Ministry censored 15 weekly editions of various independent newspapers. In addition, the Ministry of the Interior banned the sale of an issue of Paris-edited *Afrique Education* in November.

The Government closed one Arab-language private newspaper, *Ar-Raya*, as a result of its links with Islamist political leader Jemil Mansour. The newspaper remained closed at year's end.

In 2002, the Government restored the Middle East Information Agency representative's accreditation, which it had suspended in 2000.

During the November presidential election campaign, the Government provided all candidates with equal access to the country's single television channel and to radio stations. The Government allowed citizens to hear and read criticism of the Government through all media sources. Opposition parties' access to government radio and television broadcast facilities at other times was extremely limited.

Using satellite receivers and dish antennas, citizens could receive worldwide television broadcasts.

There were three domestic Internet service providers, which operated without governmental restrictions. Internet connections existed in Nouadhibou, the major commercial center, and 10 other regional capitals. Some private newspapers also maintained websites, which the Government did not censor.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government sometimes restricted this right in practice.

Three times during the year, including during the presidential elections in early November, police disrupted some demonstrations, often with the use of tear gas, and caused minor injuries.

The law requires that all recognized political parties and NGOs apply to the local prefect for permission to hold large meetings or assemblies. In March and April, the Government temporarily banned all public demonstrations and refused to grant permits to demonstrators in response to widespread demonstrations on the situation in the Middle East. In October, the Government prohibited a self-described Independent Election Observatory from holding a press conference in a Nouakchott hotel. Following the elections in November and early December, the Government did not respond to some requests for permits.

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. At least 15 organized political parties and a wide array of NGOs, many of them highly critical of the Government, functioned openly, issued public statements, and chose their own leadership; however, the Government banned or refused to authorize several parties. The Government did not recognize any new NGOs or associations during the year; however, there were more than 600 such organizations in the country. The Government has not yet granted some NGOs official standing but did not prevent them from functioning (see Section 4).

The Government continued to ban the political parties Action for Change (AC), Union of Democratic Forces-New Era, An-Nouhoud, and Taliaa (Vanguard), and the Government's prohibition against forming the Convention for Change party remained in force.

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; the Government limited freedom of religion. However, Christians in the foreign community and the few Christian citizens practiced their religion openly and freely. On June 30, the Government passed a law allowing only Malekite (traditional Mauritanian) Islam, and prohibiting political activity of any kind, in mosques.

The Government did not register religious groups; however, NGOs had to register with the Ministry of the Interior (see Section 2.b.); this included humanitarian and development NGOs affiliated with religious groups.

Although there is no specific legal prohibition against proselytizing by non-Muslims, in practice the Government prohibited proselytizing by non-Muslims through the use 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 this provision during the year. The Government views any attempts by Christians to convert Muslims as undermining society; however, the Government also restricted suspected Islamic extremists. There were no known non-Muslim groups engaging in proselytizing, and foreign Christian NGOs limited their activities to humanitarian and development assistance.

Under the Press Act, the Government may restrict the importation, printing, or public distribution of Bibles or other non-Islamic religious literature, and in practice Bibles were neither printed nor publicly sold in the country. However, the possession of Bibles and other Christian religious materials in private homes was not illegal, and Bibles and other religious publications were available among the small Christian community.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice; however, in some regions, persons lacking identity cards could not travel freely. The Government set up roadblocks where gendarmerie, police, or customs officials checked the papers of travelers and often demanded bribes; however, during the year, the Government generally maintained fewer roadblocks 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 roadblocks around Nouakchott and certain southeastern regions increased for several weeks following the June 8 coup attempt.

The U.N. High Commissioner for Refugees (UNHCR) estimated that there were between 15,000 and 20,000 refugees from the 1989–91 crisis 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 NGOs and humanitarian workers. Cooperation by local authorities in addressing restitution and citizenship matters varied greatly, depending on individual officials and the returnee's region. Many returnees received their original homes, some property, and all or a portion of their land (see Section 1.f.). Throughout the Chemama or the Senegal River Valley region, returnee communities were reestablishing their agricultural production; however, recovery of land titles remained the primary issue. 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 to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

The Government provided temporary protection to refugees from neighboring countries including Liberia, Sierra Leone, Senegal, Cote d'Ivoire, Mali, Western Sahara, and Guinea-Bissau. The Government also accepted the UNHCR's registration of approximately 200 asylum seekers, mostly from Sierra Leone and Liberia.

The country hosted more than 50,000 nationals of other West African countries who sought refuge and employment, primarily in Nouakchott and Nouadhibou. An estimated 60 percent of the country's small craft fishermen were Senegalese.

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, this right was circumscribed in practice.

Although civilians occupied 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.

On June 8 and 9, the country experienced a coup attempt. The nine leaders were current or former army officers. The leaders of this group remained at large and formed a group known as the "Knights of Change" that continued to advocate the overthrow of the Taya Government.

President Taya won the November elections with 67 percent of the vote amid widespread reports of fraud, particularly in the southern part of the country. The Government did not invite international and local diplomatic observers to observe the voting process, although it did permit one international organization to visit the country to observe the election.

Opposition candidates alleged that the Government conducted a fraudulent election, but chose not to contest the election's results via available legal channels. Opposition members justified this decision by alleging that Haidallah's imprisonment immediately following the elections prevented him from taking any legal action.

HRW reported that the Government harassed opposition figures during the year. This harassment occurred at the local level, and typically took the form of local Government officials refusing to meet with opposition leaders. The Government arrested the leading opposition presidential candidate for reasons of national security a few days before the election (see Section 1.d.).

The indirect balloting of municipal councils every 2 years elects One-third of the Senate; the latest elections were held in 2002 for 19 of the 56 seats. The elections were generally well organized; however, international observers noted that government manipulation weakened the chances for opposition candidates. Six opposition parties ran candidates, and no parties boycotted the 2002 elections. For the first time, an opposition Rally for Democracy candidate was elected to the Senate. In addition, two women were also elected to the Senate.

In the 2001 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. Foreign diplomats and local observers noted that the elections generally were fair and transparent with some irregularities, such as voters casting ballots at two different polling stations in a small number of precincts. Except during the election campaign, the Government denied the political opposition full access to government media. The FP party, which opposes diplomatic relations with Israel, gained one seat in the legislative elections, and eight municipal council seats either outright or in coalition with other parties.

The country is divided into 13 provinces, including the capital district of Nouakchott; each province is divided into prefectures. The Government appointed the Walis (governors) and Hakems (prefects). Municipal councils were elected by general ballot, and they elected their mayors, usually the lead candidate of the majority party's list. Most government services were provided by the central Government. The elected councils were responsible for some public services such as sanitation and had fiscal autonomy and taxing authority. Their administrative staff was independent of the Government. The councils elected the national Senate.

Women have the right to vote and formed the majority of registered voters in the November elections. Women occupied some senior government positions: Five cabinet-level posts including the Minister of Public Records, two Secretaries of State (Women's Affairs and State Registries,) the deputy director of the President's Cabinet, and the President's Minister-Counselor.

Women were well represented in the Secretariat of Women's Affairs, including a number from minority ethnic groups. There were 3 women in the 81-seat National

Assembly and 3 women in the 56-seat Senate. Two of the 14 members of the Executive Bureau of the ruling PRDS were women, and a woman headed the UDP party, a part of the ruling coalition. Aicha Mint Jeddane registered in the presidential elections during the year as the country's first female presidential candidate. Her campaign platform focused on promoting women's issues.

Minorities such as the Black Moors, Halpulaars, Soninkes, and Wolofs were underrepresented in senior government positions. However, Sghair Ould M'Barek was appointed as the country's first Black Moor Prime Minister on July 6 and reappointed in mid-November, and the first Black Moor woman to occupy a ministerial level position was appointed Minister of Public Records on November 13. Of the Government's 21 ministerial posts, 2 incumbents were Black Moor, 3 were Halpulaar, and 2 were Soninke; the remaining 14 were of either White Moor or mixed White Moor/Black Moor ethnicity (see Section 5). The full 27-member Cabinet, including secretaries of state, had 3 Black Moors, 3 Halpulaars, and 1 Soninke. The 56-member Senate had 3 Black Moors, 4 Halpulaars, 3 Soninkes, and the remaining 46 were of either White Moor or mixed White Moor/Black Moor heritage. The 81-member National Assembly had 9 Black Moors, 8 Halpulaars, 2 Soninkes, and 2 Wolof.

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 were somewhat cooperative and responsive to their views.

There were three organizations concerned with overall human rights issues. The oldest is the Mauritanian League for Human Rights (LMDH), an independent, government-recognized body. A second organization, the Mauritanian Association for Human Rights (AMDH), was still unrecognized (see Section 2.b.). While not affiliated with the opposition, the AMDH had many opposition members, and 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) is not officially recognized. The Government has not responded to the applications of these organizations on the grounds that they were ethnically based organizations that were divisive and in violation of the law; however, the unrecognized organizations continued to carry out their activities unimpeded.

Many of the other organizations, including 14 unregistered associations, also addressed human rights issues such as slavery, refugees, and the 1989 expellees. The only international association concerned with human rights to visit the country during the year was the ICRC, which made routine annual visits.

HRW reported that the Government had restricted legitimate NGOs' ability to function freely. The Government did not officially recognize a number of NGOs, and denied these NGOs the ability to deal with government officials, as well as the ability to request government assistance.

Section 5. Discrimination Based on Race, Sex, 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, was endemic, although the situation continued to improve. There was no evidence of systematic discrimination by either society or the Government against persons with HIV/AIDS; however, taboos and beliefs associated with the disease caused victims in some areas to face isolation or exclusion.

Women.—Abuse and domestic violence are illegal, and human rights monitors and female lawyers reported that domestic violence was rare, particularly among the Moor population. The police and judiciary occasionally intervened in domestic abuse cases, but women in traditional society rarely sought legal redress, relying instead upon family and ethnic group members to resolve domestic disputes. Rape, including spousal rape, is illegal, but there were no known convictions under this law. In one case, the alleged victim was a foreign national, and the perpetrators were arrested. According to some NGO reporting, the incidence of unreported rape was high.

Prostitution is illegal; however, NGO reporting indicated that it was a growing problem in some urban areas, particularly among Afro-Mauritanian and Black Moor women.

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 was the forced feeding of adolescent girls (gavage) prior to marriage, which was practiced only among the Moors. While there was no law prohibiting gavage, the Government made it a policy to end the practice. Experts had previously estimated that between 60 and 70 percent of women experienced gavage but concluded that very few Moor women were subjected to gavage.

FGM was practiced among all ethnic groups. It was performed most often on young girls, often on the 7th day after birth and almost always before the age of 6 months. According to an internationally sponsored study in 2001, three-fourths of all women between the ages of 15 and 49 have been subjected to FGM. Local experts agreed that the least severe form of excision was practiced, and not infibulation, the most severe form of FGM. The practice of FGM has decreased in the modern urban sector.

The Government and international NGOs developed a series of coordinated anti-FGM efforts. These efforts focused on eradicating the practice in hospitals, discouraging midwives from practicing FGM, and educating populations in some areas on the issue. The High Islamic Council of Mauritania, the Islamic Scholar Association, and the National Forum for Women's Rights launched a campaign that explained the serious health risks of FGM and emphasized that FGM was not a religious requirement. The Government continued intensive media and educational campaigns against FGM during the year. In addition to these activities, it was the clear policy of the Government to end FGM. Government hospitals and licensed medical practitioners were barred from performing FGM, and several government agencies worked to prevent others from carrying on this practice. According to several women's rights experts, 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 were recognized. By local tradition, a woman's first marriage, but not subsequent marriages, requires parental consent. In accordance with Shari'a as applied in the country, 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 was very rare among Moors but was common among other ethnic groups. Arranged marriages also were increasingly rare, particularly among the Moor population. Women frequently initiated the termination of a marriage, which most often was done by repudiation of husband or wife rather than divorce. It was also common in Moor society for a woman to obtain, at the time of marriage, a contractual agreement that stipulated that her husband must agree to end their marriage if he chose an additional wife. The reported rate of divorce among Moors was 37 percent, with a remarriage rate of 72.5 percent.

Women still faced legal discrimination. The testimony of two women was necessary to equal that of one man. The courts grant only half the amount of an indemnity to the family of a woman who has been killed that they award for a man's death. The Personal Status Code provides a 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 always respected. 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, observed this law. In the modern wage sector, women also received family benefits, including 3 months of maternity leave.

The Government sought to open new employment opportunities for women in areas that were traditionally 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.

The Secretariat for Women's Affairs worked with many NGOs and cooperatives to improve the status of women. The Government, women's groups, and national and international NGOs 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 had programs to care for abandoned children; however, inadequate funding hampered these programs. Education received the largest share of the national budget at 18.9 percent. The Government relied on foreign donors in such areas as child immunization.

The Government required attendance at school for 6 years, but full implementation of universal primary education was not scheduled to be completed until at least 2007, primarily because the Government lacked the financial resources to provide educational facilities and teachers throughout the country, especially in remote areas. There was a moderate increase in attendance from 2001, in which the school enrollment rate was 90 percent. Classes were fully integrated, including boys and girls from all social and ethnic groups. Children of slave families were allowed to attend school. There were no legal restrictions on the education of girls. Girls constituted 48.8 percent of all children enrolled in school in 1998. An estimated 90 percent of school-age girls attended elementary school in 1998 and 1999, compared with 88 percent for boys. At the secondary level, female students constituted 44 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. Female students made up 22.3 percent of the university's enrollment during the academic year. Female students also constituted 30.5 percent of students enrolled in technical schools. The literacy rate for women was 32 percent, compared with 50 percent for men. Almost all children, regardless of sex or ethnic group, attended Koranic school between the ages of 5 and 7 and gained at least rudimentary skills in reading and writing Arabic.

FGM was usually performed on young girls (see Section 5, Women).

Local NGOs estimated that there were more than 300 street children, largely as a result of poverty and of the urbanization of formerly nomadic families; however, the Government implemented a program to assist families with street children and to encourage their school attendance.

Persons with Disabilities.—The law does not provide specifically for persons with disabilities. The Government does not mandate preference in employment or education or public accessibility for persons with disabilities; however, it did provide some rehabilitation and other assistance for persons with disabilities. NGOs have become increasingly 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 67 students during the year; however, the school lacked sufficient trained staff. There was no societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—Ethnic minorities faced societal discrimination. Ethnic and cultural tension and discrimination arose 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 were divided among numerous ethno-linguistic clan groups and were distinguished racially as Beydane and Black Moor, or White Moors and Black Moors, although it often was difficult to distinguish between the two groups by skin color. "White" Moors, large numbers of whom were dark-skinned after centuries of intermarriage with members of sub-Saharan African groups, dominated positions in government and business. The Black Moors have remained politically weak and disorganized; poverty, migrations, and isolation of their communities have prevented the Black Moors from realizing the political power inherent in their numbers. The Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups were concentrated in the south and were underrepresented in the military and security sectors.

The land reform law was to provide land for rural landless persons, including White and Black Moor victims of desertification in the northern and central regions and for returning southerners who had been expelled from 1989 to 1991. The reform 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 Black Moors 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. Anecdotal evidence suggested that no more than 20 percent of the intended groups—landless persons and victims of desertification—have received land, and that much of the uncultivated land may have been redirected to wealthy White Moors.

The Constitution designates Arabic as the official language and 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.

Ethnic rivalry significantly contributed to political divisions and tensions. Some political parties tended to have readily identifiable ethnic bases, although political coalitions among them were increasingly important.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right of citizens to join any labor organization, and workers exercised this right in practice. All workers except members of the military and police were free to associate in and establish unions at the local and national levels. However, the Government has the power to decide whether to recognize a trade union (see Section 6.b.). The majority of the labor force was in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent were employed in the wage sector. However, nearly 90 percent of industrial and commercial workers were organized.

The Labor Code does not restrict trade union pluralism, and there were four labor confederations: The Union of Mauritanian Workers (UTM), the General Confederation of Mauritanian Workers (CGTM), the Free Confederation of Mauritanian Workers (CLTM), and the General Union of Mauritanian Workers (UGTM). The UGTM, founded in 2002, was the most closely allied with the ruling PRDS. Many workers still viewed UTM, the oldest confederation, as also closely allied with the Government and the ruling PRDS; however, it has lost members to the CGTM and the CLTM. The CGTM was not affiliated with any party, although most of its members tend to favor the opposition. The CLTM was associated with the AC opposition party. The Government provided funds to the confederations in proportion to their memberships. All confederations supplied representatives to the country's four labor tribunals and were included in most government deliberative or consultative bodies. The national federations continued to organize training workshops for their memberships throughout the country.

Several independent trade unions, in particular three for teachers at the elementary, secondary, and university levels, were also active. There also were four unaffiliated professionally based labor unions.

Laws provide workers with protection against anti-union 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.

Unions were free to affiliate internationally, and international trade union activity continued. The UTM participated in regional labor organizations. The CGTM and UTM were both members of the International Confederation of Free Trade Unions. The UTM was 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, although to be legally recognized a union is required to have the authorization of the Public Prosecutor who can provisionally suspend a trade union at the request of the Ministry of the Interior if it believes that the union has not complied with the law. General or sector agreements on wages, working conditions, and social and medical benefits were negotiated in tripartite discussion and formalized by government decree. Wages and other benefits could also be negotiated bilaterally between employer and union, and the results of such negotiations were 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 during the year.

The law provides workers with the right to strike. However, strikes in the private sector have to be preceded by submission of a non-conciliation or negotiation-breakdown report. Once a referral is made to arbitrate a dispute, the tripartite arbitration committee may automatically terminate any strike. Some trade union representatives stated that there was little social dialogue except in response to worker actions in a dispute.

Two strikes occurred during the year. In February, dockworkers struck for several weeks for higher wages. The workers received a slight wage increase; however, some of the leaders were allegedly fired soon after. In October, persons employed by a Tunisian subcontractor to build the Nouakchott-Nouadhibou road went on strike, protesting poor working conditions including unpaid overtime, lack of medical care, and poor food and housing in a desert environment. The strike was eventually resolved in favor of the workers' claims.

The Government can dissolve a union for what it considered an "illegal" or "politically motivated" strike; however, no unions were disbanded during the year.

The International Labor Organization (ILO) Committee of Experts noted that compulsory arbitration effectively prohibited strikes and asked the Government to bring its legislation into compliance with the requirements of ILO Convention 87 on freedom of association; however, there was no government action by year's end.

Three labor tribunals, composed of a president and two assessors (one who represented labor and one who represented employers), served as final arbiters for labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, the law only applies to the relations between employers and workers, and there were credible reports such practices occurred. Slavery is illegal and was abolished by law in 1981; however, there were still areas where the attitude of master and slave prevailed.

The ILO Committee of Experts has requested that the Government take measures to extend the prohibition to any form of forced labor and vestiges of slavery. Amnesty International criticized the Government for not taking further steps to ensure the abolishment of forced labor.

Citizens continued to suffer from the country's heritage of slavery.

Slavery has been officially abolished; however, the practice of chattel slavery was once a tradition.

Numerous reports suggested that some members of the long-dominant White Moor community may continue to expect or desire the servitude of Black Moors and southern ethnic groups. These reports also suggested that such attitudes impeded efforts to eliminate the vestiges and consequences of slavery, goals to which both the Government and major opposition parties were committed. Slavery-related practices persisted most strongly in the east and southeast, where education levels were generally lower and there was a greater need for manual labor in work such as herding livestock and tending fields.

There was not a system of officially sanctioned slavery in which government and society joined to force individuals to serve masters. However, there continued to be unconfirmed reports that slavery in the form of forced and involuntary servitude persisted in some areas. Voluntary servitude also persisted, with some former slaves and descendants of slaves continuing to work for former masters in exchange for money, lodging, food, or medical care. The reasons for the persistence of such practices varied widely among the different ethnic groups; however, poverty, persistent drought, and a weak economy provided few economic alternatives for many and left some former slaves and descendants of slaves vulnerable to exploitation by former masters. There were reports that some former slaves in some sedentary communities continued to work for their former masters or others without remuneration to retain access to land they traditionally farmed. Although the law provides for distribution of land to the landless, including to former slaves, this law has been enforced in only a few cases (see Section 5). Deeply embedded psychological and tribal bonds also made it difficult for many individuals who had generations of forebears who were slaves to break their bonds with former masters or their tribes. Some persons continued to link themselves to former masters because they believed their slave status had been religiously ordained and feared religious sanction if that bond were broken.

Adult females with children faced greater difficulties and could be compelled to remain in a condition of servitude.

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 Minister of Justice encouraged the courts to rule in favor of the women, and virtually all custody cases that have been tried were decided in favor of the women; however, court adjudication of such cases has been rare. The determination of such cases was problematic because there were polygyny, "secret" marriages, no written records, and divorce by repudiation (see Section 5). There were no reported cases during the year.

The Commissariat for Human Rights, Poverty Alleviation, and Integration focused on addressing the vestiges and consequences of slavery. The Government focused on education, literacy, and agrarian reform to eradicate the vestiges of slavery and address its consequences. However, the Government's record in cases in which an individual's civil rights were violated because of status as a former slave was poor. When complaints were filed with the Government that involved the detention of individuals against their will, the Government intervened in accordance with the law, although sometimes only after considerable pressure and time.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor in some parts of the informal sector was common and a significant problem, particularly within poorer inner-city areas. The law provides that children cannot be employed before the age of 14 in the nonagricultural sector or under age 13 in

the agricultural sector unless the Minister of Labor grants an exception due to local circumstances. 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 were commonly employed in herding, cultivation, fishing, and other significant labor in support of their families' activities. Young children in urban areas often drove donkey carts and delivered water and building materials. In keeping with longstanding tradition, many children served apprenticeships in small industries and in the informal sector. There was no child labor in the modern industrial sector.

The Government had a functional labor inspectorate with the authority to refer violations directly to the appropriate judicial authorities; however, the Government lacked sufficient resources to enforce existing child labor laws.

e. Acceptable Conditions of Work.—The minimum monthly wage for adults remained \$38.71 (9,872 ouguiya). The national minimum monthly wage did not provide a decent standard of living for a worker and family.

The standard, legal, nonagricultural workweek could not exceed either 40 hours or 6 days without overtime compensation, which was paid at rates that were graduated according to the number of supplemental hours worked. Domestic workers and certain other categories could work 56 hours per week. 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 could remove themselves from hazardous conditions without risking loss of employment; however, in practice they could not.

The law protects legal but not illegal foreign workers, and foreign workers could 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. A law enacted on July 24 added substantial penalties, including fines and hard labor, for those found guilty of trafficking in persons. The Government had not initiated any legal action by year's end under this new law.

MAURITIUS

The Republic of Mauritius is a parliamentary democracy governed by a prime minister, a council of ministers, and a national assembly. In September, the Prime Minister, Sir Anerood Jugnauth, became Head of State while the Deputy Prime Minister, Paul Raymond Berenger, became Prime Minister. In accordance with a power sharing agreement negotiated during the 2000 electoral season between the two parties of the ruling coalition government, the Mauritian Socialist Movement (MSM) and the Militant Mauritian Movement (MMM), respectively. 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 2000, were free and fair and resulted in a victory for the opposition MSM and the MMM coalition. There were numerous political parties, and politics were open and vigorous. The judiciary was independent.

A paramilitary Special Mobile Force was responsible for internal security. The country does not have a military separate from the Police Forces. The Coast Guard, the Special Mobile Forces, and the Police Forces all report to the Commissioner of Police. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The economy was based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The country's population was more than 1.2 million. The standard of living was high, with a per capita gross domestic product of \$3,900. The Government was diversifying the economy by promoting investment in the information technology, financial services, and tourism sectors.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that police abused suspects and detainees and delayed suspects' access to defense counsel. The Government maintained control over the nation's television stations. At times police restricted freedom of assembly. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of work-

ers in the Export Processing Zone (EPZ). Forced child prostitution and child labor occurred.

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.

Judicial inquiries into all six cases of deaths in police custody in 2002 and 2001 were pending at year's end.

The investigation into the 2001 beating to death of a man by prisoners and a prison guard was completed and submitted to the Office of the Director of Public Prosecutions (DPP) to determine whether to prosecute. There was no decision by year's end.

In June, the magistrate investigating the 1999 death in police custody of Kaya, a popular Creole singer, found that there was no foul play. However, some reports indicated that Kaya died of traumatic head injuries, which could not have been self-inflicted.

In October, Hizbullah leader Mohammad Fakemeeah (also known as Cehl Meeah) was released from prison after charges were dropped by the DPP. He and three others were charged with the 1996 killings of three rival Muslim political activists.

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 was the use of force to coerce a suspect to sign a confession.

Unlike in the previous year, there were no reports that security forces raped women during the year.

During the year, the National Human Rights Commission (NHRC) received 161 human rights complaints. In addition, the Complaints Investigation Bureau, an office in the Police Department, received 186 complaints against police involving alleged brutality or use of force during the year.

Prison conditions generally met international standards. Food, water, and medical care were available to all prisoners, and sanitation was adequate.

On September 26 and 27, police officers injured 22 inmates of the Beau-Bassin prison when the Commissioner of Prisons ordered them in to enforce discipline. Prisoners had been protesting prison conditions over the previous 2 weeks. According to local press accounts, there was roughly a 24-hour delay in providing medical assistance for the injured. As a result, the Commissioner of Prisons was forced into early retirement.

Women were held separately from men, and juveniles were held separately from adults. Pre-trial detainees were held separately from convicted prisoners. HIV positive prisoners were held separately from the general prison population. The Government started a program to test all prisoners for HIV/AIDS; however, the program was not completed at year's end.

During the year, four persons died in custody, all reportedly from natural causes. The Government permitted prison visits by independent observers. During the year, the press, the NHRC, and international organizations made regular prison visits, and diplomatic observers visited a medium security prison.

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

The Police Force is a national force headed by a Commissioner of Police. There is no military. All security forces including the Coast Guard, the Special Mobile Forces, and the Police Forces report to the Commissioner of Police. The Special Mobile Force is a paramilitary unit that is responsible for internal security, and is backed by a general duty police force. Both forces were largely apolitical, but criticized for being inadequately trained to prevent or control rioting, or to investigate violent crimes. During the year, the second in command of the Central Investigative Bureau was investigated by the Independent Commission Against Corruption for allegedly spending a weekend free of charge at a luxury hotel with his family. The investigation was ongoing at year's end.

The Dangerous Drugs Act allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel, and the law also permits a 36-hour detention of suspects without legal counsel. During the year, there were two complaints to the Police, alleging delays in lawyer access to prisoners.

In most cases, suspects were 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 2002, the Government passed the Prevention of Terrorism Act; however, there were no arrests under this act during the year.

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

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

The judicial system 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 enforced this right. Defendants had the right to private or court-appointed 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 respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

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 did not use the measures. Libel suits between private parties were common.

Three independent, private radio stations operated during the year. Local radio news broadcasts were no longer banned.

Domestic television was government-owned and is regulated. A private news organization posted local news on the Internet, thereby circumventing the ban on private party television. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable News Network, were available to the public by subscription.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, at times the police restricted this right. Police permission is required for demonstrations and mass meetings, and such permission was refused in certain cases during the year. For example, prior to an international trade forum in January, the Police Commissioner denied an application for a protest demonstration. Upon appeal, a judge overturned the Commissioner's decision, and the demonstration occurred as planned. No other demonstrations were denied during the year.

Unlike in previous years, there were no reports that police dispersed unauthorized demonstrations during the year.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

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

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, 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 seven members) were registered by the Registrar of Associations and were recognized as legal entities with tax-free privileges. No groups were refused registration.

Tensions between the Hindu majority and Christian, Creole, and Muslim minorities persisted, but there were no violent confrontations during the year. Some minorities, particularly Creoles and Muslims, alleged that a glass ceiling existed within the upper echelons of the civil service, which prevents them from promotion to the higher levels of government.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provides protection against refoulement, but does not grant refugee or asylum status on the grounds that the country was small, had limited resources, and did not wish to become a haven for large numbers of refugees. There were no individuals recognized as refugees during the year.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. According to international and local observers, free and fair national elections were held in 2000, and the opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition.

In September, the President, Sir Anerood Jugnauth, who formerly served as Prime Minister, became Head of State while Paul Raymond Berenger, who formerly served as Deputy Prime Minister, became Prime Minister. In accordance with the Constitution, the President was nominated by the Prime Minister, and confirmed by the National Assembly. Prime Minister Berenger was elevated to his position as part of a power sharing agreement negotiated in 2000 between the two parties of the ruling coalition Government, the MSM and the MMM. The agreement is that the leader of the MSM would lead the Government for the first 3 years of the 5-year term, after which the head of the MMM would take over as Prime Minister and the MSM leader would transition to the Presidency. This transition occurred on schedule in September and October, making Berenger the first Christian, non-Indian-descent Head of Government since independence.

Suffrage was universal except for approximately 100 fishermen on 6- to 12-month contracts who were residents of the island of Saint Brandon. These fishermen may vote on the main island provided they were registered and physically present on election day.

In September 2002, the island of Rodrigues successfully held its first elections for a regional elected assembly. The creation of the Assembly was a first step towards a decentralized and autonomous island of Rodrigues. The Assembly worked with the central Government in controlling funds for Rodrigues.

There were 4 women in the 70-seat National Assembly, and there was 1 female minister in the 25-member Cabinet.

Candidates for the National Assembly were required to identify themselves with one of four distinct ethnic groupings—Hindu, Muslim, Sino-Mauritian, or general population. For these purposes, “general population” was the category used to describe primarily the Creole and Franco-Mauritian communities. Based on these four categories, there were 37 Hindus, 21 members of the general population, 11 Muslims, and 1 Sino-Mauritian in the 70-seat National Assembly, and there were 16 Hindus, 5 from the general population, 3 Muslims, and 1 Sino-Mauritian in the 25-member Cabinet.

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

A few domestic and international human rights organizations, including Amnesty International, Transparency International, and SOS Femmes, operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The NHRC investigated complaints of human rights abuses and was composed of a president, who must be a former Supreme Court judge, and three other members, one of whom must be a lawyer or a judge with 10 years of experience, and the remaining two must have experience in the human rights field. The NHRC is authorized to investigate abuses by any public servant, but it could not investigate complaints that were already the subject of an inquiry by the Director of Public Prosecutions, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC had the authority to visit centers of detention or prisons and 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. During the year, the NHRC received 161 complaints of human rights abuses.

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

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, or sex, and the Government generally enforced these provisions.

Women.—Domestic violence against women, particularly spousal abuse, was a problem, according to the Ministry of Women's Rights, Child Development, and Family Welfare; attorneys; and nongovernmental organizations (NGOs). The law criminalizes domestic violence and provides the judicial system with greater powers to combat this problem. In 2001, the NGO SOS Femmes 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 domestic violence cases. According to the Ministry of Women's Rights, Child Development, and Family Welfare, between January and July, there were 69 reported cases of domestic violence against women. Nevertheless, many victims still chose not to prosecute or report their attacker, primarily due to cultural pressures.

Many women remained in abusive situations for fear of losing financial spousal support. A magistrate can order a spouse to pay child support, but there are reports that some spouses stopped working 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.

Although specific laws make rape illegal including spousal rape, it was a problem. Prostitution is illegal; however, there were reports of prostitution during the year.

Traditionally women have played subordinate roles in society, and societal discrimination continued; however, women had access to education, employment, and government services.

The National Remuneration Board (NRB) changed minimum salaries to reflect more clearly gender equality in some industries. According to the Sex and Discrimination Act, enacted in March, women are afforded broadly defined wage protections. The law states "no employer shall discriminate against a person on the ground of that person's sex in terms of the conditions on which employment is offered," and this law was generally respected in practice.

In the agricultural sector, women are protected by law from being forced to carry loads above certain weight limits; however, remuneration is determined by the amount that one is able to carry during a period of time. As a result, women working in agriculture were often paid less than men because they carried less.

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 tuition free and compulsory until the age of 12. Books are free for primary school, but not for secondary school. Those parents that cannot afford books could apply to the Government for an exemption and receive books free of charge. Attendance at the primary level was 100 percent, but only 64 percent at the secondary level. In 2001, the Government launched an education reform plan to increase mandatory education to the age of 16 by year's end. The plan eliminated 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. During the year, the Government began building new schools and converting some schools, including private schools, into a regional network of secondary schools to accommodate the increase in secondary school students. In January, seven new secondary schools opened and three more secondary schools were constructed.

The Government provided full medical care for children.

Although incidents of child abuse were reported, private voluntary organizations claimed that the problem was more widespread than was acknowledged publicly. The state-funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development administered most government programs. Both provided counseling, investigated reports of child abuse, and took remedial action to protect affected children.

Under the law, certain acts compromising the health, security, or morality of a child were crimes.

Child prostitution was a problem. A 1998 study reported that children entered into prostitution as early as age 13. Their clientele reportedly included industrialists, professionals, police officers, parliamentarians, and government ministers. The Government targeted child prostitution as a top law enforcement and prevention priority, and in 2002, the Government implemented a 5-year action plan with a series of recommendations to combat child prostitution. The plan was published in January. The Ministry of Women, Child Development, and Family Welfare ran a hot line for reporting cases of child prostitution, and only one case was reported

in 2002. Some NGOs formed regional awareness networks and developed training materials for educators. The results of a task force on prostitution's quantitative study on the magnitude of child prostitution in the country had not been released by year's end.

Child prostitution is a criminal act, whereby the adult was considered the offender, while the child involved was given social assistance. Child pornography also is a crime, and the child was offered social aid while the adult offender was prosecuted.

Persons with Disabilities.—There was no discrimination in employment, education, or in the provision of other state services against persons with disabilities, including mental disabilities. The law requires organizations that employed more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities; however, the law was not always enforced. The law did not require that work sites be accessible to persons with disabilities, making it difficult for persons with disabilities to fill many jobs. There was no law mandating access to public buildings or facilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution explicitly protects the right of workers to associate in trade unions, and there was an active trade union movement. Approximately 351 unions represented 103,400 workers. Many unions were small, having fewer than 1,000 members, and 10 major labor federations served 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 were not public officers such as contractors, workers were free to form and join unions and to organize in all sectors, including in the EPZ. Labor unions were independent of the Government, and they established ties to domestic political parties and addressed political issues.

The Industrial Relations Act (IRA) prohibits anti-union discrimination, and there were no reports of anti-union activity by employers during the year. There was an arbitration tribunal to handle such complaints. The International Confederation of Free Trade Unions (ICFTU) reported that the law did not protect trade unions adequately against acts of interference by employers. The Mauritian Labor Congress (MLC) asserted that union membership was low in the EPZ in part because employers in the EPZ intimidated employees and restricted access to union organizers.

Under the law, unions may establish ties with international labor bodies, and some unions have done so. For example, the MLC was affiliated with the ICFTU.

b. The Right to Organize and Bargain Collectively.—The law protects the right of employees to bargain collectively with their employers. The NRB, whose chairman was appointed by the Minister of Labor, set minimum wages for nonmanagerial level workers. Most unions negotiated wages higher than those set by the NRB. Almost 13 percent of the labor force worked for national or local government.

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 or to the Industrial Relations Commission, 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. According to the Ministry of Labor, there were 41 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.”

Reportedly 85,700 persons worked in the EPZ. Although only 10 percent of EPZ workers were unionized, national labor laws covered these workers. 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 ICFTU alleged that employers established employer-controlled work councils for workers in the EPZ effectively blocking union efforts to organize at the enterprise level. The 2000 ICFTU report stated that there was very little collective bargaining in the EPZ and that the NRB determined wages after submissions by employers and workers' representatives, effectively hindering the collective bargaining process.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor outside the EPZ, including by children, and there were no reports that such practices occurred. 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 International Labor Organization's Committee of Experts, the Merchant Shipping Act contains provisions that were not compatible with international standards regarding forced labor. Certain breaches of discipline, such as by seamen, were punishable by imprisonment.

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 respected this law in practice, however, child labor was a problem. According to the law, 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.

According to the Ministry of Women's Rights, Child Development, and Family Welfare, 1,600 children between the ages of 12 and 14 were employed or looking for work in 2000. Child labor in homes, on farms, and in shops was common on the island of Rodrigues.

Children unable to attend secondary school often sought apprenticeships in the trades. Vocational schools trained students who failed the primary education certificate exam at the end of the 6 year of primary education.

The Ministry of Labor was responsible for the enforcement of child labor laws and conducted frequent inspections. The Ministry of Labor was responsible for investigating reports of child labor abuses. Thirty inspectors were employed by the Ministry to investigate all reports of labor abuses, including those of child labor. During the year, the inspectors reported 19 cases of child labor.

e. Acceptable Conditions of Work.—The Government administratively established minimum wages, which varied according to the sector of employment, and mandated that the minimum wage rise each year based on the inflation rate. The minimum wage for an unskilled worker in the EPZ was \$61.57 (1,847 rupees) per month, while the minimum wage for an unskilled factory worker outside the EPZ was approximately \$83.71 (2,507 rupees) per month. These wages did not provide a decent standard of living for a worker and family, but the actual market wage for most workers was much higher due to a labor shortage and collective bargaining. During the year, the NRB adjusted minimum salaries for women (see Section 5). The standard legal workweek in the industrial sector was 45 hours. According to the MLC, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see Section 6.b.).

The Government set health and safety standards, and Ministry of Labor officials inspected working conditions and ensured compliance with the law. Inspections were announced and unannounced. The small number of inspectors limited the Government's enforcement ability; however, through voluntary compliance by the employers the number of occupational accidents was reduced. The Ministry of Labor reported a general trend downward in the number of industrial accidents over the past 10 years. Company human resource or personnel managers reported on occupational health and safety matters. From July 2002 to June, 3,627 accidents were reported. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

Since foreign workers often did not speak English, French, or Creole, it was difficult for them to demand their rights, which were the same as those of citizen employees, including the right to belong to a union. Illegal foreign workers, when identified, were deported.

f. Trafficking in Persons.—The law prohibits trafficking in children, but does not specifically mention trafficking in adults; however, there were no reports of trafficking in persons in the country during the year.

Commercial sexual exploitation of children was a problem (see Section 5).

MOZAMBIQUE

Mozambique is a republic with a constitutional Government, headed by President Joaquim Chissano who was reelected in 1999 in generally free and fair elections that were marred by some irregularities that did not impact the results. The Front for the Liberation of Mozambique (FRELIMO) won 133 seats in the 250-seat National Assembly, and the opposition coalition of the Mozambique National Resistance-Electoral Union (RENAMO-UE) won the remaining 117 seats. FRELIMO, which has ruled the country since independence in 1975, dominated policymaking and implementation. During legislative sessions, the National Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. On November 19, the country held its second municipal elec-

tions, in which FRELIMO won in 28 of 33 municipalities; there was no violence, and the elections were considered generally free and fair. The Constitution provides for an independent judiciary; however, the executive branch dominated the courts, which lacked adequate resources, were 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 Intervention Force (FIR). The State Information and Security Service (SISE) reported directly to the President. The military, which is responsible for both internal and external security, continued to suffer from lack of funds and a long-term strategy. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. The political opposition claimed that the FIR operated in support of the ruling party. Members of the security forces committed serious human rights abuses.

The country is very poor; its population was an estimated 17 million. Approximately 80 percent of the workforce were employed in agriculture, mostly on a subsistence level, and approximately 75 percent of the population lived in poverty. Food insecurity continued in many regions due to poor climactic conditions. The economy was market-based, and the government budget remained heavily dependent on foreign aid. GDP growth for 2002 was approximately 8 percent. Annual per capita income was estimated at \$230 in 2002. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors; however, on October 16, the National Assembly passed the Anti-Corruption Law, which aims to curb corruption in government offices, the police force, hospitals, and schools.

The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. Police continued to commit numerous abuses, including unlawful killings, beatings in custody, and arbitrary arrests and detentions. Prison conditions remained extremely harsh and life threatening; several prisoners died due to the harsh conditions. Despite efforts to clear long-standing case backlogs, prison overcrowding was widespread and lengthy pretrial detention was common. The Government generally respected freedom of the press; however, members of the ruling party influenced news coverage by media outlets owned by the Government and state enterprises. There were several incidents of press detention and intimidation. Police used excessive force during labor-related demonstrations. 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 significant problems. The abuse and criminal exploitation of street children, including child prostitution, continued in urban areas. Discrimination against persons with disabilities and child labor remained problems. The Government ratified ILO Convention 182 on the Worst Forms of Child Labor. There were confirmed reports that women and children were trafficked to South Africa, which received increased government attention during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by security forces during the year; however, there continued to be reports of unlawful killings by security forces. A report released in August by the League of Human Rights (LDH) alleged that from 2000 to 2002, the police continued to harbor “squadrons of death” that were responsible for summary executions and operated with impunity. The report cites activities in the Maputo suburbs of Matola Rio, Boane, and Costa do Sol in the southern part of the country. The LDH also reported that the “Buffalo Battalion”, a group of former secret police operatives, continued to commit unlawful killings, primarily of suspected criminals.

On November 1, police shot to death Estevao Muinga, Justino Mate, Francisco Cintura, and Antonio Bene, who had been detained in a police station in the suburb of Liberdade, in the southern city of Matola. The police informed LDH that the four died in an abortive escape attempt; however, the police told relatives of the victims that they were shot while trying to raid a shop in Maputo.

Police killed persons during demonstrations and protests during the year (see Sections 2.b. and 6.b.).

Jose Fumo, a police officer who in 2002 opened fire on youths who were arguing and killed Mario Alfredo, was expelled from the police force and was serving a prison sentence at year's end.

Progress has been very slow in the investigation into the 2001 killing of the Banco Austral manager Antonio Siba-Siba Macuacua. The Government appointed Siba-Siba to revive Banco Austral, and he began to reduce the workforce and to attempt recover loans made predominantly to members of the ruling elite. Press reports have linked high-level government officials and their family members to the killing, including the President's son. In June, a suspect was detained and subsequently released for lack of evidence. By year's end, no charges had been filed in the case.

No action was taken, nor was any likely, against members of the security forces responsible for the February 2002 police killing of A. Matusse and the September 2002 police shooting of Antonio Maquiqui.

There were no known developments at year's end in police officer Bernardo Parafino's killing of Gildo Gerente in February 2002. Parafino was detained and charged with murder in 2002.

There were no developments, nor were any expected, in the 2001 killings by security forces.

Extremely harsh prison conditions, often leading to serious illness, continued to result in the deaths of several persons in custody (see Section 1.c.).

In March, a group of lawyers visiting Mogovolas district prison in the northern province of Nampula found that on February 15, a drunken guard had transferred three inmates to a smaller cell, where they died of suffocation. No reported action was taken against the guard by year's end.

The Government continued to refuse to reveal publicly the names of the more than 100 detainees in Montepuez who reportedly died of asphyxiation in 2000, preventing victims' relatives from seeking compensation.

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), over 229 persons were killed in landmine accidents between 1997 and 2002. IND recorded 5 deaths resulting from landmine accidents during the year, although IND believes the figure may not be accurate due to their difficulty in gathering data nationwide.

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with the rising incidence of crime. During the year, unconfirmed reports of mob violence resulting in the deaths of suspected criminals were widespread throughout the country.

b. Disappearance.—There were no reports of politically motivated disappearances; however, criminal suspects disappeared during the year and were believed to be victims of the "Buffalo Battalion" (see Section 1.a.).

In September, in Sofala province, there were press reports that armed RENAMO members in military uniforms harassed and kidnapped members of FRELIMO; RENAMO officials denied the reports.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits such practices; however, police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, and extortion remained problems. During the year, the LDH reported complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. The LDH reported in 2002 that the number of reported abuses continued to decline.

Police used excessive force when dispersing demonstrations during the year (see Section 2.b.).

There were reports that police abused prostitutes and street children (see Section 5).

Prison conditions were extremely harsh and life threatening. Two National Directorates of Prisons (DNPs), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operated prisons in all provincial capitals. The DNPs also held prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo. Most prisoners received only one meal per day, consisting of beans and flour. It has been customary for families to bring food to prisoners; however, there were occasional reports that guards demanded bribes in return for allowing the delivery of food to the prisoners.

Prison facilities remained severely overcrowded, generally housing two to six times the number of prisoners that they were built to accommodate. In 2001, the National Association for the Support and Protection of Prisoners (ANASCOPRI), a domestic non-governmental organization (NGO), surveyed the country's prisons and

found that, among others, Beira Central Prison held 705 inmates in a prison built to hold 400, Nampula held 724 in a prison built for 100; and Maputo Central Prison, built to hold 800 inmates, held 2,450 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 7,180 detainees were held in jails and prisons administered by the Ministry of Justice during the year.

There continued to be many deaths in prison, the vast majority due to illness and disease; however, some prisoners reportedly died from poisoning during the year. A group of lawyers visiting Maputo's top security prison in 2002 received complaints from inmates of serious health problems and abuse of their rights. The inmates complained about lack of medical health care and delays in transferring the sick to the hospital, which had led to the death of at least two inmates in 2002. The lawyers also found that most of the 600 men in the prison were unable to pay for a lawyer. There were reports that detainees spent longer in pre-trial detention than the sentence they received. In June, members of the National Assembly's Legal Affairs Committee reported that four detainees were being held for more than 4 years and another four for more than 5 years without their detention ever having been formalized. The parliamentary committee also found that 33 inmates were being held illegally for periods in excess of 2 months and that they had never been brought before a magistrate, which must occur within 48 hours, according to the law.

In May, Maputo city judicial authorities began holding marathon trials at the central prison and the top security prison to reduce overcrowding and prolonged pre-trial detentions. Cases selected were those involving minor offenses and those in which the investigative detention period had expired; over 20 cases were tried daily. By year's end, the prison population at Maputo central prison reportedly had decreased from 2,600 to 1,800 inmates.

MOI and MOJ facilities, while separate, often were connected physically. Military and civilian prisoners were held in the same prisons.

Women were held in separate areas of prisons from men. Prisons occasionally housed young children, usually infants, brought there by mothers sentenced for long periods; the children were allowed to stay with their mothers when no other caregivers were available. A visit conducted in September 2002 by a group of lawyers found that babies and persons with mental disabilities were included among the 400 inmates of the Beira Central Prison. 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 were documented reports that some judges ordered the incarceration of minors in common prisons without trial and that minors under the age of 16 were housed with adults in the general population. In most areas, it is difficult to accurately assess age because the information was not well documented and many persons do not have identification cards. There were fewer reports of minors held in detention than in previous years. According to a study by the MOJ and the U.N. Development Program (UNDP) in 2001, 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.

In MOI facilities, detainees who had not yet been charged were held with prisoners sentenced for serious offenses that specify maximum security. In MOJ facilities, detainees who had been charged but not yet tried were held with prisoners who had been tried and sentenced to prison for relatively minor cases where moderate security imprisonment was deemed sufficient. Pretrial detainees usually were held for several months before trial, and delays of more than 1 year were common.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cited 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. During the year, the National Assembly's Legal Affairs Committee and a group of local lawyers conducted separate visits to prisons in Beira and Maputo. In a March address to Parliament, the Attorney General stated that prison conditions—including overcrowding, poor hygiene and disease—had not improved in 2002.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that the duration of investigative detention be set by law; however, in practice, the police continued to arbitrarily arrest and detain citizens.

The police were poorly paid and lacked professionalism. Corruption extended throughout the ranks, and police used violence and detention to intimidate persons from reporting abuses. Police reportedly extorted money from street vendors, many of whom were widowed or divorced women, sometimes beating the women and stealing their merchandise. The investigative unit of the police, the PIC, was often criticized for impeding criminal investigations.

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries, and a police academy provided training for new police officers. Human rights groups such as the DHD also have provided human rights training; however, the process was interrupted during the year due to administrative problems within DHD.

Security officials often detained persons for spurious reasons and demanded identification documents; many officers also extorted bribes to permit persons to continue their travel (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 police demands for bribes or a lack of confidence that the police would help.

Under the Penal Process Code, only persons caught in the act of committing a crime can be held in detention; however, this provision was seldom enforced. Under the law, the maximum length of investigative detention is 48 hours, during which a detainee has the right to judicial authorities review of the case, after which the detainee 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, the detainee 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 investigative 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. However, MOJ officials noted that some police lacked adequate training and did not know how to charge a person properly. In many cases, the authorities either were unaware of regulations or ignored them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

Drug cases were subject to a special regime. The law specifies that the legal period of investigative 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 bail system remained poorly defined, and prisoners, their families, and NGOs continued to complain that police and prison officials demanded bribes to release prisoners.

There were several reports that police harassed and arbitrarily detained journalists (see Section 2.a.).

An interministerial review committee periodically reviewed the status of detainees throughout the country to prevent unnecessary detentions. In 2002, ANASCOPRI reported that one minor was released as a result of this review committee.

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

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 was understaffed and managed by inadequately trained appointees. A LDH report released in August accused the judicial system of a lack of transparency and of not acting in compliance with the principles of promotion and protection of human rights.

Justice Mangaze presided over the Higher Judicial Magistrate's Council (CSMJ), which in 2002 initiated 22 disciplinary proceedings against 13 judges and 9 other law officers; similar disciplinary actions were being conducted during the year. 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. On November 12, the Anti-Corruption Unit (UAC) in the Attorney General's office released its first report, which noted 116 reports of allegedly corrupt acts during the year. However, the UAC was understaffed, and by year's end, only three persons had been brought to trial, and there were no convictions.

The President appoints the president and vice president of the highest tribunal, the Supreme Court. Supreme Court nominations initially are prepared by CSMJ, the body responsible for overseeing professional behavior among magistrates, then a list of qualified persons for the Supreme Court is submitted to the President. CSMJ members are elected by their peers: four are elected by the National Assembly and two are appointed by the President; members tended to be either FRELIMO members or FRELIMO-affiliated. No National Assembly approval is needed for other judicial appointments, which are also appointed by the President.

There are two complementary formal justice systems: The civil/criminal system and the military system. The Supreme Court administers the civil/criminal system and the Ministry of National Defense administers the military courts. Civilians are not under the jurisdiction of, or tried in, military courts. The Supreme Court also

hears appeals, including military cases. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court, the customs court, and the maritime court. A Constitutional Council, created in November, was charged with determining the constitutionality of laws and decrees, supervising the electoral process, declaring and validating electoral results, and ruling on electoral disputes. Persons 16 years and younger fall under the jurisdiction of a court system for minors, and the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems were ineffective due to a lack of qualified professionals.

Persons accused of crimes against the Government were tried publicly in regular civilian courts under standard criminal judicial procedures. 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. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

In regular courts, all accused persons in principle are presumed innocent and have the right to legal counsel and appeal; however, authorities did not always respect these rights. Although the law specifically provides for public defenders, such assistance generally was not available in practice, particularly in rural areas, and most citizens were unaware of these rights and did not possess the means to obtain any form of legal counsel. Some NGOs continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbated the judicial system's weakness. There were an estimated 260 licensed attorneys in the country; the vast majority worked in Maputo. Many attorneys work in areas outside their specialty. There continued to be a shortage of qualified judicial personnel, with only 163 judges nationwide. There are appeals courts in all provinces, but few of these courts were staffed by formally trained judges, despite the fact that the law requires a law degree. Some districts had no formal courts or judges at all.

DANIDA, a Danish NGO, worked with the Ministry of Justice and the Supreme Court on judicial legislation, as well as funding physical rehabilitation of courts throughout the provinces.

Outside the formal court system, a number of local customary courts and traditional authorities adjudicated matters such as estate and divorce cases. These courts were staffed by respected local arbiters who had no formal training but who exercised a substantial judicial and executive role, particularly in the area of arbitration.

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 also to be political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. By law, police need a warrant to enter homes and businesses.

Opposition political groups continued to claim 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.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, police detained journalists during the year. Limitations on these rights were permitted if they related to the media's obligations to respect the Constitution, human dignity, the imperatives of foreign policy, or national defense.

There were five independent weekly newspapers published in Maputo and six other independent weekly journals published in provincial capitals. According to the Panos Institute, the weekly newspapers had a combined total circulation of 50,910 in 2002. There were an additional 20 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*, was owned by RENAMO. Several independent media had websites. Only a small minority of the population received news directly through the print media.

The daily newspapers *Noticias* and *Diario de Mocimboa*, and the weekly newspaper *Domingo*, largely reflected the views of the ruling party, but these media sources also carried significant criticism of government actions. For example, in No-

vember, the pro-government newspaper Domingo criticized the Government's National Institute of Social Security for failure to pay pensions and lack of transparency.

While the Government no longer owned most radio and television stations, government stations were the only broadcasters capable of countrywide transmission; however, there were local and independent broadcasts in most urban areas. Government media continued to show greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, was government-owned; however, its news coverage generally was considered unbiased and fair. For example, Radio Mozambique carried live the proceedings of the trial of the alleged killers of journalist Carlos Cardoso despite the negative implications of the trial on senior government officials. Radio Mozambique received the largest single subsidy from the state budget of any public media company. It broadcast in Portuguese and 18 indigenous languages; its external service broadcast in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcast public debates that included a variety of participants with differing opinions.

In addition to Radio Mozambique, there were 14 community-based, 4 religious, and 11 commercial private radio stations, most of which used local languages in addition to Portuguese and which covered most of the country. One station, Radio Terra Verde (RTV), was linked directly to RENAMO. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of America (VOA), reached all major population centers and reported local news via local part-time reporters; the BBC and the RFI carried news in Portuguese but broadcast most of the day in English and French, respectively.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government; however, TVM also carried the proceedings of the trial of the alleged killers of journalist Carlos Cardoso. Portuguese Television for Africa (RTP Africa), a station owned by the Government of Portugal, also transmitted throughout the country. Privately owned television transmission continued to be limited to Maputo. International television news was available via cable in Maputo and via satellite nationwide.

While criticism of the President was not prohibited, the law provides that in cases of defamation against the President, truth is not a sufficient defense. 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.

Following pressure from domestic and foreign NGOs during the year, libel charges were dropped against the fax newsheet Metical.

Police harassed and arbitrarily detained journalists during the year. For example, on July 23, police detained for 1 day Jose Chitula, a journalist from Imparcial, for allegedly addressing himself improperly to a senior FRELIMO official during a press conference. The FRELIMO official later withdrew the case.

On April 23, another journalist, Amin Nordine, writing for Vertical, was detained for 6 days in the central Mozambican city of Beira. A police patrol demanded that he produce his identity card, which he was not carrying with him. An argument ensued in which Nordine allegedly insulted the police. Nordine was formally accused of insulting the police, tried, and fined \$185 (4.4 million meticaais).

In January, RENAMO members in Montepuez, in the northern province of Cabo Delgado, briefly detained a journalist on suspicion of spying for FRELIMO; the journalist was researching details of RENAMO's electoral campaign.

On January 31, six men were sentenced to prison terms ranging from 23 to 28 years for the 2000 execution-style shooting of Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency Metical. In early 2002, the Government detained seven 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. Although the trial was held on the grounds of the maximum security prison, it was open to the public and broadcast on both radio and television. The defendants claimed to have committed the killings on the orders of co-defendant Momad Assif Satar who, in turn, alleged he was acting on behalf of Nyimpine Chissano, the son of President Chissano. On September 29, seven prison guards accused of facilitating the escape of Anibalzinho were acquitted.

There was no new development, nor was any likely, in the following 2001 cases: the beating of journalist Rui de Carvalho, the anonymous death threat against Radio Mozambique journalist Jose Joao, or the theft from Fabio Mondlane.

The media reported freely on the November municipal elections, and for the first time, vote counting was open to journalists. However, there were reports that gov-

ernment-owned media were biased in favor of FRELIMO in their campaign coverage. The opposition also complained that government-owned media broadcast more quickly the results from municipalities won by the FRELIMO.

The Government did not limit access to the Internet, and 10 Internet service providers operated during the year.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, authorities forcibly dispersed several 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 affect religious gatherings or election campaigning.

Organizers were required to inform district administrators of planned demonstrations rather than seek approval in advance from police and civil authorities. Local authorities may prohibit a demonstration from taking place only if it was likely to involve the occupation of public or private buildings. The law prohibited the use of excessive force by the police to control or disrupt demonstrations; however, the Government used excessive force to disperse several demonstrations during the year.

On May 13, Noticias reported that police shot in the air and used excessive force to disperse students at the Matola Secondary School; the students were holding a peaceful demonstration to demand better relations with school management and to protest the school's lack of teachers and equipment, such as desks.

In May, citizens who had worked in the former East Germany (known as Madjermanes) began Friday demonstrations to protest the Government's refusal to pay their pensions (see Section 6.e.). On July 4, police dispersed a group of Madjermanes who were preparing for their Friday march; seven were injured. The authorities had imposed a restriction on circulation on main streets of Maputo during the African Union summit.

On September 5, police officer Albitro Curva killed Virgilio Amade, a Madjermane, during a demonstration; another Madjermane was injured by a police dog. The police initiated an inquiry into the shooting, and Curva was arrested and awaiting trial at year's end. Following the shooting, the police and leaders for the Madjermane signed an agreement to regulate future demonstrations.

Despite the agreement, police cracked down on Madjermane marches during the November electoral campaign, accused participants of tearing down FRELIMO electoral posters, and arrested Madjermane leader Alberto Mahuai, who was detained and interrogated for 3 days. No marches have been held since November.

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. A political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and must secure at least 2,000 signatures of citizens to be recognized (see Section 2.c.). There are 35 registered political parties.

A government decree regulates the registration and activities of foreign NGOs. The Government requires nonpolitical groups such as NGOs and religious organizations to register. Foreign NGOs must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGOs whose programs the Government decided complement its priorities. Observers believed that the requirements increased the already lengthy bureaucratic process that NGOs must follow to work in the country. Although the registration process was not always transparent and could take many months, the authorities rarely rejected applications from new associations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right 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. The Christian Council reported that not all religious groups registered, but that unregistered groups worshiped unhindered by the Government.

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, took positions based on religious principles, advocated moral behavior, and criticized the government for corruption. The Government has thus far tolerated PIMO's activities, and PIMO remained a minor political 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 remained in state hands and continued to request their re-

turn. The Directorate for Religious Affairs is mandated to address the issue of the return of church properties. Government sources stated that the majority of properties were returned, with a few cases still being examined on an individual basis, including two cases in Maputo that remained unresolved by year's end. The return of properties such as schools and health clinics was often delayed because of the Government's need to construct new facilities.

Provincial governments have the final responsibility for establishing a process for property restoration. Papal Nunciatura has indicated that properties generally have been returned in poor condition, due to lack of government resources.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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 established for safety or security concerns occasionally affected freedom of movement. 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 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 refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provides protection against refoulement and grants refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and offered asylum to refugees, the vast majority of whom came from central Africa. The Government has not granted official refugee status or work authorizations to many refugees who have arrived in recent years, which has impeded that ability of such refugees to integrate and move freely in the country. In 2001, a refugee center (known as Marratane) opened near the northern provincial capital of Nampula; during the first 6 months of the year, the UNHCR, the International Organization on Migration (IOM), and the government's refugee agency (NAR) oversaw the successful transfer of refugees residing in the existing Bobole transit center (located near Maputo) to the new camp in Nampula. Bobole camp was closed following the transfer.

As of December, the estimated population of refugees at Marratane camp was 3,800 persons, of whom approximately two-thirds were men. During the first several months of the year, UNHCR reported an increase in newly arrived refugees, primarily from the Great Lakes region. There were 16 nationalities represented at the camp, with the largest percentage of refugees from the Democratic Republic of the Congo, Burundi, and Rwanda. Refugee camp conditions met minimal standards, although some refugees claimed to fear attack by fellow refugees on the basis of ethnicity. Conflicts among rival Congolese groups and between Rwandans and Congolese were reported by the Camp Committee during the year; these conflicts were resolved peaceably.

On December 11, the Government, UNHCR, and the Government of Rwanda signed a tripartite agreement that would allow for the voluntarily repatriation of the approximately 1,000 Rwandan refugees in the country.

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

The Constitution provides citizens with the right to change their government peacefully, and 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 National Assembly seats. The largest opposition group, RENAMO-UE, won 117 seats 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.

In the November 19 municipal elections, FRELIMO won 28 and RENAMO 5 of the country's 33 municipalities. Observers characterized the elections as generally

free and fair; however, voter turnout was low throughout the country. Smaller parties participated in the elections, but received few votes.

In June and July, the country updated its voter's registry in preparation for the November municipal elections. There were 15 political parties, coalitions, and civic organizations that successfully submitted their candidature to the National Electoral Commission; however, some minor parties complained that they were unable to submit candidature because authorities did not issue them the requisite certificate of residence and criminal record.

There were 102 women in the 250-member National Assembly, and women held 3 of the 23 ministerial positions and 5 of the 18 vice ministerial positions in the Cabinet. FRELIMO's policy mandated 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 inhibited women's effectiveness in public life (see Section 5).

Representatives of minority ethnic groups, such as the Shangaan and Mokonde, held a number of key positions in both the legislative and executive branches. 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

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases; however, registration procedures for NGOs were onerous and expensive (see Section 2.b.). While the Government did cooperate with NGOs, many NGOs believed that the Government was slow to respond to their requests. The Government responded to human rights-related inquiries from the LDH and the DHD on a case-by-case basis.

In August, LDH published a report on human rights in the country. The report gave particular emphasis to problems in the judiciary, conditions in prisons, arbitrary arrest and detention of citizens, and violence against women.

The Government cooperated with UNHCR and other international NGOs in the relocation of refugees during the year (see Section 2.d.).

During the year, members of the National Assembly's Legal Affairs Committee visited Maputo's top security jail, reported a number of violations, and called for government intervention (see Section 1.c.). The LDH also visited prisons during the year.

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

The Constitution forbids discrimination based on race, sex, or disability; however, in practice, discrimination against women and persons with disabilities persisted. Persons with HIV/AIDS were often fired from their jobs or rejected by their families, according to the Special Rapporteur of the Commission on Human Rights, who visited the country during the year.

Women.—Although official statistics were not kept, reports indicated that domestic violence against women—particularly spousal rape and beating—was widespread. Many women believed that their spouses had the right to beat them, and cultural pressures discouraged women from taking legal action against abusive spouses. Hospitals usually did not attribute evidence of physical abuse to domestic violence. 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. The NGO All Against Violence (TCV), which registered 620 cases of domestic violence during the year, noted that many women did not report such cases due to fear of retaliation by their husbands or inaction by the police. A group of women's NGOs continued to lobby members of the National Assembly during the year to criminalize domestic violence.

The organization TCV 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 NGOs actively opposing domestic violence worked to involve police in education, enforcement, and identifying domestic violence as a criminal problem. For example, during the year, TCV opened offices in 14 police stations to assist victims of domestic violence.

Local NGOs reported that rape was a widespread and serious problem. Sexual harassment was regarded as pervasive in business, government, and education, although no formal data existed.

Prostitution is illegal; however, the practice was widespread and particularly prevalent along major transportation corridors and border towns where long-distance truckers stayed overnight. Young women with unemployed parents were at the greatest risk for being drawn into prostitution. There were reports that police officers abused prostitutes sexually and demanded money in exchange for allowing them to work. Such cases were rarely reported in the media.

Numerous development organizations and health-oriented NGOs emphasized programs to improve women's health and increasingly focused resources on combating the spread of HIV/AIDS and sexually transmitted diseases.

On December 9, the National Assembly passed a new Family Law, which replaces the colonial-era Civic Code and brings the law in line with equality provisions in the Constitution. The new law raises the marriage age to 18 for both sexes, eliminates husbands' de facto status as heads of families, and legalizes civil, religious, and common law unions. The law does not legally recognize polygyny; however, women in polygamous marriages are granted full marital and inheritance rights.

Customary law varied within the country. In some places, it appeared 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 were the primary cultivators of family land in the country; however, 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 indicated that the land law had only a minimal effect on women's rights; the law appeared to formalize existing 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 constituted slightly more than half the population but were responsible for two-thirds of economic production. Women in the workplace received lower pay than men for the same work. According to parliamentarians who debated the proposed revision of the law, women were 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 violated this right.

Children.—The Government has made children's rights and welfare a priority, but significant problems remained. In September, the Government, in consultation with civil society, launched a program to enhance the country's child protection policies. With the assistance of the Community Development Foundation (FDC) and the U.N. Children's Fund (UNICEF), the Government began a legal review of children's rights during the year.

Although the Government provides tuition-free primary education, a matriculation fee was charged for each child, which was a significant financial burden for many families. However, children with a certificate that testifies that the parents are below a certain poverty level do not pay any matriculation fees. Primary education was compulsory through the fifth year; however, there were few educational facilities, which limited enrollment. A few primary schools opened during the year throughout the country; however, schools were overcrowded, and there was widespread corruption in the school system. 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. Approximately 50 percent of children ages 6 through 10 were in primary school; however, only a fraction of children continued with secondary studies.

Girls continued to have less access to education than boys. UNESCO reported that during 2000–2001, girls comprised 34 percent of the students who enrolled in primary school and 39 percent in secondary schools.

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 took steps to address the problems of the approximately 500,000 children orphaned by HIV/AIDS in the country. From November 24 to 28, the Ministry of Women and Social Action held the country's first seminar to coordinate efforts to obtain accurate data and provide social services to children orphaned by HIV/AIDS.

It was estimated that 55 percent of child deaths in the country resulted from malnutrition or related illnesses. During the year, the Government continued a vaccine initiative and a program to manage childhood illnesses.

During the year, the Ministry of Women and Social Action and other agencies worked together with UNICEF to develop a plan to increase the number of registered births; the majority of children in the country were not formally registered, which limited their potential access to education and health care.

The Government continued to target maternal and child health problems and focused on immunizations for women of childbearing age and for young children. In 2002, the estimated maternal mortality rate was 1,100 per 100,000, a significant improvement over 2001. The mortality rate for infants was 126 per 1,000, and for children under the age of 5 it was 201 per 1,000.

The number of street children in the Maputo metropolitan area was reduced from an estimated 3,000 in 2001 to approximately 400 in 2002, due largely to the work of approximately 10 NGOs. Police sometimes beat street children who were frequently also victims of sexual abuse. Some remedial government programs continued, including programs on education, information dissemination, health care, and family reunification.

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. They also 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 had expelled children from their homes, which usually happened when a wife has children who were unacceptable to a new husband.

The trafficking of children for sexual exploitation remained a problem (see Section 6.f.).

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, were illegal under the Penal Code. Sexual abuse of a child under 16 also was illegal under the Penal Code. Exploitation of children below the age of 15 continued, and child prostitution remained a problem. 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; however, perpetrators of these crimes rarely were identified and prosecuted. Punishments for such crimes were not commensurate with that of a serious crime.

Child prostitution appeared to be most prevalent in Maputo, Nampula and Beira, and at border towns and overnight stopping points along key transportation routes. Child prostitution reportedly was growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers.

The law prohibits the access of minors to bars and clubs; however, the Government did not have adequate resources to enforce the law effectively. During the year, the Government trained police to aid child prostitutes and held a series of seminars to assist police in handling cases of child sexual abuse. Centers to accommodate child prostitutes when they were removed from danger, and the government information centers that provided information to families and friends of children who were raped or exploited, no longer operated.

Child labor remained a problem (see Sections 6.d.).

Persons with Disabilities.—The Constitution states that disabled citizens shall enjoy fully the same rights that it provides for all citizens; 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. Approximately 1.9 percent of citizens have physical or mental disabilities.

Concerns of persons with disabilities included 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 were rare. In December 2002, a well-known citizen with disabilities, Zeca Morgado, who is a Deputy in the National Assembly, complained during celebrations of Disabled Day about the lack of full observance of the rights of persons with disabilities by both public and private institutions. Morgado accused the police of not properly acknowledging or dealing appropriately with persons with disabilities.

The Government only provided four schools nationwide for the hearing and vision impaired and for persons with physical and mental disabilities. There were 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. The Government operated mental health facilities; however, conditions were extremely poor.

In 2002, 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 officials from the Ministry of Women and Coordination of Social Action continued their educational campaign to reverse traditional attitudes toward children with disabilities.

The Government continued to rely on NGOs to assist persons with disabilities. The Association of Disabled Mozambicans (ADEMO) addressed social and economic needs of persons with disabilities. During the year, the internal conflicts that hindered ADEMO's effectiveness were resolved.

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 that the Government 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 were included in the Government's 5-year development plan, economic and social plan, poverty alleviation strategy, and investment incentive program, and 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 included 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 enjoyed these rights in practice. The revised Labor Law regulated labor relations. Membership among the country's 13 unions was less than 200,000, or less than 1 percent of the workforce, and was concentrated in Maputo and a few other urban areas. Labor unions remained weak and lacked resources.

Trade unions remained concerned that large-scale layoffs due to privatization and free trade zones authorized under the 1999 revised law would result in less favorable labor rights due to government incentives offered to foreign investors.

There were two trade union federations in the country: The Organization of Mozambican Workers (OTM), which had been formally 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. In 2002, CONSILMO was permitted to participate in national negotiations on the minimum wage with the Consultative Labor Commission, a body including representatives from labor, private employers, and the 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. The Public Servants Union (SFP) had an estimated 100,000 civil servants, making this potentially the largest union in the country.

The OTM has declared itself free of commitments to any political party, companies, or religious groups, and its regulations prohibited persons holding high ranks within any political party from simultaneously holding top positions in the trade union; however, other labor unions maintained that the OTM is not independent of FRELIMO. In 2002, the Government named Soares Nhaca, a former OTM President, as the Governor of Manica Province.

The law expressly prohibits discrimination against organized labor.

The Constitution and labor legislation give unions the right to join and participate in international bodies. The OTM was 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. The Government did not set private sector salaries; existing unions were responsible for negotiating wage increases. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage. The Center for Arbitration, Conciliation, and Mediation helps settle business-to-business problems through binding arbitration.

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 ILO has cited the Government's definition of essential services as overly broad, taking the position that only public servants engaged in the administration of the Government should be excluded. The law specifies that strikers must notify police, the Government, union, and employers 48 hours in advance of intended strikes. Provisions of the Labor Law

forbid retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally were arbitrated through special workers' committees, formally recognized by the Government.

During the year, there were a number of strikes and demonstrations. On May 9, construction workers employed by Group Five/CMC, responsible for the construction of a natural gas treatment center in Temane, Inhambane province, demanded payment of a completion bonus, since the construction was nearly finished. This led to a confrontation with police, and police shot and killed 1 worker; 21 other workers were injured. In the negotiations that followed between management and workers, it was agreed that a completion bonus of \$8.00 (200,000 meticais) per month would be paid in a lump sum at the end of each contract.

In June, approximately 300 local workers for the Chinese construction company AFECC went on strike to demand a formal work contract and improved working conditions, including the provision of meals and a reduction in work hours. The Chinese Technical Team (ETC), speaking on behalf of AFECC, called the strike illegal. However, there were no lay-offs as a result of the strike and the company began to provide meals. In August, local workers at the Cahora Basa Hydroelectric company (HCB) in Tete province, embarked on a strike over demands for equal pay and benefits between citizens and foreign employees. HCB did not agree to the demands; however, there were no lay-offs as a result of the strike, and employees continued working.

The law provides for the creation of export processing zones (EPZs), and the Government was authorized to confer EPZ benefits to any export-oriented company that met the criteria. There are EPZs in Maputo and in Beira. Workers in EPZs were subject to the same labor regulations as other workers, and worker rights were generally respected in practice.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred in the formal economy; 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 debts (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law regulated child labor; however, child labor remained a problem. In the wage economy, the minimum working age without restrictions is 18 years of age. 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.

Because of high adult unemployment in the formal sector, estimated at around 50 percent, few children were employed in regular wage positions; however, children, including those under the age of 15, commonly worked on family farms; independently in seasonal harvests or commercial plantations, where they were paid, on a piecework basis for such work, which principally involved picking cotton or tea leaves; or in the urban informal sector, where they performed such tasks as guarding cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets. Regulations were not enforced in the informal labor sector. Children also were employed as poorly paid domestic laborers and the number appeared to be increasing.

Children orphaned by HIV/AIDS often were forced to work because they were left without any adult family members or with only extended family members who were unable to support them.

On April 17, the Government ratified ILO Convention 182 on the Worst Forms of Child Labor.

Forced child labor was a problem.

The Ministry of Labor is authorized to regulate child labor in both the informal and formal sectors. Labor inspectors were authorized to obtain court orders and use police to enforce compliance with child labor provisions and violations of child labor provisions were punishable with fines. Enforcement remedies generally were adequate in the formal sectors but remained inadequate in the regulation of informal

child labor. The Labor Inspectorate and police force lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital. The Government provided training for police on child prostitution and abuse (including pornography); however, there was no specialized child labor training for the Labor Inspectorate. The Government has disseminated information and provided education about the dangers of child labor.

e. Acceptable Conditions of Work.—The minimum industrial wage was approximately \$41 (982,717 meticaais) per month and the minimum agricultural wage was \$30 (719,061 meticaais) per month. On April 15, the Government approved a 21 percent increase in the industrial minimum wage and a 25 percent increase in the agricultural minimum wage, although not all workers may have received the full increase. Common working wages in Maputo were higher than in the rest of the country, averaging approximately \$50 a month. The industrial and agricultural minimum wages were set by ministerial decree, although the level was recommended through an administrative process that consisted of a tripartite commission composed of labor unions, government representatives, and employer groups. Neither minimum wage was considered sufficient to provide a decent standard of living for an average worker and family, and many workers turned to a second job, if available; maintained their own gardens; or depended on the income of other family members to survive. Only a small percentage of laborers worked at the minimum wage level. Less than 10 percent of workers were in salaried positions, and the majority of the labor force was employed in subsistence farming and the informal sector. Although the industrial sector frequently paid above minimum wage, there was little industry outside of the Maputo area.

The Ministry of Labor was 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 were investigated only after workers registered a complaint. It was customary for workers to receive benefits such as transportation and food in addition to wages. The standard legal workweek is 40 hours.

The law requires 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 and lack of access to the Social Security system continued during the year.

During the year, the Government continued to fail to adequately reimburse Madjermanes who had previously worked in East Germany but whose pensions were embezzled. Hundreds of persons who had worked in East Germany held demonstrations throughout the year (see Section 2.b.).

In the small formal sector, the Government has enacted health and environmental laws to protect workers; however, the Ministry of Labor enforced these laws ineffectively, and the Government only occasionally closed firms for noncompliance. During the year, the Labor Ministry estimated that there were 165 industrial accidents during the year, of which 10 resulted in death. 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; however, this right was restricted in practice by threats of dismissal and peer pressure. Foreign workers are protected under the law.

f. Trafficking in Persons.—There are no specific laws that prohibit trafficking in persons; however, there were numerous reports of trafficking. Mozambique is a country of origin for international trafficked women and children. Poverty, a history of child migration, and weak border controls all contributed to trafficking. Trafficking in persons can be prosecuted under violations of labor, immigration, and child labor laws committed while trafficking. In 2002, there were seven cases in which exploiters were charged with indecent assault of a minor; penalties ranged from 2 to 8 years. In September, the Government, in coordination with several international NGOs, launched a program to enhance child protection laws, including the development of legislation covering areas such as child trafficking and labor (see Section 5).

On September 17, the daily paper *Noticias* reported that the police arrested two street vendors accused of trying to sell two children to a “witch-doctor” in the Maputo suburb of Magoanine. In the same article, it was reported that a Burundian citizen was arrested in Cuamba, in the northern province of Niassa, accused of abducting four young girls with the intent of trafficking them out of the country. In-

vestigations into these and other suspected cases of child trafficking were ongoing at year's end.

In May, the International Organization for Migration (IOM) reported that approximately 1,000 Mozambican women and children were trafficked to South Africa every year. The report notes that victims include both sex workers and non-sex workers. Many of the women trafficked were sold to brothels in Johannesburg or sold as concubines or "wives" to mineworkers in South Africa. Boys were trafficked as laborers on South African farms. Victims came from both urban and rural backgrounds. Traffickers included small networks of citizens based in Maputo and Nampula, and there were reports that organized crime groups were involved.

During the year, the Government continued its Campaign Against Trafficking of Children, which included various anti-trafficking and public awareness programs. In addition, the Government established a pilot program during the year at three police stations to assist child victims of trafficking.

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 generally free and well administered despite some irregularities; SWAPO won three-quarters of the seats in the National Assembly. The judiciary was independent, but at times inefficient.

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, shared responsibility for internal security. The Namibian Central Intelligence Service (NCIS) has responsibility for national security-related intelligence inside and outside the country. Civilian authorities maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses; however, there was improvement in some areas.

The market-based economy was heavily dependent on mining, fish, and tourism; the population was 1.8 million. More than 50 percent of the working population was engaged in subsistence agriculture. The per capita income of approximately \$1,730 masked an extreme disparity between the income levels of black citizens and white citizens, which resulted in large part from the pre-independence apartheid regime; however, the living standards of black citizens continued to improve, and the major economic resources in the country no longer were controlled exclusively by white citizens. White citizens and foreign interests still largely controlled ranching. Unemployment was approximately 31 percent and affected primarily the black majority. Government policies continued to promote equality through education, job creation, and promotion of entrepreneurial opportunities for the historically disadvantaged.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Security forces killed civilians and mistreated and reportedly tortured citizens during arrests and detentions. Unlike in the previous year, there were no reports of disappearances perpetrated by security forces. Some security force members who committed abuses were arrested and tried; however, the Government did not take action in other cases. Conditions in prisons and military detention facilities were Spartan. Problems with arbitrary arrest and lengthy pretrial detention continued. A large court backlog, due primarily to resource constraints, resulted in 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. Violence against women and children, including rape and child abuse, continued to be serious problems; however, the Government passed comprehensive anti-domestic violence legislation during the year. 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. There were reports of forced labor, including by children, and child labor was a problem; however, the Government continued its efforts to end child labor. Unlike in previous years, there were no reports of trafficking in persons. Angolan Armed Forces (FAA) soldiers reportedly intimidated and abused civilians; however, there were fewer such reports than in previous years.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces committed unlawful killings during the year.

On January 1, in Sinai village, an NDF member shot and killed Mohamed Sawana and injured Sonette Benson. The perpetrator was arrested, and the NDF provided assurances that disciplinary measures would be taken. At year's end, the suspect was out on bail, and the case was pending a decision by the Prosecutor General.

On July 31, police reportedly severely beat Alilo Ndungula, who was being detained in Eenhana police cells; Ndungula was subsequently taken to the hospital, where he died. Police claimed Ndungula died of gastroenteritis; however, human rights groups alleged that his death was a result of the beating. The case was under investigation at year's end.

During the year, the SFF member who shot and killed Kangere Kanjenje in 2002, allegedly for wearing a South West Africa Territorial Force T-shirt, was dismissed.

In March, the High Court sentenced Constable Chris Wacko Witbooi to 8 years' imprisonment for the 1999 fatal beating of a student in Okahandja.

There were no further developments in the following 2002 cases: The February killing of Wilhelm Hafeni Hamuteta by SFF forces, and the November killing by NDF members of five men accused of being affiliated with the Caprivi Liberation Army (CLA).

No actions were taken against security forces responsible for several killings reported in 2001. The 2001 death in custody of Ismael Mohamed remained under investigation at year's end. No further action was taken in the 2001 death in custody of Hans Dikua.

There were no developments in the 2002 killing of Kavango villager Sakaria Haundjange Stephanus by suspected Angolan rebels or the 2001 death of Nghihangwa Kandume after being in the company of FAA soldiers.

Landmines or unexploded ordinance killed and injured several persons during the year. For example, on June 21, unexploded ordinance killed 13-year-old Neuni Abraham at Nepara Village. The police Explosive Ordinance Disposal Unit and NDF operational clearance teams participated in demining activities during the year.

b. Disappearance.—There were no reports of politically motivated disappearances. There were no developments in the 2002 disappearance of Fransisco Chivela, who security forces detained on suspicion of being a "UNITA bandit."

During the year, there were media reports that several citizens abducted in 1999 and 2000 by UNITA forces had returned to the country.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces sometimes beat or otherwise mistreated persons during the year. One person died after being beaten in custody (see Section 1.a.).

Despite a police directive that prohibited the use of sjamboks (heavy leather whips), security forces continued to use them, and to beat and otherwise mistreat persons they held in custody. Some prisoners alleged that they had been tortured in custody.

On January 1, an NDF member shot Sonette Benson in the thigh (see Section 1.a.).

In March, Swakopmund police arrested John Benjamin Pearce and Cynthia Boois for being intoxicated in public; Pearce claimed that police beat him and broke his hand, and Boois claimed that police had slapped her. The couple filed an assault charge; however, they subsequently withdrew the charge, and the case was closed.

On June 13, SFF members at Oshakati arrested and beat George Petrus, who filed a charge of assault with grievous bodily harm. The case was under investigation at year's end.

In July, two female NDF recruits claimed they were subjected to physical and verbal abuse after they refused sexual advances by their superior officers. No known action had been taken against the responsible officers by year's end.

On December 22, members of the NDF harassed men in Katutura and demanded that they remove their earrings. When the men refused, the NDF members beat Beau Pietersen and Hatani Mao Eichab with sjamboks. According to the NDF, which offered to pay medical expenses for the two victims, the incident was under investigation at year's end.

During the year, Joey Yon did not charge the police officers who beat him in 2002 after he assaulted a police officer. The officer who was assaulted filed charges against Yon, and the case was pending at year's end.

There were no developments in the following 2001 cases in which security forces beat or abused persons: The beating by SFF members of five farmworkers; the beating of Masati Muyenga by NDF soldiers; the torturing by NDF soldiers of Johannes Sondaha Kampumburu, Peter Mukonda, Paulus Shifure, Petrus Kalimbwe, and Joseph Simbinde Muvundu; and the shooting of Frederick Namaseb.

During the year, media and human rights groups continued to report on the ongoing court cases that resulted from security forces responding with violence to secessionist attacks in 1999 (see Section 1.d.). In May, the case filed by Zedrick Zahansi Katonga, who was arrested, detained, and allegedly tortured during the 1999 state of emergency, was settled out of court under confidential terms. Six other civil cases against security forces, including the case filed by Geoffrey Mwilima, were settled out of court during the year. More than 100 related cases were pending at year's end.

Unlike in the previous year, there were no reports that SFF members harassed persons who they stopped for identification checks.

During the year, some citizens of the Mafwe ethnic group complained of police harassment in the form of repeated interrogations about the 1999 secessionist attacks at Katima Mulilo (see Section 1.d.).

There continued to be reports of intimidation and abuse of civilians in the northern border areas by FAA soldiers; however, there were fewer such reports than in previous years. There was no further information on the 2002 rape by FAA soldiers of a woman with disabilities.

Landmines continued to injure persons (see Section 1.a.).

Conditions in prisons and military detention facilities were Spartan; however, the conditions generally met international standards. Visits by international organizations, as well as by a government-sponsored commission, found incidents of overcrowding and poor maintenance; however, unlike in previous years, there were no reports of the abuse of vulnerable groups, such as women. Victims of abuse were able to pursue legal remedies. The Ministry of Prisons and Correctional Services administered the country's prisons and jails and continued to work to improve conditions.

Female prisoners were held separately from male prisoners. The Government also made efforts to separate juvenile offenders from adult criminals, and there were separate facilities for child offenders in Windhoek and Mariental; however, in many rural areas, juveniles continued to be held with adults. There were several pilot programs that provided alternatives to incarceration for juvenile offenders. Pretrial detainees generally were held separately from convicted prisoners.

During the year, several persons died in custody from natural causes. For example, in Grootfontein prison, Benard Nyamazo Makunde died on January 19, and Felix Munangisa died on February 17. On October 16, Oscar Lupalezwi died of malaria at Katima Mulilo hospital, where he had been transferred from Grootfontein. On November 10, Euster Matomola Masake, who also had been detained at Grootfontein, died at Katima Mulilo. All four men were detained as high treason suspects connected with the 1999 secessionist attacks in Caprivi (see Section 1.d.).

The Government continued to grant nongovernmental organizations (NGOs) regular access to prisons and prisoners. The International Committee for the Red Cross (ICRC) requested and received prison access, including access to the high security Dorbabis detention facility.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution forbids arbitrary arrest or detention except in situations of national emergency; however, security forces at times used arbitrary arrest and detention in practice.

The country's 10,000-member national police force (NAMPOL) is highly centralized with regional commands responsible to the Inspector General of Police, who reports to the Minister of Home Affairs. Approximately half of NAMPOL's overall complement is assigned to the SFF, a paramilitary unit made up primarily of combatants from the former People's Liberation Army of Namibia; SFF members were assigned to guard duty, roadblocks, and the maintenance of public order. NAMPOL lacked the resources, training, and personnel to consistently deter or investigate street crime.

The police continued to make use of a human rights training course and a human rights training manual designed by the Legal Assistance Center (LAC). At times security force members accused of committing abuses were arrested and tried in military courts or the civilian criminal justice system; however, in other cases, the Government did not take any action against those responsible for abuses.

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 were not represented by counsel, primarily due to the lack of resources. Prisoners generally had access to legal counsel and family during regular visiting hours. Detainees had access to their lawyers prior to trial. There was a functioning bail system in place, and LAC reported that it generally was observed except in rural areas, where persons often were unaware of their legal rights.

Under a state of emergency, the Constitution permits detention without trial, although the names of detainees must be published in the Government's gazette within 14 days, and their cases must be reviewed within 1 month by an advisory board appointed by the President.

During the 1999 state of emergency declared in response to CLA attacks in Katima Mulilo, the security forces detained several hundred suspected CLA members and sympathizers, most of whom were released after 2 weeks. Of those who remained in detention, four died during the year (see Section 1.c.). In May, the Government released five detainees. During the year, three additional persons arrested in July 2002 were transferred from Mariental Prison to Grootfontein Prison and added to the list of high treason suspects. By year's end, 120 suspects remained in detention at Grootfontein. On October 27, trial proceedings began (see Section 1.e.).

In July, the Government applied to appeal the Botswana High Court's 2002 decision to reject the country's request to have 13 alleged Caprivi secessionists extradited to face charges of murder and high treason. In December, the Government of Botswana forcibly returned an unrelated group of eight refugees to the country, seven of whom were subsequently arrested on charges of high treason for their alleged role in the 1999 CLA attacks (see Section 2.d.). Human rights groups protested the repatriations. The seven remained in detention at year's end awaiting trial.

Citizens who were arrested arbitrarily used civil suits as legal recourse in many cases (see Section 1.c.). Aurelio Samakupa Sondjamba, who was held incommunicado at the Dordabis detention facility for more than 2 years and released without charge in December 2002, filed a claim for damages against the Government, which contested his claim; the case was awaiting a trial date at year's end.

Unlike in the previous year, security forces did not arrest persons suspected of collaboration with Angolan rebels.

During the year, Paulus Ndumba and Markus Vihemba, who were arrested in 2002, were released on bail. Human rights groups claimed the two men had been arrested for allegedly collaborating with UNITA rebels; however, police claimed the arrests were for stock theft. The case remained pending at year's end.

There was no further information on the following cases of arbitrary arrest and detention: The July 2002 arrest of three persons, who remained in detention at year's end for suspected involvement with the CLA; and the 2001 case of suspected rebel collaborator Rassen Lutambo.

Unlike in previous years, there were no reports that police arrested persons for not having identification cards. There was no further information in the 2001 arrest and detention of members of the Hai/Om San ethnic group for not having identification cards.

Unlike in the previous year, there were no reports that traditional leaders detained and imprisoned persons. The 2002 civil suit filed by Anna Shingenge, who was detained by King Munkundi of the Ongandjera Traditional Authority for 7 months, was pending trial at year's end.

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 has extended beyond 1 year in some cases (see Section 1.e.).

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the court system at times was inefficient.

On October 27, after repeated postponements, the trial began of the remaining detainees arrested in connection with the 1999 state of emergency. Initial proceedings focused on procedural challenges by the defense over the jurisdiction of the High Court in Grootfontein. The trial was ongoing at year's end.

The formal court system has 3 levels: 30 magistrates' courts; the High Court; and the Supreme Court. The latter also served as a court of appeals and as a Constitutional review court.

The Constitution provides for the right to a fair trial with a presumption of innocence until proven guilty, and the judiciary generally respected this provision; however, this right was 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 and other court officials and the high cost of legal aid 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. Some of those awaiting trial were incarcerated in the same conditions as those of convicted criminals.

Most rural citizens first encountered the legal system through the traditional courts, which dealt 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 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.

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; government authorities generally respected these rights in practice. In general, violations were subject to legal action.

Under the law, the 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 required 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 in practice; 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 owned one newspaper, the biweekly *New Era*, and contributed financially to the Namibia Press Agency, a parastatal. The ruling SWAPO party owned one publication, *Namibia Today*. There were six independent newspapers. Reporters for independent newspapers continued to criticize the Government openly and did not engage in self-censorship.

The Government owned and operated the Namibian Broadcasting Corporation (NBC) Radio and Television. NBC television and nine radio services that broadcast in English and indigenous languages were the most widely heard and influential media in the country. During the year, there were reports of government influence on and self-censorship by the staff of NBC operations and editorial content. In January, a new director general of NBC was appointed, and in May, President Nujoma named a new Minister of Information and Broadcasting, relinquishing the State House's nominal direct control over the portfolio.

There were nine private radio stations, one private television station, and a private cable and satellite television service that broadcast the Cable News Network, the British Broadcasting Corporation, and a range of South African and international news and entertainment programs. The ruling SWAPO party owned 51 percent of this cable service. There were no restrictions on the private ownership of satellite dishes, and the use of satellite dishes and cable television was growing.

Government departments were precluded from advertising in *The Namibian* newspaper or purchasing it with state funds because of the newspaper's critical coverage of the President and the Government. Political parties, including the ruling SWAPO party, advertised in *The Namibian*.

During the year, high-level government officials sharply and publicly criticized journalists in response to perceived criticism of the Government or ruling party. Such verbal attacks did not appear to have significantly affected the aggressive style of the independent media. Unlike in the previous year, there were no NGO reports that journalists from *The New Era*, which sometimes covered opposition views and party activities, were pressured to avoid coverage of controversial topics.

Government regulations required foreign journalists who sought to visit the country to apply for a temporary work permit from the Ministry of Home Affairs. No prior notice of their intended visit was necessary.

There were no restrictions on Internet access or use. There were growing numbers of domestic web pages, and the major newspapers had popular websites.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, except in situations 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.

In July, police and SFF members dispersed a demonstration by immigration officers protesting the incorporation of their division into the national police.

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

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, except in situations of national emergency, and the Government generally enforced these rights in practice.

Unlike in the previous year, no curfews were imposed, and there were no reports that SFF members harassed persons they stopped for identification checks.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; however, the Government required individual status determinations for asylum cases. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided temporary protection to certain individuals who fall outside of the definition in the Convention.

On November 6, the UNHCR, Government of Rwanda, and the Government signed a tripartite agreement on the voluntary repatriation of the more than 500 Rwandan refugees who live in the country.

At year's end, the population at the Osire Refugee Camp was 14,864. Approximately 90 percent of this population was from Angola; the remaining refugees were from the Democratic Republic of the Congo, Burundi, Rwanda, and other African countries. During the year, 4,000 refugees voluntarily returned to Angola. The Government generally did not permit refugees and asylum seekers to work or live outside the Osire refugee camp. Education through grade 10 was available to all refugees at the camp, and the Government facilitated further secondary education at schools outside the camp. Unlike in previous years, new arrivals to the camp did not suffer from malnutrition. Some tension with local farmers persisted; farmers accused some refugees of stealing firewood, and refugees claimed they were not paid for informal labor.

The Government continued to maintain strict control over civilian access to the Osire refugee camp; however, the ICRC and the UNHCR had access to the camp.

In July, the Government applied to appeal the Botswana High Court's 2002 decision to reject the Government's request to have 13 alleged Caprivi secessionists extradited to face charges of murder and high treason (see Section 1.d.). There were no further developments by year's end.

In December, the Government of Botswana forcibly returned eight Namibian refugees to the country (see Section 1.d.).

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. Nevertheless, voter turnout was more than 60 percent, and the election proceeded peacefully. Sam Nujoma, leader of the ruling party SWAPO, was re-elected for another 5-year term. 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 Congress of Democrats party, which won the largest number of opposition votes; the Democratic Turnhalle Alliance; the United Democratic Front; and the Monitor Action Group.

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. National Council members are elected from within popularly elected Regional Councils.

High-level government officials criticized opposition politicians in response to perceived criticism of the Government. This did not significantly affect opposition political parties, which generally were able to undertake political activities such as advertising and holding party conferences and public rallies.

Women held 20 seats in the 78-seat National Assembly. There was a Women's Caucus in Parliament that reviewed legislation for gender sensitivity. There were 4 female ministers, including the Attorney General, and 4 female deputy ministers among the 45 ministerial and deputy ministerial positions. A woman held a cabinet-level position as Director of the National Planning Commission until May, when she became Minister of Finance. The Ombudswoman resigned her post in August to become the African Union Commissioner for Social Affairs in Addis Ababa; no permanent replacement had been appointed.

Historic economic and educational disadvantages limited 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 held the offices of Prime Minister, Deputy Prime Minister, and Speaker of the National Assembly.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, high-level government officials continued to use harsh language in response to NGO criticism of the ruling party and government policies. Government officials continued to verbally attack human rights NGOs, including Amnesty International, the Minority Rights Group, and the National Society of Human Rights. Despite verbal attacks, NGOs continued to criticize government policies freely.

In addition, human rights organizations and academic organizations, such as the Media Institute for Southern Africa (MISA), 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. In August, President Nujoma said he "condemned" MISA; however, the Government allowed MISA to continue working freely.

During the year, representatives of international human rights organizations, including Human Rights Watch, visited the country.

Section 5. Discrimination Based on Race, Sex, 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"; the Government generally enforced this prohibition. During the year, there was continued improvement in the attention paid to women's issues and the rights of persons with disabilities.

The law protects homosexuals from employment discrimination; however, during the year, senior government officials, including President Nujoma, continued to make disparaging public remarks about homosexuals. For example, in an August speech at the University of Namibia, President Nujoma criticized homosexuality, calling it "against nature and our culture."

Women.—Domestic violence against women, including beating and rape, was widespread. Traditional attitudes regarding the subordination of women exacerbated problems of sexual and domestic violence. The law defines rape in broad terms and allows for the prosecution of spousal rape. There continued to be an improvement in the attention paid to the problems of rape and domestic violence. In June, the Combating of Domestic Violence Bill was signed into law. In September, in the Windhoek Magistrate's Court in Katutura, a special courtroom was inaugurated to protect vulnerable witnesses from open testimony; the courtroom featured a cubicle made of one-way glass and a child-friendly waiting room.

Women and Child Protection Units, staffed with police officers trained to assist victims of sexual assault, were located in nine cities; during the year, LAC and other NGOs continued to provide training to these units. Police reported an increase in the number of women who reported rape and domestic violence.

The Constitution prohibits discrimination against women, including employment discrimination; however, men dominated positions in upper management. The Ministry of Labor and Employment Equity Commission, which reports to the Minister of Labor, was responsible for problems involving discrimination in employment; the Ministry of Women Affairs and Child Welfare was responsible for advocating for

women's rights. The law prohibits discriminatory practices against women married under civil law. Women married under customary (traditional) law continued to face legal and cultural discrimination. Traditional practices that permitted 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, approximately 20 percent of government expenditures were designated for education and 15 percent for health care; however, in practice, resource constraints and untrained support staff resulted in 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, boarding costs, and school improvement, placed a heavy burden on students' families, and precluded some children from attending school. In general, more girls than boys were enrolled in secondary schools. Many San children did not attend school.

During the year, the Government took several steps to provide medical care and other assistance to the growing number of HIV/AIDS orphans and other vulnerable children. The Government established a trust fund for such children and received commitments for contributions from the international donor community. The Government also adopted the program goals of the U.N. General Assembly Special Session for Orphans and Vulnerable Children.

Child abuse was a serious and increasingly acknowledged problem. The authorities vigorously prosecuted crimes against children, particularly rape and incest. The law protects children under 18 years of age by criminalizing sexual exploitation, child pornography, and child prostitution. The age of sexual consent was 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 worked actively to reduce the trauma suffered by abused children.

There were a few reports of child prostitution. In such cases, the police prosecuted parents as well as the perpetrators. In April, the Government signed and ratified the Optional Protocol to the Convention on the Rights of the Child, On the Sale of Children, Child Prostitution, and Child Pornography.

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

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 ineffective. Although there was no legal discrimination against persons with disabilities, societal discrimination persisted. The Government legally does not require special access to public buildings for persons with disabilities, and some ministries remained 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. Disability issues continued to receive greater public attention than in previous years, with wider press coverage of the human rights problems that confront persons with disabilities.

Indigenous People.—The San, the country's earliest known inhabitants, historically have been exploited by other ethnic groups. The Government has taken measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally held lands and increasing their access to education; however, many San children did not attend school. During the year, San leaders filed a complaint against the Ministry of Home Affairs alleging that they were unable to obtain proper and accurate identification documents.

By law, all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources; however, San 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's authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference, was controversial because of the leaders' influence on local events, including local police powers. In some cases, the Government withheld recognition from genuine traditional leaders for political reasons.

National/Racial/Ethnic Minorities.—Despite constitutional prohibitions, societal, racial, and ethnic discrimination persisted. Many nonwhites continued to complain that the Government was not moving quickly enough in education, health, housing, employment, and access to land. Some citizens continued to accuse the Government of providing more development assistance and professional opportunities to the nu-

merically dominant Ovambo ethnic group than to other ethnic groups. There also were reported cases of black farm workers suffering discrimination in remote areas at the hands of white farm owners.

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 workers exercised this right in practice. 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 reportedly suffered abuse by employers. Trade unions had no difficulty registering, and there were no government restrictions on who may serve as a union official. The law provides a process for employer recognition of trade unions and protection for members and organizers.

Trade unions lacked resources; less than 20 percent of full-time wage earners were organized.

Unions were independent of the Government and could form federations. The two principal trade union organizations were the National Union of Namibian Workers (NUNW) and the Trade Union Congress of Namibia (TUCNA). The NUNW and SWAPO were affiliated. The Government recognized the non-SWAPO aligned TUCNA, and treated it professionally; however, the TUCNA did not appear to have the same level of access that government officials accorded to the NUNW.

Employers were required to give a registered union access to its members, and this provision of the law has been implemented effectively.

The law specifically protects 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 caused lengthy and unnecessary delays.

The law also empowers the Labor Court to remedy unfair labor practices and explicitly forbids unfair dismissals. Unfair dismissals occurred when employers terminated 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 were not enough judges to address the backlog of cases.

Trade unions were free to exchange visits with foreign trade unions and to affiliate with international trade union organizations. Unions were affiliated with the Southern Africa Trade Union Coordination Council, the Organization of African Trade Union Unity, and the International Congress Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides employees with the right to bargain individually or collectively and to recognize the exclusive collective bargaining power of the union when a majority of the employer's workers were members of that union. Collective bargaining was not practiced widely outside the mining and construction industries, which had centralized, industry-wide bargaining. Almost all collective bargaining was 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.

Except for workers providing essential services such as jobs related to public health and safety, workers have the right to strike once conciliation procedures are 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 (see Section 6.a.). The law protects workers engaged in legal strikes from unfair dismissal. The labor law does not prohibit labor by nonunion replacement workers, but most companies sought negotiated settlements rather than employing nonunion replacement workers.

Unlike in the previous year, there were no strikes; however, police dispersed a labor demonstration in July (see Section 2.b.).

There are export processing zones (EPZs) at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZs outside of these parks. The law applies to EPZs, and unions have been active in the EPZs since their establishment.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there continued to be media reports during the year 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. Given the Ministry of Labor's resource constraints, labor inspectors sometimes encountered problems in gaining access to the country's large, family-owned, commercial farms to investigate possible labor code violations.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. Under the law, the minimum age for employment is 14 years, with higher age requirements for night work and in 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.

Criminal penalties and court orders were available to the Government to enforce child labor laws; however, such action involved a complicated procedure that must be initiated through a civil legal process.

The Government has taken steps to end child labor abuses. During the year, the Ministry of Labor continued to hire additional inspectors, who used revised inspection checklists to include specific inquiries on International Labor Organization (ILO) Convention 182 concerns. The Ministry continued to work together to monitor abuses with ILO representatives, who visited the country during the year.

e. Acceptable Conditions of Work.—There was no statutory minimum wage law; however, the mining and construction sectors set basic levels of pay. In 2002, representatives of farm owners and managers and the Ministry of Labor agreed upon a minimum wage for farm workers; however, in June, the Namibian Farmworkers Union claimed that nearly 40 percent of 200 farms surveyed paid their workers less than minimum wage. In Windhoek's historically disadvantaged high-population density areas, minimum wages for workers did not provide a decent standard of living for a worker and family. Wage levels for the less educated majority remained very low.

The standard legal workweek is 45 hours, and required 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, and the Labor Act empowers the President to enforce these standards through inspections and criminal penalties. Labor laws generally were implemented efficiently; however, the Ministry of Labor still lacked 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 did not have this right in practice.

The law accords the same rights to legal foreign workers as citizens.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, unlike in previous years, there were no reports of persons being trafficked to, from, or within the country. The law does prohibit slavery, kidnapping, forced labor, including forced prostitution, child labor, and alien smuggling.

There were a few reports of child prostitution (see Section 5).

NIGER

Niger returned to democracy in 1999, following coups d'etat 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 judiciary continued to show signs of independence; however, family and business ties could influence lower court decisions, and there were reports that the executive branch had influenced the judicial process.

Security forces consist of the army, Republican Guard, gendarmerie (paramilitary police), and national police. The police and gendarmerie have primary responsibility for internal security. Civilian authorities generally maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country's population was approximately 11.2 million. The economy was market based and depended primarily on subsistence farming, herding, small trading, and informal markets. Approximately 15 percent of the economy was in the formal sector, primarily in light industry and government services. Approximately 63 percent of the population lived on less than a \$1 a day, and the country's per capita

income was less than \$200 a year. Drought, deforestation, soil degradation, and exceedingly low literacy were problems. The economy remained severely depressed.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces forcibly dispersed a violent student protest and injured numerous demonstrators; however, unlike in the previous year, there were no reports that security forces killed, tortured, or beat persons. There were reports that security forces along the western border allowed Malian bandits to steal and abuse persons. Prison conditions remained poor and life-threatening, and prolonged, pretrial detention remained problems. The Government limited freedom of speech and the press. The Government closed the university after student protests and continued to ban several Islamist organizations that engaged in or threatened violence. Domestic violence and societal discrimination against women continued to be serious problems. Female genital mutilation (FGM) persisted, despite government efforts and a new law to criminalize the practice. There was societal discrimination against persons with disabilities and ethnic minorities; however, unlike in previous years, there were no reports of societal discrimination against religious minorities. Worker rights generally were respected; however, there were reports that a form of slavery or servitude was widespread. Child labor occurred. There were reports of trafficking in persons, including reports 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.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, in early January, police shot and killed one prisoner as he tried to escape (see Section 1.c.).

There were no developments in the February 2002 killing of a protester and the August 2002 death of two soldiers during a mutiny.

In January, three foreign tourists were killed when their vehicle struck a landmine near the border with Chad and Libya.

Ethnic violence resulted in deaths during the year (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 such practices, and unlike in previous years, there were no reports that police tortured or beat persons.

During the year, the three gendarmes from Torodi charged with excessive use of force during an April 2002 interrogation were tried and convicted; 2 were sentenced to 1 year's imprisonment, and 1 was sentenced to 18 months' imprisonment.

Police used tear gas to disperse student protests on October 8; there were reports of several injuries (see Section 2.b.).

Conditions in all 35 of the country's prisons were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's Civil Prison, there were approximately 550 prisoners in a facility built for 350; more than 400 of these were awaiting trial at year's end. Family visits were allowed, and prisoners could receive supplemental food, medicine, and other necessities from their families; however, nutrition and health conditions were poor, and deaths occurred from AIDS, tuberculosis, and malaria. A new maximum security prison in Koutoukale was completed during the year; however, it did little to relieve prison overcrowding. In January, police shot and killed one convicted drug trafficker as he attempted to escape from a prison in Birni N'konni.

Corruption among prison staff was rampant. There were credible reports that prisoners could bribe officials to leave prison for the day and serve their sentences in the evenings. Prisoners also could claim illness and serve their sentences in the national hospital.

Prisoners were segregated by gender, and minors and adults were incarcerated separately; there was one juvenile detention center. Pretrial detainees were held with convicted prisoners.

Human rights observers, 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.—The Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours; however, police at times violated these provisions. Unlike in the previous year, there were no arbitrary arrests. The police force, which was under the direction of the Ministry of Interior, was ineffective, primarily because of inadequate re-

sources. Basic supplies, such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges were scarce. Patrols were sporadic, and emergency response time in Niamey could take 45 minutes. Police training was minimal, and only specialized police units had basic weapon-handling skills. Corruption was widespread, and even crimes against local elites and foreigners were not investigated unless the victims bribed police. On December 31, the National Assembly adopted legislation granting police more decision-making authority and increasing compensation levels, in part to curb corruption.

If police failed to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period began. Poor communications hindered accurate identification of detainees and could result in prolonging the 48-hour detention period. A defendant has the right to a lawyer immediately upon detention, and bail is 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.

Numerous journalists were arrested during the year (see Section 2.a.).

Police, acting under authority granted them by the Security Law, occasionally conducted sweeps to detain suspected criminals.

In January, 272 persons arrested following the August 2002 mutinies were charged with high treason; many also were charged with participation in rebellious acts, arson, murder, attempted murder, looting, damage to property, and assault and battery (see Section 3). In May, 52 of the 272 had been released; at year's end, court proceedings were pending for those who remained in custody.

The two students detained in 2001 who went on a hunger strike in 2002 were provisionally released during the year; however, the students were not allowed to leave the country while investigative proceedings continued.

There were serious backlogs in the judicial system. Despite legal limits to the pre-trial confinement period of indicted persons, detention frequently lasted months or years; some persons have been waiting as long as 6 years to be charged.

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, the executive branch sometimes has interfered with the judicial process. During the year, court proceedings occurred in the absence of defendants and their counsel, and reportedly were delayed against the soldiers detained in connection with the August 2002 mutiny. In civilian matters, there were credible reports that family and business ties influenced lower court decisions. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. Nevertheless, there continued to be evidence of increased judicial independence. In January, the Constitutional Court ruled against the Prime Minister in a case defending the legal composition of the High Council for Communications (CSC). In July, the Constitutional Court ruled against changes proposed by the Government to the Electoral Code. In 2002, the Constitutional Court noted that the Government did not have the right to remove the Sultan of Zinder from his position. The Sultan was released from prison during the year; however, he still faced fraud charges.

Defendants and prosecutors could 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.

Defendants had 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. Widespread ignorance of the law prevented the accused from taking full advantage of these rights. There was only one defense attorney known to have a private practice outside the capital.

Traditional chiefs could act as mediators and counselors and had authority in customary law cases as well as status under national law where they were designated as auxiliaries to local officials. Chiefs collected local taxes and received stipends from the Government, but they had no police or judicial powers and could only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, tried cases involving divorce or inheritance. They were headed by a legal practitioner with basic legal training who was advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts were not regulated by law, and defendants could appeal a verdict to the formal court system. Women did not have equal legal status with men in the tradi-

tional and customary courts and did not enjoy the same access to legal redress (see Section 5).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law generally requires that police conducting a search have a warrant, normally issued by a judge; however, police reportedly often conducted routine searches without warrants. Under the State Security Law, police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property.

Republican Guards, many of whom reportedly were former Tuareg rebels, allowed Malian bandits, who also reportedly were Tuareg, to steal food and livestock and to commit other crimes against citizens living near the border in the Tillaberi region. No action was taken against the Republican Guards during the year.

The five officers and one civilian whose homes were searched without warrant in 2002 remained in preventive detention at year's end on charges of high treason.

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 numerous occasions, the Government limited these rights in practice. During the year, the Government temporarily closed down five private radio stations, arrested the editors of two weekly newspapers, and arrested numerous journalists.

The Government published 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 were affiliated loosely with political parties. The private press criticized government actions. Since literacy and personal incomes were both very low, radio was the most important medium of public communication. The Government-owned radio *La 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*, and *Radio Bonferey*; 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 the Government than were the private newspapers. *Radio Bonferey* presented religious (Islamic) broadcasts along with news coverage and talk shows on domestic issues. *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.

Television was a far less important medium than radio. The Government-owned *Tele-Sahel* and *TAL-TV* broadcast programming in French and other major national languages. A private television station, *TV Tenere*, also broadcast local and foreign programming. The director of a private radio station operated a wireless cable television service for the capital, offering access to international channels.

Foreign journalists circulated and reported freely. Strict accreditation requirements were imposed on domestic and foreign journalists; however, there were no reports that any journalists had been denied accreditation. During the year, the CSC continued to allow domestic broadcasting services to rebroadcast programs of foreign origin, such as *Voice of America (VOA)*, *British Broadcasting Corporation (BBC)*, *Deutsche Welle* programs, and *Radio France International (RFI)*. The news coverage of the state-owned media reflected government priorities. Presidential activities and conferences dealing with development issues always were reported. Analysis or investigative reporting on domestic topics was extremely rare.

The Government continued to use existing law to criminalize slander and libel and to prosecute, convict, and imprison critics. In February, the Government closed down the private radio station *Nomade FM*, in *Agadez*, after the station criticized the Government's program of reinsertion and reintegration for former Tuareg rebels. The station, which was accused of ethnic incitement, was allowed to reopen a few weeks later.

On July 17, the weekly newspaper *Le Republicain* published an article that accused the Government of awarding several contracts to its supporters without going through a competitive bidding process. The Government subsequently summoned the owner and editor of the newspaper, *Maman Abou*, on two occasions to appear in court for arraignment proceedings; *Abou*, who was out of the country, did not appear. On November 5, security forces arrested and detained *Abou* for defamation; he also was charged with theft for his use of a government document in the July article. On November 7, *Abou*, who was in jail, was fined and given a suspended 4-month sentence for the defamation charge in a court proceeding about which neither he nor his attorneys had been informed; no trial preceded the court proceeding.

Abou's attorneys appealed the sentence on procedural grounds, arguing that Abou had been sentenced without trial and in absentia. The Government countered that Abou's failure to appear at the two arraignment proceedings in July nullified any claim that he was tried in absentia. The Minister of Justice added that the absence of the accused did not constitute grounds for halting prosecution proceedings. Despite the suspended sentence, Abou continued to be detained on the theft charge. On December 30, a hearing was held; however, Abou remained in prison at year's end.

In February, after serving 8 months in prison, the *Canard Libere* journalist charged in 2002 with two counts of libel against the Minister of Agriculture and Prime Minister, was released.

In September, the CSC withdrew the temporary broadcasting licenses of 15 private radio stations; 4 of the stations had failed to submit supplemental documentation required for obtaining a permanent license, and the licenses of the other 11 stations, which had not yet started broadcasting, were issued improperly. By year's end, the CSC had issued permanent licenses to the 4 stations, which began broadcasting; the 11 other stations still had not received licenses.

On September 13, Ibrahim Souley, a journalist from *L'Enqueteur*, a weekly newspaper in Niamey, was arrested after publishing an article that alleged that government contracts were often based on ethnic kinship. On October 13, Souley was released from jail and sentenced to a 1-year suspended sentence for "inciting ethnic hatred"; Souley also was barred from entering Niamey for 3 months.

On October 9, Moussa Tchangari, the director of a private media group, was arrested and accused of inciting an October 8 student protest at Abdou Moumouni University. Tchangari, who student leaders maintained had not encouraged them to demonstrate, was released the following day without charge.

On November 13, police in Zinder arrested Amadou Mamoudou, Harouna Mato, and Ismael Moutari of the independent ANFANI radio station for broadcasting "inaccurate, sensitive information" about a conflict between area residents that resulted in several deaths; all three journalists were released within 48 hours.

SONITEL, the state-owned telephone company that was privatized in 2001, was the country's only Internet service provider (ISP); and had a monopoly on Internet communication and international voice communication through the end of 2004. The Government did not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

The Government restricted academic freedom during the year. On October 8, students at Abdou Moumouni University barricaded main roads, set tires on fire, and damaged vehicles to protest scholarship arrears, poor housing conditions, the closure of the university food service, and the lack of a transportation services for students (see Section 2.b.).

In response to the demonstrations, the Ministry of Secondary and Higher Education closed the university on October 12 after agreeing to the students' demands on October 10. In the 2002–2003 academic year, as in the 2001–2002 year, students were unable to complete the academic year because of a late start and strikes by students and teachers. The University reopened on October 27.

b. Freedom of Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right. The Government retained the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) was not provided. Political parties, including a coalition of opposition political parties, legally were permitted to hold demonstrations within a defined area. Unlike in the previous year, there were no reports that the Government delayed approving political party requests to demonstrate.

On October 8, police used tear gas to forcibly disperse students at Abdou Moumouni University who were demonstrating against scholarship arrears and education austerity measures; numerous students were injured (see Section 2.a.).

During the year, the two students arrested following a February 2001 demonstration were provisionally released (see Section 1.d.).

No action was taken against police who forcibly dispersed demonstrators in 2002.

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. Eight militant Islamic organizations banned by the Government remained banned (see Section 2.c.). Two representatives from one of the banned organizations were arrested in June 2002 and remained in detention at year's end. There were 35 political parties.

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 respected the freedom to practice religious beliefs, as long as persons respected public order, social peace, and national unity.

No religious group was subsidized; however, the Islamic Association, which acts as an official advisory committee on religious matters to the Government, had bi-weekly broadcasts on the government-controlled 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 has banned eight Islamic organizations on the grounds that these organizations were responsible for “disturbing the peace.” No mainstream Islamic organizations or human rights organizations have challenged the legality of the bans, which still were in effect at year’s end.

There generally were amicable relations between the various religious communities; however, there have been previous 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; unlike in previous years, there were no reports of conflict between Muslims and Christians in those areas.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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, and the Government generally respected these rights in practice. Security forces at checkpoints monitored the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demanded payments or bribes; however, there were fewer reports of such actions than in previous years. There were occasional reports of banditry, sometimes violent, during the year.

The law does not provide for granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, although the country is a signatory to the Convention. In practice, the Government provides protection against refoulement, but does not routinely grant refugee or asylum status. The UNHCR’s regional office in Benin was responsible for refugee assistance and protection in the country; the Government’s interministerial National Refugee Eligibility Committee performed refugee prescreening duties. The Government offers temporary protection and has offered asylum to several thousand persons primarily from Mali and Chad. A few Chadian refugee families remained in the country.

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. A coup in 1999 led to the installation of a military-led government, which instituted a 9-month transition to democracy. A 1999 referendum approved a new Constitution that provided for a power-sharing presidential system and granted amnesty to perpetrators of coups in 1996 and 1999. 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; and the National Movement for the Development of Society and the MNSD/CDS coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. Five of the country’s 35 political parties were represented in the National Assembly. Municipal elections are scheduled for May 2004; presidential and legislative elections are scheduled for late 2004.

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.

Unlike in the previous year, there were no attempted army mutinies.

Women traditionally play a subordinate role in politics. The societal practice of husbands’ voting their wives’ proxy ballots effectively disenfranchised many women. This practice was used widely in the 1999 presidential and National Assembly elections. There was 1 woman in the 83-seat National Assembly; there were 4 female ministers in the Cabinet. The appointed mayors of Niamey, Tillaberi, and Agadez were women. The law mandates that women receive 25 percent of government posi-

tions; however, by year's end, women still did not fill that percentage of government positions.

All major ethnic groups are represented at all levels of government. The Government supported greater minority representation in the National Assembly through its continued support for "special constituencies." There were eight seats at the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations. 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 operated without government restriction, investigating and publishing their findings and conclusions that often were highly critical of the Government. Government officials often were unresponsive to their views and denied allegations of human rights abuses. The ICRC was active in the country.

The mandate of the Commission on Human Rights and Fundamental Liberties, which the Government created and funds, includes communication, advocacy, and investigation of human rights abuses. The Commission was restructured in 2002, and the Government added additional personnel; this restructuring appeared to limit the Commission's independence. During the year, the Commission provided human rights training to the military and hosted a human rights summit.

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

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion; however, in practice, there were instances of societal discrimination against women, children, ethnic minorities, and persons with disabilities, including limited economic and political opportunities. Despite strong government efforts to discourage discrimination against persons with HIV/AIDS, societal discrimination against such persons occurred.

Women.—Domestic violence against women was widespread, although reliable statistics were not available. Wife beating reportedly was common. Families often intervened to prevent the worst abuses, and women may (and did) divorce because of physical abuse. While women have the right to seek redress for violence in the customary or modern courts, few did 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 wanted to leave her husband.

Rape is a crime punishable by 10 to 30 years' imprisonment depending upon the circumstance and age of the victim. Reliable statistics were not available.

FGM was practiced by certain ethnic groups; approximately 20 percent of women in the country had undergone FGM, according to a 1999 World Health Organization global study. Clitoridectomy was the most common form of FGM. In May, as part of the reform to the Penal Code, the National Assembly passed previously rescinded legislation to criminalize FGM. Under the new law, those convicted of practicing FGM and their accomplices face prison sentences from 6 months to 3 years; if the victim of FGM dies, the practitioner can be sentenced from 10 to 20 year's imprisonment. The Government also took an active role in combating FGM and worked closely with a local NGO, UNICEF, and other donors to develop and distribute educational materials at government clinics and maternal health centers and participated in information seminars and publicity.

Prostitution, which is illegal and hidden, was more prevalent near major mining and military sites.

In May, as part of the reform to the Penal Code, sexual harassment was criminalized. Violators now face prison sentences from 3 to 6 months and fines from \$16.66 to \$166 (10,000 to 100,000 CFA francs). If the violator is in a position of authority, the prison sentence is from 3 months to 1 year and the fine is increased to from \$33.32 to \$332 (20,000 to 200,000 CFA francs).

Despite the Constitution's provisions for women's rights, deep-seated traditional and religious beliefs resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women did much of the subsistence farming as well as childrearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women remained underrepresented in civil service and professional employment.

Legal rights as heads of household applied only to men; divorced or widowed women, even with children, were not considered to be heads of households. Among

the Hausa and Peul ethnic groups in the east, some women were cloistered and could leave their homes only if escorted by a male and usually only after dark.

National service, which lasted from 18 months to 2 years, was mandatory for all young men and women who completed university studies or professional training. Men were allowed to serve in the military as part of their national service obligation; however, even though women were allowed to serve in the military, they could meet their national service obligation only by serving as teachers, health service workers, or technical specialists.

The Ministry of Social Development has an office to promote and protect women's rights. The Government continued to work toward the passage of the Family Law, which addresses many fundamental rights of women.

Children.—Although the Constitution provides that the Government should promote children's welfare, financial resources for this purpose were extremely limited. The minimum period of compulsory education was 6 years; however, only approximately 32 percent of children of primary school age attended school, and approximately 60 percent of those who finished primary schools were boys. The majority of young girls were kept at home to work and were married at a young age, rarely attending school for more than a few years. This resulted in a female literacy rate of 7 percent compared with 21 percent for males. Literacy rates, particularly for girls, were even lower in rural areas.

Some ethnic groups allowed families to enter into marriage agreements under 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.

FGM was performed on young girls in many parts of the country by certain ethnic groups (see Section 5, Women).

The trafficking of children, including for prostitution, was a problem (see Section 6.f.).

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

Infanticide occurred, and 80 percent of the female prison population were charged with the crime. According to the Ministry of Justice, infanticide resulted from severe economic conditions.

In October, the National Assembly ratified two Optional Protocols concerning the Convention on the Rights of the Child: The Optional Protocol on the involvement of children in armed conflict, and the Optional Protocol on the sale of children, child prostitution, and child pornography.

Persons with Disabilities.—The Constitution mandates that the State provide for persons with disabilities; however, the Government had not implemented regulations to mandate accessibility to buildings, transportation, and education for those with special needs. Societal discrimination against persons with disabilities existed. Observers reported that many persons with mental disabilities were rejected by their families due to the stigma surrounding mental illness in the country.

National/Racial/Ethnic Minorities.—The Hausa and Djerma ethnic groups made up approximately 56 percent and 22 percent, respectively, of the country's population. These two groups also dominated government and business. Tandja Mamadou was the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris had 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. The Government was unable to accommodate the unique needs of nomadic persons, such as Tuaregs and many Peul, who continued to have less access to government services. During the annual Cure Salee festival of desert nomads, the Government provided medical and legal services; however, some nomads continued to be dissatisfied with government efforts to meet their needs.

In October, in the eastern region of Zinder, a group of Toubou killed six and injured three Tuaregs in apparent retaliation for a Tuareg attack the previous year that resulted in the deaths of two Toubou. Conflict between the two groups, who were nomadic herders, resulted from disputes over grazing areas and water points.

During the year, there were reports of continued banditry in the north that may have involved former Tuareg rebels (see Section 1.f.).

Limited security issues existed in the south as a result of continued conflict over land use between farming and herding groups.

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, represented the majority of salary earners; most were 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 had informal ties to political parties. There were several breakaway union confederations and independent teachers' and magistrates' unions, including the Nigerien Labor Confederation (CNT), the Nigerien General Workers Union (UGTN), and the Democratic Confederation of Niger's Workers (CDTN). The police union remained suspended.

The Labor code prohibited antiunion discrimination by employers, and labor unions reported no such discrimination.

The USTN was a member of the Organization of African Trade Union Unity and was affiliated with the International Confederation of Free Trade Unions; it received assistance from some international unions. Individual unions such as the teachers union were affiliated with international trade union secretariats.

b. The Right to Organize and Bargain Collectively.—In addition to the Constitution and the Labor Code, there is a basic framework agreement between unions, 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 International Labor Organization (ILO) principles, and it protects the right to organize. In private and state-owned enterprises, unions used their right to bargain collectively without government interference for wages above minimum and for more favorable work conditions. Collective bargaining also existed in the public sector. The USTN and CDTN represented civil servants in bargaining with the Government. Agreements between labor and management applied uniformly to all employees.

The Constitution provides for the right to strike, except for security forces and police, and workers exercised this right. 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.

During the year, there were several strikes by education, health care, and customs workers, generally relating to fringe benefits and lack of good working conditions.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor, except by legally convicted prisoners; however, a traditional form of slavery or servitude still was practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions and along the border with Nigeria. In May, the National Assembly criminalized slavery.

Persons were born into a traditionally subordinate caste and were expected to work without pay for those above them in the traditional social structure. According to Timidria, a local human rights NGO that actively worked against the practice, 7 percent of the population worked under such conditions. None of these individuals appeared to have been forced into slavery or servitude. Individuals could legally change their situations; however, most did not and accepted their circumstances. During the year, Timidria conducted a survey of 11,000 persons born into servitude; 80 percent indicated that the persons for whom they worked determined who they married and whether their children attended school.

On December 19, the ILO and a local NGO held a workshop on forced labor practices for traditional chiefs in Tahoua. The workshop was to include a symbolic ceremony in which nine members of a subordinate caste were to receive certificates of freedom. The workshop was allowed to continue; however, security forces interrupted the ceremony and temporarily seized equipment from journalists in attendance. Observers charged that the Government, which denies that slavery exists in the country, regarded the ceremony as a ploy for NGOs to gain notoriety and donations.

In 2002, a Tuareg man from Tanout claimed he was threatened with castration for planning a revolt against the person for whom he worked. After escaping and being forcibly returned to work by his community, he contacted a local NGO and was placed under government protection. The case was in the courts at year's end.

The Labor Code does not prohibit specifically forced and bonded labor by children, and there were credible reports of underage girls being drawn into prostitution and

of underage boys working as laborers in mines, slaughterhouses, and rice fields (see Sections 6.d. and 6.f.).

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.

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—including foreign—youths were hired in homes as general helpers and baby sitters for very low pay. 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 were responsible for enforcing child labor laws; however, resource constraints limited their ability to do so.

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 Koranic teachers to beg in the streets (see Section 6.f.). During the year, 30 young boys were forced to work on a rice plantation for their Koranic teacher, according to a child rights group. Each boy earned \$1.66 a day (1,000 CFA francs), which was turned over to the teacher, who after several months purportedly left for Saudi Arabia with the money that the boys had earned. There was no official recognition of this labor.

Child labor also occurred in the largely unregulated gold mining sector and in slaughterhouses. The Ministry of Labor noted that children working in gold mines were particularly vulnerable to poor ventilation, collapse hazards, and insufficient lighting; they also were susceptible to alcohol and substance abuse. One local human rights group worked at a mine site to successfully eradicate the manual hauling of water by children to the mines and to build a school. In slaughterhouses, children were vulnerable to disease and accidents due to poor working conditions.

During the year, the Ministry of Labor, which was responsible for implementing ILO Convention 182 on the Worst Forms of Child Labor, worked with UNICEF and the International Program on the Elimination of Child Labor to complete the first phase of a program to determine the extent of the problem. The program addressed four areas: Improving conditions in underground gold mines around Komabongu; increasing awareness about child labor at the national slaughterhouse in Niamey; teaching marketable skills to street children in Birni N'konni; and reducing labor hours and teaching marketable skills to children who worked in agriculture on islands in the Niger River around Tillaberi.

Forced and bonded labor by children occurred (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 was \$33.33 (20,000 CFA francs) per month. Additional salary was granted at \$1.66 (1,000 CFA francs) per month per child. Government salaries have been largely paid on time, and past arrears have been paid down. Most households had multiple earners (largely in informal commerce) and relied on the extended family for support.

The legal workweek was 40 hours with a minimum of one 24-hour rest period; however, for certain occupations, the Ministry of Labor authorized longer workweeks of up to 72 hours. There were no reports of violations during the year.

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. The gold mining industry was largely unregulated. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers in many cases were 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; however, in most cases this did not occur in practice.

The Labor Code protects both legal and illegal foreign workers and entitles them to remuneration from the employer even in the case of a labor dispute in the informal sector; however, claims by illegal workers were rare.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports of trafficking. There also was evidence that the country is a transit point and destination for a small number of trafficked persons. Internal traf-

ficking occurred, and there was anecdotal evidence that clandestine networks victimized young girls who worked as household helpers.

During the year, the Government apprehended two groups who were trafficking boys and girls from Nigeria to Mali, although it was believed that their intended final destination was in north Africa or Europe. One of the groups was based in the country, but had connections to Sokoto and Kano in northern Nigeria, according to the Government. In August, the Nigerian traffickers were returned to Nigeria to face charges; the child victims also were repatriated to Nigeria.

Internal trafficking of young boys for labor and young girls for prostitution from rural to urban areas occurred. There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. There were also reports that child prostitution was especially prevalent along the main East-West highway, particularly between the towns of Birni N'konni and Zinder. Child prostitution is not criminalized specifically, and there was no precise age of consent; however, the law prohibits "indecent" acts towards minors. It was left to a judge to determine what constituted an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by 3 to 5 years in prison.

There were also reports of internal trafficking that included the indenturing of boys to Koranic teachers. In response to economic hardship, some rural parents sent their sons to learn the Koran in the cities where, in return for their education, the boys supported their teachers by begging on the streets or doing manual labor (see Section 6.d.).

Trafficking in persons generally was conducted by small-time operators who promised well-paid employment in the country. Victims, primarily from neighboring countries, were escorted through the formalities of entering the country, where they found that their employment options were 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 the country for the cost of the trip. Compliance was enforced by "contracts," which were signed by illiterate victims before they departed their countries of origin; alternatively, the victim's travel document simply was seized. A local NGO also reported that some rural children were victims of domestic trafficking in which the victim (or his/her family) was promised a relatively decent job only to be placed in a home to work as a servant.

NIGERIA

Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature drawing their authority from the 1999 constitution. In April, President Olusegun Obasanjo of the Peoples Democratic Party (PDP) was reelected to a 4-year term after being declared winner in elections that international and domestic observers stated were marred by serious irregularities and fraud, including political violence. At year's end, opposition parties continued to challenge the election in court. The elections also resulted in the ruling PDP winning 70 percent of the seats in the national legislature and 75 percent of the state governorships. Although the judicial branch remained susceptible to executive and legislative branch pressures, the performance of the Supreme Court and decisions at the federal appellate level were indicative of growing independence. State and local judiciary were significantly influenced by political leaders and suffered from corruption and inefficiency more than the federal court system.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement and the Inspector-General of Police (IGP) officially reported directly to the President. Internal security is the duty of the State Security Service (SSS), which reports to the President through the National Security Advisor. Police were unable to control ethno-religious violence on numerous occasions during the year, and the Government continued its reliance on the army in those cases. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law. Security forces committed several serious human rights abuses.

The country's market-based economy grew 3.3 percent in real terms in 2002, and most credible estimates project a slight decline to 3.2 percent growth during the year. Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Most of the population of approximately 130 million were rural and engaged in small-scale agriculture, which accounted for only 42 percent of gross domestic product (GDP). Increased unemployment was a problem. Much of the country's wealth remained concentrated in the hands of a

small elite. Corruption, nontransparent government contracting practices, and other systems favored the wealthy and politically influential, including: A banking system that impeded small and medium investor access to credit; and regulatory and tax regimes that were not always enforced impartially. Wages and benefits have not kept pace with inflation. The International Labor Organization (ILO) estimated that 91 million citizens lived below the poverty line and were subject to malnutrition and disease.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. Elections held during the year were not generally judged free and fair and therefore abridged citizens' right to change their government. Security forces committed extrajudicial killings and used excessive force to apprehend criminal suspects, and to quell some protests. There were several politically-motivated killings by unknown persons during the year. Security forces regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were fewer reported incidents of torture by security agents than in previous years. Impunity was a problem. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning; however, no amputation or stoning sentences were carried out, and one of the judgments was dismissed on appeal during the year. Prison conditions were harsh and life threatening, and conditions contributed to the death of numerous inmates. Security forces continued to arbitrarily arrest and detain persons, including for political reasons. Prolonged pretrial detention remained a serious problem. The judicial system often was incapable of providing criminal suspects with speedy and fair trials. Government authorities occasionally infringed on citizens' privacy rights. The Government at times limited freedom of speech and press. The Government continued placing limits on freedom of assembly and association, citing security concerns. Some state governments placed limits on some religious rights, and some government programs discriminated between religious groups. The Government occasionally restricted freedom of movement for security reasons in areas of unrest and used lethal force at checkpoints. Domestic violence and discrimination against women remained widespread. Female genital mutilation (FGM) remained widely practiced in some parts of the country, and child abuse and child prostitution were common. Intercommunal violence remained a problem. Some militant members of the Ijaw ethnic group in the oil-producing Niger Delta region continued to commit serious abuses, including unlawful killings and kidnappings, leading to violent reprisal attacks by the Itsekiri ethnic group. Ethnic and regional discrimination remained widespread, and localized discrimination and violence against religious minorities persisted. Some restrictions on worker rights continued. 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 continued throughout the country, particularly in parts of the South.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings by security forces; however, national police, army, and security forces committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protesters during the year, when crowds were perceived by police as possibly becoming violent. Multinational oil companies and domestic oil producing companies subcontracted 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 portion of the violent crime committed during the year. Police were instructed to use lethal force against suspected criminals and suspected vandals near oil pipelines in the Niger Delta Region.

The Federal anticrime taskforce, also known as "Operation Fire for Fire," was among the most frequent human rights offenders. Operation Fire for Fire was established in response to widespread public calls for the Government and police to address violent crime more vigorously. Police and anticrime taskforce personnel involved committed extrajudicial killings in the apprehension and detention of suspected criminals, and were instructed to use deadly force to subdue violent criminals. According to Inspector General of Police Tafa Balogun, from March 2002 until November, police killed more than 1,200 criminals and arrested more than 2,800. There were widespread complaints that Operation Fire for Fire has given a largely untrained police force broad latitude in using deadly force. In most cases, police officers were not held accountable for excessive or deadly force, or for the deaths of per-

sions in custody. They generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects (see Section 1.d.).

During the year, police, military, and anticrime personnel continued to regularly use lethal force against suspected criminals. For example, on May 2, a police officer reportedly opened fire on a commercial bus in Ado Ekiti, mistakenly killing two students, while searching for a fugitive. The policeman was arrested and detained but had not been formally charged at year's end.

On August 4, police reportedly killed three robbery suspects in Enugu State. The policemen alleged that the suspects were robbing passengers in a bus when they were caught. The policemen have not been arrested or detained for the killings.

On August 12, a police officer shot three suspects, accused of killing a police officer, while the suspects were in a jail in Kubwa. Police were investigating the shooting at year's end.

On September 8, the Bauchi State Police Command reported that police killed nine suspected armed robbers in various parts of the state: Four were killed in two separate shoot-outs, while the remaining five were killed while in custody in a police van to prevent their escape.

The policeman accused of the 2002 shooting of Ikenna Asikaburu, an 18-year-old student in Lagos, was dismissed from the force, but no compensation has yet been paid to the family.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment (see Section 1.c.). On May 12, a police sergeant allegedly tortured to death Haruna Mohammed while he was in custody in Bauchi. Mohammed was being held on suspicion of stealing \$75 (10,000 naira) from the Speaker of the State House of Assembly. The Bauchi House of Assembly formally petitioned the state police commissioner for an investigation. There were no further developments by year's end. There were only a few cases in which members of the police were held accountable for abuses. Harsh and life-threatening prison conditions and denial of proper medical treatment also contributed to the deaths of numerous inmates.

Security forces committed other unlawful killings during the year. Due to the large number of civilian deaths by police, armed police in public arguments often found themselves in the middle of large crowds that occasionally took revenge. In many cases, police accidentally killed persons while attempting to disperse crowds. For example, on January 24, a gin seller called police to assist in collecting a debt. In the ensuing argument, a policeman shot and killed the debtor's pregnant wife. The officer was taken into custody and was awaiting trial at year's end.

On May 14, in Edo State, a policeman argued with a commercial motorcycle rider, and a crowd formed. The policeman attempted to disperse the crowd by firing into the air, but killed two persons. An investigation was pending at year's end.

Violence and lethal force at police and military roadblocks and checkpoints continued during the year. For example, on May 19, police shot an Ebonyi State Medical student at a checkpoint after being arrested for refusing to pay a \$0.08 (10 naira) bribe. The policeman was arrested.

On June 25, a policeman shot and killed the driver of a commercial bus in Jigawa State, after the driver refused to pay a \$0.15 (20 naira) bribe. Police were investigating the shooting at year's end.

On September 8, soldiers shot a motorcycle operator who refused to pay a \$0.15 (20 naira) bribe at a checkpoint in Delta State. The Committee for the Defense of Human Rights (CDHR) reported that military officials originally tried to claim that the individual was an armed robber to cover-up the incident. The Nigerian Bar Association called upon the Chief of Army staff to financially compensate the family of the deceased and discipline and prosecute the responsible soldiers. One soldier was transferred.

Police and military personnel used excessive force and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence, primarily in the oil and gas areas of the States of the Niger Delta and in Plateau State (see Sections 2.b., 5, and 6.b.). Although less frequent than in previous years, there were reported occurrences of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta. The Ondo State government had not released its report into the 2002 killing of four women on oil production platforms by year's end.

In mid-August, the Government began "Operation Restore Hope," a joint task force comprised of approximately 5,000 army, naval, air force, and mobile police personnel under the command of Army General Zamani, in response to violence in the Niger Delta region (see Section 5). Military personnel and youths have had repeated small-scale skirmishes, with total estimated casualties on both sides reaching 1,000

for the year. Many human rights organizations have accused the military and police of harassment, extortion, and excessive use of force during Operation Restore Hope.

In response to public pressure or formal requests from state governments, the Federal Government continued to deploy the army in troubled areas during the year. In September, after 2 years, the Government withdrew military forces from Plateau State. During the elections, the military was deployed, along with paramilitary and police, to maintain order in population centers throughout the country. There were reports that soldiers from some units committed serious abuses while performing this policing role, although the number of such incidents decreased from the previous year.

The Benue Commission established in 2002 to investigate the October 2001 killing of approximately 200 civilians, rape, extortion, and looting in Benue State by soldiers had not published its report and findings by year's end.

No action was taken against security forces in the following 2002 cases: The January killing of 3 persons in Bayelsa State; the February killing of 15 youths in Delta State; the March killing of up to 25 persons in Katsina State; the April killing of Flight Sergeant Augustine Ogbolu in Ondo State; the May killing of University of Lagos students Gbenga Akinmogan and Shakirat Owolabi; the June killing of Agene Akinrinde in Lagos; the June killing of Oluwatosin Adelugba at a Lagos checkpoint; the August killing of John Osazuwa in Edo State; and the October Joint Security Taskforce killing of 6 civilians during a communal clash in Plateau State.

No action was taken against security forces in the reported 2001 cases.

On February 24, the Federal High Court ruled that Mohammed Abacha, former President General Sani Abacha's son, could be arrested and tried for the 1996 attempted murders of Abraham Adesanya, leader of Afenifere, and Alex Ibru, publisher of the Guardian newspaper. Abacha was confined to the city of Kano at year's end.

There were several killings by unknown persons that may have been politically motivated. For example, on February 22, unknown persons shot and killed Uche Ogbonnaya, an opposition All Nigerian Peoples Party (ANPP) Senatorial candidate in Imo state, in his home in Owerri.

On March 5, unknown persons killed Marshall Harry, a National Vice Chairman of the ANPP who formerly was a prominent member of the ruling PDP. Shortly before his death, Harry alleged that Rivers State Governor Peter Odili's men were intimidating political opponents and called on police to protect his party members from these "political thugs." Although some arrests were made in connection with the killings, no one was formally charged. Harry's daughter, an eyewitness to the killings, publicly stated that the persons arrested were not the perpetrators.

There were no known developments in the following 2002 cases of politically motivated killings by unknown assailants: the June killing of magistrate Maria Theresa Nsa in Cross River State; the August killing of Victor Nwankwo in Enugu State; the October killing of gubernatorial candidate Dele Arojo; and the October killing of Professor Chimere Ikoku in Enugu State.

In October 2002, 11 of 27 suspects were charged with the murder of Justice Minister Bola Ige. The trial of 6 of the 11, including Senator Iyiola Omisore, who was elected in Osun State while in detention, started in March at an Ibadan high court. The trial started and stopped several times, and two judges resigned due to pressure and threats. The remaining five persons charged were still in detention pending the start of their trial at year's end.

Killings carried out by organized gangs of armed robbers remained common during the year. In most southeastern states, state governments supported vigilante groups, the most well-known of which was the "Bakassi Boys," officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys killed suspected criminals rather than turn them over to police. The influence of the Bakassi Boys diminished during the year.

Other organized vigilante groups in large cities, particularly Lagos and Kano, continued to commit 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. For example, on February 16, a vigilante group in Kano along with police killed three suspected robbers in a shoot-out.

On October 30, the Akwa Ibom State Police Command officially authorized the formation of vigilante groups by local communities for the purpose of hunting down armed bandits.

No action was taken against members of vigilante groups who killed or injured persons during the year or in previous years, although police reportedly harassed members of such groups. Unlike in previous years, there were no reports of "torture chambers" operated by the Bakassi Boys.

Reports of street mobs apprehending and killing suspected criminals diminished during the year, and there were no developments in cases from previous years. 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) also declined.

Politically-related violence occurred throughout the country from January through May. For example, on February 16, a clash between ANPP and PDP supporters in Benue State left seven persons dead.

During the May 3 state elections in Delta State, eight persons were killed at the polls: five in Burutu, two in Ozoro, and one in Oleh.

There were no developments in the following 2002 cases: the June killing of 2 persons in Delta State during a local PDP caucus; the July killing of 4 to 8 persons in primary-related violence in Bayelsa State; the unconfirmed killing of 50 persons in Bayelsa State in violence between two rival gangs; and the August killing of the Kwara PDP chairman.

The trial for the September 2002 murder of Barnabas Igwe, Chairman of the Anambra State branch of the Nigerian Bar Association, and his wife did not begin by year’s end.

Lethal interethnic, intraethnic, and interreligious violence occurred at diminished levels from previous years (see Section 5). Sporadic communal violence continued between Tivs, Jukuns, and other tribes in Adamawa, Kogi, Edo, Delta, Nassarawa, and Plateau States during the year, killing hundreds of persons.

During the year, rivalry and fighting between and among rival student affinity groups, commonly known as cults, in higher institutions led to the killing of persons and destruction of property. Cultism was on the rise, especially in the South and Middle Belt States, and seemed to coincide with the end of the 6-month national strike by university educators that kept most universities closed during the school year. For example, cultists killed a lecturer and four students at the University of Ilorin in Kwara State during the first 2 weeks of May.

Between July 6 and July 8, eight students were killed at Ebonyi State University, just 2 weeks after it reopened, forcing the school to close indefinitely.

There was no resolution in the 2002 cases involving deaths in cult clashes.

b. Disappearance.—There were reports of politically motivated disappearances during the year.

On May 24, government security operatives detained one of the imams from the Kaduna Central Mosque for allegedly inciting violence in advance of President Obasanjo’s May 29 inauguration. His supporters won a decision from the Kaduna High Court ordering the Government to produce him in court. The Government did not respond to the order, and the Imam remained missing at year’s end, presumed to be in detention.

On July 10, Mobile Police abducted Anambra State Governor Chris Ngige, forced his resignation, and held him for 5 hours. Ngige, a member of the ruling PDP, had allegedly pre-signed an undated resignation letter and had given it to Chris Uba, his political godfather. (A political godfather uses bribery and blackmail to help another person to obtain political office in exchange for receiving favors, usually contracts). Uba, with the aid of the Deputy Governor Okey Udeh and others, attempted to forcibly remove Ngige from office. On August 7, as prescribed by the 1999 Anambra State Constitution, a seven-member panel was convened to investigate allegations of “gross misconduct” by Udeh. On August 25, the Federal High Court ordered the panel to halt proceedings based on a motion filed by Udeh. The panel ignored the order and submitted its findings to the State House of Assembly. On September 9, the State House of Assembly voted to impeach Udeh. Udeh filed another suit with the Federal High Court claiming that his impeachment was unconstitutional, questioning the jurisdiction of the panel and State House of Assembly to move for his impeachment. On September 16, the Anambra State High Court issued an ex-parte order to terminate the previous Federal High Court order ceasing impeachment proceedings. On September 20, the Federal Government agreed to abide by the terms of the ex-parte order pending a ruling from a superior court. Legal proceedings were pending at year’s end.

Members of ethnic groups in the oil-producing areas continued to kidnap foreign and local employees and contractors of oil companies, allegedly to press demands for increased redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation. Most often the kidnappers simply demanded ransom likely to be used for personal gain, or to finance armed aggression between rival ethnic factions in the Niger Delta, particularly the Ijaw and Itsekiri. In all instances, the victims were released unharmed after negotiations between the captors and the oil firms or after the intervention of security forces. In previous years, the firms usually paid ransom and promised improved conditions; however, during the year, the major oil producers have refused ransom demands.

Some kidnappings, particularly in the Delta, appear to have been part of long-standing ethnic disputes over resources. Due to limited manpower and resources, police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. For example, on January 14, unknown assailants kidnapped the Edo State ANPP Chairman from his office in Benin City and held him for 2 days.

On January 28, unknown assailants kidnapped the traditional ruler of Aiyetoro Ota in Ogun State and held him for 3 weeks.

On July 31, armed Ijaw youths kidnapped and later released a local Chevron worker outside of his home in Warri. Chevron reportedly refused to accede to ransom for any kidnapped employee, local or expatriate, at the request of the Government.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and the law provides for punishment of such abuses; however, during the year, police, military, 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 and confessions obtained through torture. In some cases, persons died from torture in custody (see Section 1.a.).

Different formulations for criminal law of Islamic Shari'a were in place in 12 northern states (see Section 2.c.). Shari'a courts delivered "hudud" sentences such as amputation for theft, caning for fornication and public drunkenness, and death by stoning for adultery. No state prescribes hudud punishments for apostasy. Because no applicable case has been appealed to the federal level, federal appellate courts have yet to decide whether such punishments violate the Constitution (see Section 1.e.). Caning is also a punishment under common law in the Northern region Penal Code and has not been challenged in the courts as a violation of the Constitution. In some cases, convicted persons are allowed to choose to pay a fine or go to jail in place of receiving strokes of the cane. These sentences were usually carried out immediately, while all sentences involving mutilation or death allow 30 days for appeal.

On October 1, a Shari'a court in Zamfara State sentenced Shafaiatu Tukur to 30 cane strokes and a \$60 (8,000 naira) fine for arson. Tukur was given the option of a 5-year prison sentence instead. Her decision had not been announced by year's end.

Stoning and amputation sentences have been overturned on procedural or evidentiary grounds, but not on constitutional grounds. For example, on September 25, the Katsina State Shari'a Court of Appeal overturned Amina Lawal's conviction of adultery on the grounds that she had not been allowed an appropriate defense by the lower court. No death sentences were carried out during the year.

During the year, there were at least 44 cases in 5 states with sentences of stoning or amputation pending appeal or sentence implementation. No stoning or amputation sentences were carried out during the year.

There was no update in the 2002 charge that 20 Movement for the Actualization of the Sovereign State of Biafra (MASSOB) activists were detained unlawfully and tortured in Imo State.

During the year, security forces beat persons. For example, on January 25, a suspected rapist briefly escaped custody in Ogun State. Four policemen in a neighboring compound caught the suspect and beat him severely. No investigation occurred by year's end.

On December 8, after an attempted impeachment of the Speaker of the House, mobile policemen beat three state legislators in the Ekiti State Assembly while clearing the chambers to maintain order.

No investigation occurred in the 2002 beating of five commercial motorcycle operators in Lagos by police officers and soldiers, or in the 2002 alleged beating of 800 women trespassing on the grounds of the headquarters of Shell and Chevron-Texaco by security forces.

Security forces beat journalists during the year (see Section 2.a.).

On September 5, two policemen were arrested in Lagos for allegedly raping prostitutes they had arrested.

Although there were numerous ethnic clashes during the year (see Section 5), the number of persons who were beaten or injured severely was lower than in previous years. The military was able to respond quickly, due largely to the fact that military units were already deployed in some areas when violence broke out. Police generally lacked the resources to control communal violence.

Hamza Al Mustapha, Muhammed Rabo Lawal, Colonel Yakubu, Ishaya Bamaiki, and James Danbaba remained in detention under the secular criminal system as

suspects in the attempted murder of Ibru. The trial slowly moved forward during the year, with five witnesses testifying for the prosecution and bail formally being denied for the suspects. Lateef Shofolahan, Mohammed Aminu, and Barnabas ("Rogers") Msheilia were released from detention during the year.

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lacked functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Some prisons held 200 to 300 percent more persons than their designed capacity. The Government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. The Comptroller-General of Prisons stated on September 23 that 40,447 inmates were held in a system of 148 prisons and 83 satellite prisons, and he redesignated prisoner capacity, declaring the new capacity to be 44,556 prisoners. Some human rights groups estimated a higher number of inmates, perhaps as many as 60,000. Excessive pretrial detention contributed to the overcrowding (see Section 1.d.).

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. According to the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates promptly were buried on the prison compounds, usually without notifying their families. A nationwide estimate of the number of inmates who die in the country's prisons was difficult to obtain because of poor record keeping by prison officials. PRAWA and other NGOs alleged that prison conditions were worse in rural areas than in urban districts.

In January, 56 inmates in Lagos were placed in intensive care in Lagos prisons after a tuberculosis outbreak. There was no update on their condition by year's end.

In practice, women and juveniles were 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 were released on bail; however, women accused of serious offenses were detained. Although the law stipulates children shall not be imprisoned, juvenile offenders were routinely incarcerated along with adult criminals. There was no formalized procedure regarding the separation of detainees and convicted prisoners, and the method of confinement depended solely on the capacity of the facility; as a result, detainees often were housed with convicted prisoners.

The Ministry of Justice worked to create a judicial administration committee to address the questions of overcrowding, prison conditions, and rehabilitation. The NHRC also urged the Government and police not to detain persons in civil cases.

The Government allowed international and domestic NGOs, including PRAWA and the International Committee of the Red Cross (ICRC), regular access to prisons. PRAWA and the ICRC published newsletters on their work. The Government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. Unlike in previous years, no NGOs reported problems with access to prisons.

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.

The Nigerian Police Force (NPF) is tasked with law enforcement, and the Inspector-General officially reported directly to the President. Each state unit was commanded by an Assistant Inspector General. The Constitution prohibits local and state police forces. The NPF continued its aggressive anti-crime campaign dubbed "Operation Fire for Fire," which was responsible for human rights abuses and did not noticeably decrease the incidents of violent crime nationwide (see Section 1.a.). Corruption was rampant, usually taking the form of bribes at highway checkpoints, and more than 250 police were arrested during the year and another 300 dismissed from service for corruption. In addition, more than 30 officers around the country were arrested in connection with armed robbery.

Police and security forces were empowered to make arrests without warrants based on a reasonable suspicion that a person had committed an offense; they often abused this power. Under the law, 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 to a police 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 these 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 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 attended court proceedings, police often demanded an additional payment.

There were several politically-motivated arrests during the year. For example, in December 2002, police arrested Festus Keyamo, the leader of Movement for the Actualization of the Future Republic of the Niger Delta. Amnesty International reported that Keyamo was held incommunicado; denied medical assistance, adequate food, and clothes; and was likely detained for his political beliefs in seeking autonomy for the Niger Delta region. On February 3, police released Keyamo.

On April 13, security agents arrested and detained James Bawa Magaji, an ANPP senatorial candidate, for 7 days for "protesting and reporting" the discovery of ballot boxes to the Kaduna Police Command. Magaji and ANPP supporters discovered that ballot boxes were kept in the warehouse of the state government instead of Independent National Electoral Commission (INEC).

On April 19, security agents arrested UNPP Gubernatorial Candidate in Katsina State, Colonel Abdul Mummin Aminu, for electoral malpractices after Aminu reported to the police that ballot boxes had been taken to the home of the local government chairman instead of the INEC counting center. When diplomatic and international election observers arrived, the house containing the boxes was burned to the ground. Aminu was released four weeks later.

Security forces detained journalists on a few occasions during the year (see Section 2.a.).

On September 11, security agents arrested Ali Rugange, a politician with the opposition ANPP, a photographer, and their driver for taking pictures in an attempted survey of personal properties belonging to the Vice President in Adamawa State. The two were not charged and Rugange filed suit for unlawful detention. Police stated the arrest was for "attempted mischief." A local court awarded Rugange \$385 (50,000 naira) to be paid by the police for wrongful arrest.

During the year, police arrested labor leaders during strikes (see Section 6.b.).

There were no updates in the following 2002 cases: the February suit against the Anambra State Police Commissioner alleging illegal arrest and detention filed by attorney Olusoga Omotayo; the June suit against five police officers and a traditional ruler in Enugu filed by Ibrahim Onuomada, a PDP youth leader; and the September raiding of MASSOB's headquarters by mobile policemen with alleged arrests of more than 1,000 members.

Members of the Oodua People's Congress (OPC) continued to be arrested and detained without trial. Although relations with police were markedly improved and OPC operated freely, they reported that 30 to 50 members were placed in custody during the year. Others were charged as armed robbers and tried accordingly.

Persons who happened to be in the vicinity of a crime when it was committed normally were held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to return repeatedly for further questioning. For example, on February 13, 17 persons were detained and on February 18, 14 more were detained in the investigation into the Idumagbo explosion in Lagos, in which 33 persons died. The persons detained were neighbors to the explosion site and employees of neighboring companies, and detentions lasted from 2 days to several weeks.

Lengthy pretrial detention remained a serious problem. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). On September 23, the Controller-General of prisons stated that 25,380, approximately 63 percent, of prisoners were detainees awaiting trial who had not been charged; other sources placed the number as high as 80 percent. Some had been waiting as long as 12 years, while many had approached the maximum length of their sentences. Multiple adjournments in some cases had led to serious delays. The NHRC urged the courts, the Ministry of Justice, and police to expedite cases awaiting trial. Police cited their inability to securely transport detainees to trial on their trial dates as one reason why so many were denied a trial. The NHRC reported that some detainees were held because their case files had been lost. Some

state governments released inmates detained for significant periods of time without trial, including 100 inmates in Edo State and 17 inmates in Akwa Ibom, during the year.

There were no developments in the 2002 suit filed by hundreds of inmates awaiting trial in Lagos challenging the constitutionality the criminal procedure invoked by magistrates to remand them to prison without standing trial. Most remained in detention at year's end.

Ismaila Gwarzo, national security advisor to former President Abacha, remained restricted to his hometown in Kano State at year's end.

The Constitution prohibits the expulsion of citizens, and the Government did 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, the judicial branch remained susceptible to executive and legislative branch pressure. Decisions at the federal level were indicative of greater independence. The judiciary was influenced by political leaders particularly at the state and local levels. 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 to expedite cases.

The Ministry of Justice implemented strict requirements for level of education and length of service for judges at the Federal and State level. However, there were no requirements or monitoring body for judges at the local level, and this led to significant corruption and miscarriages of justice.

The recommendations of the 1993 Esho Panel, set up to investigate corruption in the judiciary, called for the "withdrawal" of 47 judicial officials. No judges have been removed for irregularities cited in the Panel's report; however, Justice Usman Kuserki was removed on January 23 for his July 2002 aborting of the ANPP national convention. During the PDP convention the 21 PDP governors threatened to take their states' votes away from the president if he did not make certain concessions. For nearly 24 hours it appeared that the Vice President was thinking about breaking ranks and fighting against the president for the nomination. In the middle of the night, Obasanjo contacted this judge to get an order to stop the convention so that he would not have to give in to the governors to get his nomination. The judge refused and was dismissed within weeks, purportedly due to his actions regarding the ANPP convention 7 months earlier.

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 are Shari'a (Islamic) and customary (traditional) courts of appeal in states that use those bases for civil or criminal law, including in 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 Constitution also provides that the Government 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. The nature of the case usually determined which court had jurisdiction. In principle, customary and Shari'a courts had 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 other venues. In some states, cases involving only Muslims must be heard by a Shari'a court. Other states with Shari'a law still permitted Muslims to choose common law courts for criminal cases; however, societal pressure forced most Muslims to use the Shari'a court system.

According to the Constitution, persons charged with offenses have the right to an expeditious trial. Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.). Most detainees were poor and could not afford to pay the costs associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants employed numerous delay tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting.

Trials in the regular court system were public and generally respected 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 was a widespread perception that judges easily were bribed or "settled," and that litigants could not rely on the courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were

pursuing other means of income. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, again primarily due to inadequate compensation.

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, although all accused persons have the right to appeal. The Government instituted a panel of legal scholars to draft a uniform Shari'a criminal statute to replace divergent Shari'a statutes adopted by various northern states; however, states continued to apply their individual codes.

There were 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 was accorded less weight in Shari'a courts. In violation of mainstream Shari'a jurisprudence, some Khadi judges subjected women to harsh sentences for fornication or adultery based solely upon the fact of pregnancy, while men were not convicted without eyewitnesses unless they confessed.

There were no developments in the 2002 Human Rights Violations Investigation Panel (HRVIP) recommendations regarding the possible reversal of the Auta Tribunal's conviction Saro-Wiwa and the Ogoni-9 in 1995.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, authorities at times continued to infringe on these rights.

Mobile police reportedly raided Movement for the Survival of the Ogoni People (MOSOP) leader Ledum Mitee's residence, claiming they were searching for hidden weapons. A search of the residence did not yield any weapons. Mitee was not arrested.

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 police to end the practice.

Purdah, the practice of keeping girls and women in seclusion from men outside the family, continued in parts of the country, which restricted the freedom of movement of women.

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 limited these rights. Some journalists practiced self-censorship.

The Government owned and controlled most of the electronic media and some publications; however, there was also a large and vibrant private domestic press that frequently was critical of the Government. There were two national, government-owned daily newspapers in English, the *New Nigerian* and the *Daily Times*. The *New Nigerian* published an additional Hausa edition. Several states owned daily or weekly newspapers that also are published in English. They tended to be produced poorly, had limited circulation, and required large state subsidies to continue operating. By year's end, there were more than 10 major daily newspapers, 5 weekly newsmagazines, and several sensational evening newspapers and tabloid publications.

Because newspapers and television were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. There was a government-owned national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcast in English, Hausa, Yoruba, Igbo, and other languages; 51 state radio stations broadcast in English and local languages. The NBC, the body responsible for the deregulation and monitoring of the broadcast media did not license any new private radio stations during the year. There were eight private radio stations operating during the year.

The National Television Station, NTA, was federally owned, and 30 states also operated television stations. There were nine privately owned television stations that broadcast domestic news and political commentary. There were two private satellite television services. The law requires that local television stations limit programming from other countries to 40 percent and restricted the foreign content of satellite broadcasting to 20 percent; however, the Government did not restrict access to, or reception of, international cable or satellite television.

International broadcasting, principally Voice of America and British Broadcasting Corporation, as well as *Deutsche Welle* and others, broadcast in English and Hausa and were an important source of news in the country. During the year, two international broadcasting organizations reported that their accreditation renewals initially were denied but they later were allowed to reapply.

During the year, there were cases of threats against and attacks on the press. On August 22, police arrested The Source reporter, Lawson Heyford, after he reported on communal clashes in Rivers state. Police detained Heyford for 4 days and was reportedly interrogated about his naming alleged responsible parties.

On August 30, police severely beat Daily Independent newspaper photographer, Akintunde Akinleye, on live television during the celebration of the Lagos traditional ruler's coronation. He regained consciousness and was released from the hospital one week later. Vice President Abubakar Atiku publicly apologized for the assault and paid compensation.

In 2002, Zamfara State Government rescinded the fatwa death sentence issued by the Deputy Governor on Isioma Daniels, one of the journalists responsible for an article about the Miss World Pageant that sparked violence in Kaduna (see Section 2.c.). Several small Islamic groups announced forgiveness of the journalist during the year.

There were no further known developments in the following 2002 cases: the February beating of a journalist by 10 policemen in Lagos or the arrest warrant for the Daily Times' managing director and editor for publishing negative stories about the Kogi State Governor.

There were no further known developments in the reported 2001 cases.

Editors reported that government security officers sometimes visited or called to demand information about a story or source; however, journalists and editors no longer feared suspension or imprisonment for their editorial decisions. Local NGOs suggested that newspaper editors and owners underreported actual human rights abuses and killings due in part to self-censorship. State broadcasters and journalists remained important tools for governors; these officials used the state-owned media to showcase the state's accomplishments and to promote their own political goals.

On February 4, Senator Jonathan Zwingina announced that the Senate had repealed Decree 60 creating the Press Council, which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. However, on July 14, the House of Representatives announced new rules for journalists covering the National Assembly that requires all material to be cleared before publication.

On June 30, security operatives bought hundreds of copies of TELL magazine in Abeokuta, Ogun State, in an attempt to limit the circulation of the magazine, which carried an article alleging corruption by the President and Vice President.

On November 24, three editors from the weekly news magazine the Insider were arrested and charged on November 26 with sedition and criminal defamation in relation to an article published in the magazine alleging the involvement of government officials in questionable oil deals. The three were released on bail and the case adjourned until 2004.

On December 28, the Deputy Governor of Kano State sued the Sun newspaper for libel. The paper alleged the deputy governor's involvement in a bribery scandal. Many journalists cited the libel laws as the main reason they practiced self-censorship.

While private television and radio broadcasters remained economically viable on some advertising revenues and business interests of the owners', despite the restrictions that the Government imposed on them, government-sponsored broadcasting companies complained that government funding and advertising were inadequate for their needs.

Foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas; however, they sometimes experienced multiple month-long delays, were issued only single entry visas, and forced to pay bribes to expedite visa processing. In March, the SSS briefly detained and harassed New York Times reporter Somini Sengupta and her two photographers in connection with reporting on clashes between Ijaw youths and the military near in Delta State.

There were no developments in the 2002 government announcement that Time (International) magazine reporter Stephen Faris was subject to arrest for publishing a "false" report, which President Obasanjo's investigative panel concluded was intended to damage the nation's international image.

The Government did not restrict Internet access, although unreliable and costly telephone service limited access and hindered service providers. Government-owned NITEL operated an Internet Source Provider (ISP) that competed with dozens of privately owned ISPs.

The Government continued to restrict academic freedom by controlling curriculum at all levels including mandating religious instruction, and the quality of secondary education remained poor. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses, particularly in the South,

continued to hamper educational progress (see Section 1.a.). On several occasions during the year, police forces harassed and arrested students during protests (see Section 2.b.).

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. In areas that experienced communal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

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 fears that they might heighten inter-religious tensions. The Ondo State ban on open-air religious events remained in effect during the year, and the Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was being enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.

The Government denied the opposition ANPP permits to hold rallies for their presidential candidate on multiple occasions. In some cases, the Government allowed the rally within a few days of the originally requested date. On September 23, Governor Shekarau of Kano State authorized an ANPP rally in contravention of a denial from the Inspector General of Police. During the rally, police tear-gassed ANPP supporters.

During the year, police killed 6 persons in Abuja, at least 10 persons in Lagos, and 6 students in Port Harcourt when dispersing otherwise peaceful protests.

On December 3, six members of the United Action for Democracy were arrested and beaten in Lagos when they attempted to hold a rally to protest the government's hosting of the Commonwealth Heads of Government Meeting. The activists filed suit on December 29 to protest both the detention and the beating.

Unlike in the previous year, police did not disrupt meetings of the OPC and allowed the organization to operate freely.

Police reportedly harassed members of MASSOB, MOSOP, and other groups. On March 29, anti-riot police killed seven MASSOB members in Imo state after reportedly disrupting a MASSOB meeting.

No action was taken against security forces who killed or injured persons while forcibly dispersing protests in 2002 or 2001, including the March 2002 raid on a weekly religious crusade in which the Enugu State Governor was implicated.

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. Unlike in the previous year, there were no reports that INEC used a stringent interpretation of constitutional requirements to block political parties from registering. The Constitution allows the free formation of political parties, and the number of parties registered with INEC increased to 31 in 2002.

c. Freedom of Religion.—The Constitution provides for freedom of religion and while the Federal Government generally respected religious freedom, there were some instances in which limits were placed on religious activity to address security and public safety concerns. Some state governments restricted these rights in practice in certain respects.

The Constitution prohibits state and local governments from adopting an official religion; however, some Christians alleged that Islam had been adopted as the de facto state religion of several northern states that have reintroduced criminal law aspects of Shari'a and continued to use state resources to fund the construction of mosques, the teaching of Kadis (Muslim judges), and pilgrimages to Mecca (Hajj). However, government funds also were used by some states to pay for Christian pilgrimages to Jerusalem. In general, states with a Christian or Muslim majority favored the majority faith. Both the federal and state governments were 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. Muslims in some predominately Christian states complained about religious discrimination. Approximately half of the population is Muslim, approximately 40 percent Christian, and roughly 10 percent practiced traditional indigenous religions or no religion.

The Constitution provides that states may elect to use Islamic (Shari'a) customary law and courts, and some states interpreted this language as granting them the

right to expand the jurisdiction of their existing Shari'a courts to include criminal matters (see Section 1.e.). By year's end, 12 northern states had adopted variations of Shari'a-based criminal law—Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to Shari'a provisions was compulsory for Muslims in some states and optional in others and enforcement varied by locale. Adherence to Shari'a provisions was not compulsory for Christians in any of the 12 states.

Christian and Islamic groups planning to build new churches or mosques are required to register with the Corporate Affairs Commission (CAC). 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. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number had their places of worship shut down because of enforcement of zoning laws. Some persons claimed that enforcement of these laws was selective.

Christians in the predominantly Muslim northern states continued to allege that local government officials used zoning regulations to stop or slow the establishment of new churches. Officials responded that many of these new churches were being formed in residential neighborhoods not zoned for religious purposes. State officials said the certification boards were dealing with a large backlog of cases for all persons, regardless of religious faith. Muslims continued to complain that they were denied permission to build mosques in predominantly Christian southern states.

The Government does not prohibit or discourage conversion from or to a particular religion, and unlike in the previous year, there were no reports that persons were arrested for conversion. There was no further action in the 2002 case of two men brought to trial in Zamfara State for converting from Islam to Christianity by year's end.

The law prohibits religious discrimination; however, reports were common that state and local government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts, and private businesses frequently were guilty of informal religious and ethnic discrimination in their hiring practices and purchasing patterns. As religious differences often correspond with ethnic differences, discrimination at the local level is often a mixture of religious and ethnic biases.

There was no update in the 2002 case of 21 nurses fired for not wearing "Shari'a compliant dresses" in Bauchi State.

On February 19, members of a Muslim youth organization disrupted three secondary schools in Ibadan, protesting that girls were not wearing appropriate head coverings; several persons were injured. A similar invasion occurred the following week, and 51 persons were arrested and 39 arraigned on charges of public disturbance. All were released on bail, and no trial date had been set by year's end.

Several northern state governments continued to ban public proselytizing during the year to avoid ethno-religious violence, although it is permitted by the Constitution. The Katsina and Plateau State governments maintained a ban on public proselytizing for security reasons during the year; however, some groups were allowed to carry out activities despite these formal bans, which generally were enforced on a case-by-case basis. Both Christian and Muslim organizations alleged that the Ministry of Foreign Affairs and the Immigration Department restricted the entry into the country of certain religious practitioners, particularly persons suspected of intending to proselytize.

According to the Constitution, students were not required to receive instruction relating to a religion other than their own; however, public school students in many parts of the country were subjected to mandatory Islamic or Christian religious instruction. State authorities claimed that students were permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. However, there were no teachers of "Christian Religious Knowledge" in many northern schools, and there were reports that in Enugu and Edo States Muslim students could not access "Islamic Religious Knowledge" in the public schools.

Although distribution of religious publications generally remained unrestricted, the Government periodically continued to enforce a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of Christian religious literature.

Although expanded Shari'a laws technically do not apply to non-Muslims, some non-Muslims, especially in Zamfara State, have been affected by certain social provisions of the laws, such as the separation of the sexes on public transportation. There also were reports that girls in government schools in Kano State were forced to wear the hijab.

A number of states sanctioned private vigilante Shari'a enforcement groups known as Hisbah. Zamfara State vested the local vigilante group with full powers of arrest and prosecution because the state believed police were not enforcing the Shari'a laws. Jigawa State also mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. Informal Shari'a enforcement groups may have been used for some law enforcement functions in other northern states as well.

There were no further developments in the investigations into the violence in Kaduna regarding the Miss World Pageant in 2002.

Religious differences often corresponded to regional and ethnic differences. For example, the northern region was predominately Muslim. Many southern ethnic groups were predominantly Christian, although the Yoruba were approximately 50 percent Muslim. Both Muslims and Christians were found in large numbers in the Middle Belt. In many areas of the Middle Belt, Muslim Fulani tended to be herders, while the Muslim Hausa and most Christian ethnic groups tended more toward farming or urban living. It often was difficult to distinguish religious discrimination and tension from ethnic, regional, economic, and land use competition. Often religious tensions underscored what were predominantly ethnic and economic confrontations during the year (see Section 5). The Middle Belt experienced recurring ethno-religious violence during the year but overall violence decreased markedly from 2001 levels.

Ethno-religious conflict continued in many parts of Plateau during the year. Repeated outbreaks of violence caused dozens of deaths and resulted in the destruction of places of worship, shops, and homes.

Existing tensions between Christians and Muslims caused minor incidents, such as a traffic accident, to escalate into communal violence. For example, on June 9, in Numan, Adamawa State, a non-local Muslim water hawker stabbed and killed a Christian woman in a disagreement over the price of water. The woman had refused to pay and the seller stabbed her in view of her family. The woman's family retaliated and over the next 2 days, eight persons were killed, one mosque and four churches were burned, numerous houses were destroyed, and hundreds of persons fled the town.

In September, at Ahmadu Bello University in Kaduna State, a female Christian student was accused of blasphemy, which led to non-lethal clashes between Muslim and Christian students.

There were no developments in the 2002 or 2001 incidents of interreligious violence.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them; however, police occasionally restricted freedom of movement by enforcing curfews in areas with ethno-religious violence.

In the months leading up to and during the elections, police in the Federal Capital Territory limited the number of Muslims entering Abuja to attend Friday Juma'at prayers at the National mosque because of the Government feared the gathering would become a spontaneous rally or riot in favor of opposition presidential candidate Buhari.

Local Government Areas (LGAs) in Warri North, Warri South, and Warri Southwest experienced numerous curfews in response to inter-ethnic conflict during the year. Mobile police and military personnel manned checkpoints and restricted movement for 12 hours during the day, which reportedly calmed Warri town.

Roadblocks and checkpoints routinely were used by law enforcement agencies to search for criminals and to prevent persons traveling from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. There were no reports that government officials restricted mass movements of individuals fleeing ethnic unrest. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence (see Section 1.a.).

The law 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.

There were confirmed reports that persons were questioned upon entry or exit to the country at Murtala Mohammed International Airport in Lagos. These persons, some of whom are community or political activists or had been opponents of the Abacha regime, remained in immigration computer systems as individuals to be

questioned by immigration or security officers. During the year, CDHR reported that Dr. Tajudeen Abdul Raheem, Chairperson of the International Government Council of the Centre for Democracy and Development (CDD), received his passport and an apology from police officials after being detained in 2002 trying to leave Murtala Mohammed Airport.

During periods of ethno-religious violence, numerous persons were displaced from their places of residence (see Section 5). The Red Cross estimated in April that more than 57,000 citizens were displaced due to different ethno-religious clashes, including 11,000 from a clash between Fulani herdsmen and farmers in Adamawa State in March. The local Red Cross also accused the Government of not providing sufficient aid to those displaced in the fighting.

In March, August, and September, tens of thousands of persons were displaced in the Niger Delta region in Bayelsa, Delta, and Rivers States due to continued ethnic and communal conflict.

No arrests were made after unknown gunmen assaulted displaced Tivs attempting to return to Taraba State in 2002. Unlike in the previous year, there were no reports that non-Tiv residents attacked Tivs trying to return to their homes in Benue. Officials in Benue estimated that as many as 6,000 Tiv IDPs were unable to return to their homes in other states. Other observers estimated that fewer than 1,000 persons remained.

The Lagos office of the U.N. High Commissioner for Refugees (UNHCR) estimated that 12,000 refugees, mostly ethnic Fulani herders, were in Cameroon at year's end. The refugees had fled eastern Benue and Taraba States following ethno-religious clashes between the Tiv and Jukun peoples in 2002. Approximately 5,000 Fulani returned during the year. No new Ogoni refugees arrived in Benin during the year, which has a population of approximately 235 Ogoni refugees. The UNHCR stated that there was "violence, insecurity, and a discrepancy in sharing resources, but it is not directed at the Ogoni", and it is safe for the Ogoni to return.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees through the NCR, its Federal Commissioner, and the National Emergency Management Agency (NEMA). The Eligibility Committee (on which the UNHCR had observer status), which governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications met in November. The Committee granted 1,983 asylum seekers refugee status; 16 cases were rejected, with 1,124 cases pending at year's end.

There were an estimated 9,000 recognized refugees living in the country. At year's end, 400 refugees were repatriated from the country to Sierra Leone. Remaining refugees included others from Sierra Leone, Liberia, Chad, Rwanda, and the Democratic Republic of the Congo. The NCR reported that it provided education and health service programs to the refugees. The NCR reportedly also set up micro-credit programs for refugees in the areas of trading, poultry and fish farming, and cassava processing.

The U.N. Commissioner for Refugees in the country announced on June 24 that a refugee camp in Lagos State was holding 2,700 refugees from 5 countries in facilities designed to hold 1,200. One problem resulting from the cramped conditions was an impending population explosion as large numbers of teenage girls were pregnant.

The Government provided temporary protection during the year. In June, the Government agreed to resettle 5,000 Liberian refugees from the Nicla refugee camp in Cote d'Ivoire. Due to deteriorating conditions and voluntary departures at the Nicla camp, 3,000 Liberian refugees were resettled to Ogun state at year's end.

To restore stability to Liberia, the Government provided asylum for Charles Taylor, former President of Liberia, 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 through periodic free and fair elections held on the basis of universal suffrage; however, citizens' right to change their government was abridged during National Assembly elections held on April 12 and presidential and gubernatorial elections held on April 19. State assembly elections were held on May 3. Local elections were due to be held in 2002 but were postponed indefinitely again in June.

Voter registration was carried out in 2002, and there were charges that millions of eligible voters were unable to register due to an apparent shortage of registration materials. In addition, there were allegations of improper hoarding of registration

materials by politicians. A final voters list, required by law for the elections, was not published. In January police arrested three men allegedly planning to print 5 million fake voter registration cards prior to the presidential and parliamentary elections.

Voters turned out for the legislative elections in much larger numbers than in 1999; however, widespread fraud marred the elections. The turnout was significantly less (under 50 percent) for the presidential and gubernatorial elections, which were also marred by widespread fraud. A total of 31 parties participated in the April 12 National Assembly elections, and 19 parties had presidential candidates in the April 19 presidential election. The European Union observer mission categorized the presidential elections as extremely poor, stating that in the worst six states, elections effectively were not held, and in the rest of the country the elections were seriously marred. All major independent observer groups, international and domestic, had negative statements about the fairness of elections and cited problems throughout the country. Types of reported fraud included ballot stuffing, intentional miscounting, underage voting, multiple voting, intimidation, and violence, including political killings (see Section 1.a.). There were numerous attempts to kill members of political parties during the election year. There also were several cases of politically-motivated arrests (see Section 1.d.). All parties participated in the misconduct; observers cited violations by the ruling PDP significantly more than others. Some election tribunal cases to adjudicate disputed elections were still ongoing at year's end; however, more than 90 percent of the cases that had been decided were simply dismissed on technicalities.

The President, Vice President, and other national and state officials serve 4-year terms, with limits of two elected terms per office. The next state and national elections are scheduled for 2007.

Actions by the Government's INEC during the election year raised serious rule of law questions. In Federal Court of Appeals hearings on an election tribunal case brought by a losing presidential candidate, INEC argued that it could not provide the court with official documents—such as the National Register of Voters, candidate lists for the election and the vote tally sheets—which the court had subpoenaed. Some of those documents are required by law to be compiled before a general election and not providing those and the others to the court even months after the election also made it appear INEC was ignoring the subpoena.

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. Several public officials were scrutinized closely by the press and public and legislative investigators. In August 2002, the House of Representatives introduced a “resign or be impeached ultimatum” to President Obasanjo, but the effort eventually failed. Most of the opposition to the President came from legislators within his own party. In August and September, there was discussion of impeachment of the House Speaker, Bello Masari. In addition to the impeachment threat, public criticism of the President has been frequent and, at times, harsh. The President did not resort to force or intimidation to stifle the impeachment threat or the public criticism against him; however, more than half of the incumbent legislators of the President's party were not renominated for election.

On July 10, Mobile Police detained Anambra State Governor Chris Ngige, forced his resignation, and held him for 5 hours. Ngige, a member of the ruling PDP, allegedly gave Chris Uba, his political godfather, a pre-signed an undated resignation letter. Uba, with the aid of the Deputy Governor Okey Udeh and others, attempted to forcibly remove Ngige from office. On August 7, a seven-member panel convened to investigate allegations of “gross misconduct” by Udeh under the state Constitution. On August 25, the Federal High Court ordered the panel to halt proceedings based on a motion filed by Udeh. The panel ignored the order and submitted its findings to the State House of Assembly. On September 9, the State House of Assembly voted to impeach Udeh. Udeh filed another suit with the Federal High Court claiming that his impeachment was unconstitutional. On September 16, the Anambra State High Court terminated the previous Federal High Court order ceasing impeachment proceedings. On September 20, the Federal Government agreed to abide by the terms of the order pending a ruling from a superior court. Legal proceedings were pending at year's end.

The political system remained in transition. The three branches of the Government acted somewhat independently. The Senate and the House of Representatives acted on budget review and oversight, an election reform initiative, and resource allocation; however, legislative and executive ineffectiveness and inability to compromise resulted in little substantive legislation. There were continued calls for a

national conference to reexamine the constitutional and political structure of the country.

In 2001, the President signed an electoral law that extended the tenures of local governments by rescheduling local elections in 2003. State governors and state assemblies contested the provision as an infringement on the states' constitutional power to control local government.

In 2002, the judiciary issued several important constitutional decisions that define federalism based on the rule of law, including that the National Assembly lacked the authority to extend the tenure of local governments and the decision that delimited the distribution of oil revenues.

There are no legal impediments to political participation or voting by women. Men continued to dominate the political arena, and NGOs continued to protest the limited representation of women in the political process. Although there were more than 500 ministerial and National Assembly positions, there were only 3 female ministers, 3 female senators, and 12 female representatives. The PDP waived the party filing fees for women seeking PDP nominations for various political offices to encourage more female candidates.

There are no legal impediments to participation in government by members of any ethnic group. 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 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. The Government was 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 other key positions among the different regions and ethnic groups. The Senate used its oversight role to reject many of President 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 ethnic groups to ensure that each region was given adequate representation. Despite this effort, there were more than 250 ethnic groups, and it was difficult to ensure representation of every group in the Government (see Section 5). Many groups complained of insufficient representation. Middle Belt and Christian officers dominated the military hierarchy. Some persons in the North believe that the northern Hausa were 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 operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the Government's past human rights' record was abundant in various media; however, during the year the Center for Law Enforcement Education (CLEEN) sued the Government in Federal Court over the seizure of more than 2,000 copies of the report "Hope Betrayed? A Report on Impunity and State-Sponsored Violence in Nigeria" in 2002, which the court recognized as a potential human rights violation. At year's end, the court had not heard the case.

Human rights activists continued to complain that President Obasanjo and members of his Government did not meet with them as frequently as they did during the early years of his administration.

The Catholic Secretariat continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels included a number of NGOs, 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.

The NCR's report from its 2002 fact-finding mission to assess Ogoni living conditions in Ogoniland was pending at year's end.

The ICRC was 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 Commission of Inquiry into Communal Clashes in Benue, Nassarawa, Plateau, and Taraba States completed its investigation, but its report was not made public by year's end. A number of groups continued to call for a full investigation into the 2001 killings of civilians in Benue by soldiers.

The NHRC, which was tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGOs, and

worked to establish its credibility as an independent monitoring body. The NHRC was chaired by retired Justice Uche Omo, included 15 other members, and had zonal affiliates in each of the country's six political regions. Since its inception, the NHRC has been denied adequate funding to do its job properly. The NHRC created a strategic work plan for the year and inaugurated steering and coordinating committees for the national action plan to be deposited with the UNCHR in December 2002.

During the U.N. Commission for Human Rights (UNCHR) in March and April, the NHRC was selected to become a member of International Coordinating Committee of National Human Rights Institutions (ICC).

The HRVIC, commonly known as the Oputa panel, was a one-time commission to investigate human rights abuses from 1966 to 1999, presented its findings to the President in 2002 and recommended compensation for victims of the worst human rights abuses; no one was compensated by year's end.

In 2002, Minister of Information and National Orientation, Professor Jerry Gana, reported that the Government would wait for all pending lawsuits, including one filed in 2002 by former Head of State Ibrahim Babangida that sought to ban the implementation of the panels' findings, to be decided before determining whether to publish the panel's recommendations.

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

The Constitution prohibits discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion. However, customary and religious discrimination against women persisted, 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 was a problem. Reports of spousal abuse were common, especially those of wife beating. Police normally did not intervene in domestic disputes, which seldom were 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 estimated that spousal abuse occurred in 20 percent of adult relationships. In more traditional areas of the country, courts and police were reluctant to intervene to protect women who accused their husbands formally if the level of alleged abuse did not exceed customary norms in the areas. Rape and sexual harassment continued to be problems.

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. While practiced in all parts of the country, FGM was more predominant in the southern and eastern zones, and local experts estimated the prevalence may be as high as 100 percent in some ethnic enclaves in the south. Women from northern states were less likely to undergo FGM; however, those affected were more likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first child. Women's Center for Peace and Development (WOPED) believed that the practice was perpetuated because of a cultural belief that uncircumcised women were promiscuous, unclean, unsuitable for marriage, physically undesirable, and were potential health risks to themselves and their children, especially during childbirth.

The Federal Government publicly opposed FGM; however, it took no legal action to curb the practice. There were no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies to combat FGM at the state and local government area (LGA) level. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States have banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the LGA authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice; however, they had limited contact with health care workers on the medical effects of FGM.

Prostitution was a serious social problem, particularly in urban areas. A number of states enforced existing laws or introduced laws to combat prostitution. All states that have adopted Shari'a have criminalized prostitution, and this ban was enforced with varying degrees of success. Prostitution was not illegal in Lagos State; however, authorities used statutes that outlaw pandering as a justification to arrest prostitutes.

There was an active market for trafficking in women (see Section 6.f.).

In some parts of the country, women continued to be harassed for social and religious reasons. Purdah continued in parts of the far north (see Section 1.f.).

Women also experienced considerable discrimination. There are no laws barring women from particular fields of employment; however, women often experienced discrimination because the Government tolerated customary and religious practices that adversely affected them. The Nigerian NGOs 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 were credible reports that several businesses operated with a “get pregnant, get fired” policy. Women remained underrepresented in the formal sector but played an active and vital role in the country’s informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

While some women made considerable individual progress both in the academic and business world, women remained underprivileged. Although women were not barred legally from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition, many customary practices did not recognize a woman’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 were subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. “Confinement” was the most common rite of deprivation to which widows were subjected, and it occurred predominately in the East. Confined widows were under restrictions for as long as 1 year and usually were required to shave their heads and dress in black. In other areas, a widow was considered a part of her husband’s property, to be “inherited” by his family. Shari’a personal law protects widows’ property rights. An NGO reported that several women have succeeded in protecting their right in Shari’a courts. Polygyny continued to be practiced widely among many ethnic and religious groups. Women were required by law to obtain permission from a male family member to get a passport (see Section 2.d.).

Women were 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. In practice, the testimony of women was not given the same weight as that of men in many criminal courts (see Section 1.e.).

Children.—While the Government increased spending on children’s health in previous 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, compulsory primary education rarely was provided. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted many families’ ability to send girls to school, many girls were directed into activities such as domestic work, trading, and street vending. The literacy rate for men was 72 percent but only 56 percent for women. Rural girls were even more disadvantaged than their urban counterparts—only 42 percent of rural girls were enrolled in school compared with 72 percent of urban girls. Many families favored boys over girls in deciding which children to enroll in secondary and elementary schools.

While most schools in the north traditionally have separated children by gender, it was 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.d. and 6.f.). 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. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, to prevent the “indecent” associated with premarital sex. Human rights groups reported an increase in sexual assaults and rapes of young girls, especially in the North, and attributed the increase to a fear of AIDS and a resulting desire for young virgins.

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

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 any laws during the year requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of persons with disabilities to work. The Government ran vocational training centers in Abuja to provide training to beggars with disabilities.

National/Racial/Ethnic Minorities.—The country's population was ethnically diverse, and consisted of more than 250 groups, many of which spoke distinct primary languages and were concentrated geographically. There was no majority ethnic group. The four largest ethnic groups, which comprised two-thirds of the country's population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast. The Ijaw of the South Delta were 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. Nonetheless, claims of marginalization, particularly 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 accused the Government of favoring Yorubas or 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.

Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was 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 was a long history of tension among some ethnic groups (see Section 2.c.).

Ethnic minorities, particularly in Delta, Rivers, Bayelsa, and Akwa Ibom States, have claimed environmental degradation and government indifference to their status in the Delta despite the fact that most of oil wealth comes from the Niger Delta region. Groups such as the Ijaw, Itsekiri, Urhobo, Isoko, and Ogoni 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 officials and forces continued in the Delta area (see Sections 1.a. and 1.b.). Other ethnic groups saw the Kaiama Declaration by Ijaws, which claimed the entire Delta to be the property of the Ijaw, as threatening their rights. Disparate organizations of armed youths from a variety of ethnic groups continued to take oil company personnel hostage in the Delta Region (see Section 1.b.). Many oil companies continued to rely on local police and, in some cases, military troops to protect their facilities and personnel. The oil companies usually financially supported these security forces. Local youths claimed that the security personnel engaged in unlawful killings and other human rights abuses (see Section 1.a.).

Tensions flared in March with attacks on oil production facilities near Escravos, Delta State, and kidnappings of oil company personnel by Ijaw youths. The practice of bunkering, the diversion of oil production to the black market by all parties in the conflict, occurred frequently. Approximately 15 percent of the country's total yearly production was shutdown as a result of the violence initiated by Ijaw youths. Inter-ethnic fighting also displaced tens of thousands of local inhabitants. Violence ended in the region in April; however, hostilities renewed in August and continued at year's end.

On March 14, Ijaw militants involved in the theft of oil from pipelines and based in the Delta State community of Okenrenkoko clashed with military personnel. The military claimed it was responding to an armed threat from criminals; Ijaw communities accused the military of provoking hostilities through a premeditated attack. The violence led to the death of several soldiers, at least 10 Ijaw militants, and possibly some Ijaw civilians. Ijaw communities claimed that the military attacked Okenrenkoko, destroyed several homes and killing several villagers.

On April 11, approximately 200 Ijaw militants in speedboats raided the Itsekiri town of Koko, Delta state and reportedly killed 50 persons. The Ijaw militants destroyed more than 55 buildings, including the Koko Local Government building.

On August 13, fighting broke out in Warri town between rival Ijaw and Itsekiri militants. The local Red Cross reported that military efforts to quell the fighting, which lasted more than 7 days, resulted more than 100 deaths, civilian and combatant. The Government had not restored order in the region by year's end.

Competing economic aspirations among smaller ethnic groups related to the control of state and local governments led to violent conflicts during the year.

Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba States. The Tiv, who were

thought to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the "indigenous" ethnic groups despite the fact that they predominate in much of Benue and parts of other states.

Violence between Fulani herdsmen and farmers in Adamawa State lasted for 2 weeks in March, resulting in as many as 110 deaths, and 21,000 displaced from their homes.

Communal violence between members of the Ogori and Ekpedo ethnic groups in Kogi and Edo states began over boundary and land disputes. On July 2, Ogori youths from Kogi reportedly attacked Ekpedo villages near Agenebode, Edo, burning 99 houses. On July 20, Ekpedo youths killed and mutilated an Ogori community leader visiting an Ekpedo village to discuss the dispute in retaliation. Kogi and Edo state governors declared the disputed land a "buffer zone," and the matter has been referred to the National Boundary Commission.

Communal violence occurred in Plateau State, resulting in more than 80 deaths during the year as local communities continued to compete for scarce resources. The State Government reported that criminals and hired mercenaries from other areas of the country, Chad, and Niger added to the violence after being hired and induced by some communities to attack rival villages in the state. For example, 65 persons were killed in April, a village chief was killed by bandits in May, and 3 persons were killed in June and 15 more in July.

The violent border dispute in the east between Cross River and Akwa Ibom States flared during the year. Communal violence abated between Jukun-Kuteb (Taraba State). Ife-Modakeke, Osun state experienced renewed communal violence, but was diminished in nature compared with previous incidents.

There were no developments in previous years' incidents of ethno-religious violence.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and workers exercised this right in practice; however, several statutory restrictions on the right of association and on trade unions remained in effect.

According to figures provided by the National Labor Congress (NLC), total union membership was approximately 4 million. Less than 10 percent of the total work force was organized. With the exception of small number of workers engaged in commercial food procession, the agricultural sector, which employed the majority of the work force, was not organized. The informal sector, and small and medium enterprises, remained largely unorganized.

The Government has mandated a single-labor-federation structure for workers, with service and industrial unions grouped under it. The NLC was the only central labor federation permitted by law. Trade unions are required to be registered formally by the Government and a minimum 50 workers are required to form a trade union; only 29 trade unions had been formally recognized by the Government at year's end. The labor movement was composed of both junior and senior staff workers; however, nonmanagement senior staff members were barred from joining the trade unions while junior staff workers, primarily the blue-collar workers, were organized into the 29 industrial and service unions that were affiliated with the NLC.

The senior staff workers were organized into 21 associations that comprised the Trade Union Congress (TUC), which claimed a membership of approximately 400,000 to 600,000. The TUC, which was composed primarily of white-collar workers, was not officially sanctioned by the Government and was prohibited by statute from affiliation with the NLC; it was also denied a seat on the National Labor Advisory Council (NLAC). These legal restrictions diluted the bargaining strength of workers. The ILO Committee of Experts has repeatedly cited these and other restrictions, including: 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 interests.

Several labor associations disassociated themselves with the TUC following complaints that the TUC had misled its constituents during the gasoline price strike in June. At least 8 of the TUC's 29 associations left it to form the Congress of Free Trade Unions (CFTU).

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, federal mint, central bank, and the telecommunications sector. Employees working in designated export

procession zone (EPZ) may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

The Maritime Workers Union was active at year's end.

The Constitution prohibits anti-union discrimination, and there were no reports of such practice. Complaints of anti-union discrimination could be brought to the Ministry of Labor for mediation, conciliation, and resolution.

The NLC and labor unions were free to affiliate with international bodies; however, prior approval from the Minister was required. The NLC had affiliated with the Organization of African Trade Unions and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The labor laws provide for both the right to organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. The Labor Minister could refer unresolved disputes to the Industrial Arbitration Panel (IAP) and the National Industrial Court (NIC). Union officials questioned the effectiveness of the NIC in view of its inability to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. Union leaders 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; however, both suffered from a lack of resources.

Workers had the right to strike; however, certain essential workers were required to provide advance notice of a strike. A worker under a collective bargaining agreement could not participate in a strike unless his union complied with the requirements of the law, which included 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 NIC. However, in practice the law does not appear to be enforced; strikes, including in the public sector, were widespread.

In January, the Academic Staff Union of Universities (ASUU) commenced a 6-month strike to protest, among other things, the nonpayment of research allowances and the nonimplementation of an agreement reached in 2001 to re-admit 49 dismissed lecturers of the University of Ilorin who had previously participated in a strike. ASUU suspended the strike on June 18 following the intervention of the IAP.

On March 31, the NLC directed all public sector employees to commence a 3-day warning strike to protest federal government refusal to pay an agreed upon 12.5 percent salary increase (see Section 6.e.). The strike followed the expiration of a 2-week ultimatum. Organizers called off the strike on April 1 after the Government agreed to prepare a supplementary budget the National Assembly to accommodate salary increases.

On June 30, NLC, joined by senior staff associations under the umbrella of the TUC, commenced a nationwide strike action to protest increases in gas prices. In the 10-day national strike, there were 18 confirmed killings of protestors by security forces. Security forces forcibly dispersed several demonstrations, arrested union leaders, and brutalized a journalist in Abuja. The strike was suspended following an agreement reached between government and labor leaders.

During the year, the Medical and Health Workers Union went on strike for 3 days regarding salary increases and payments of other allowances. They reached an agreement with the Ministry of Health, resolving the issue.

The Anambra State Government reached an agreement with public sector unions on the modalities for the payment of outstanding arrears during the year. The Government paid several months arrears; however, salaries were in arrears again at year's end. The state civil service was nearly paralyzed as many workers declined to work until salary arrears were paid.

During the year, smaller strikes continued 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) were particularly concerned about the increasing use of contract labor and the number of indigenous workers in management positions. On February 15, NUPENG and PENGASSAN branch units in Chevron and Shell staged warning strikes that lasted 5 days to protest an alleged plan to severely cut jobs and replace indigenous employees with third country nationals.

There were no developments in the following 2002 strikes: the January general strike protesting the Government's 15.3 percent fuel price hike; the February police strike demanding payment of 1-year's wage arrears; the May strike by the Nigerian Union of Railwaymen (NUR) over the nonpayment of 3 months' salary; and the July strike by the Lagos State Truck Owners Association, Port Harcourt dockworkers, and Shell (SPDC) contract workers.

There were no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to IAP, with the approval of the Labor Ministry. The IAP's decisions were binding on parties but could be appealed to the NIC. In practice the decisions of these bodies infrequently carried the force of law. Union representatives described the arbitration process as cumbersome and time-consuming, and an ineffective deterrent to retribution against strikers.

On October 3, the Inspector-General of Police in Abuja called President of the NLC Adams Oshiomhole in for questioning following a 3-hour meeting in Lagos on how to mobilize against higher fuel prices. Later in the month, as the fuel price crisis deepened, six leaders of the NLC were arrested as they picketed filling stations selling gasoline at above the official price. The leaders were detained and refused bail for 1 week.

The Government retained broad legal authority over labor matters and often intervened in disputes seen to challenge key political or economic objectives. However, during the year, the NLC increasingly spoke out on economic reform, fuel price deregulation, privatization, globalization, tariffs, corruption, contract workers, and political issues.

EPZs in Calabar, Cross River State, and Onne Port, Rivers State, operated during the year. Workers and employers in these zones were subject to national labor laws, which provided for a 10-year amnesty on trade unions, strikes, or lockouts following the commencement of operations within a zone. In addition, the law allows the EPZ Authority to handle the resolution of disputes between employers and employees instead of workers' organizations or unions. The ILO has criticized the EPZ Decree for not allowing any unauthorized person to enter any EPZ consequently making it very difficult for workers to form or join trade unions since union representatives are not allowed access.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, there were reports that it occurred (see Section 6.f.), and enforcement of the law was not effective.

The Government does not prohibit specifically forced and bonded labor by children; however, the prohibition on forced labor extends to children. There were reports such practices occurred (see Section 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remained a problem. 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 resulted in high numbers of children in commercial activities aimed at enhancing meager family income. The ILO estimated that approximately 12 million children between the ages of 10 and 14 (25 percent of all children) were employed in some capacity. Children frequently were employed as beggars, hawkers, and bus conductors in urban areas. The use of children as domestic servants was common.

There were reports of forced child labor (see Section 6.f.). There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries.

The Labor Ministry had an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers. However, there were fewer than 50 inspectors for the entire country, and the Ministry conducted inspections only in the formal business sector, in which the incidence of child labor was not significant.

Private and government initiatives to stem the growing incidence of child employment continued but were ineffective. UNICEF operated programs that removed young girls from the street hawking trade and relocated them to informal educational settings. UNICEF reported that the program had minimal success. In conjunction with the ILO, the Government formulated a national program of action in support of child rights, survival, protection, development, and participation; however, the program did not show any results by year's end due to logistical problems and changing personnel in the Ministry. A child rights bill was passed by the legislature during the year; however, there were no noticeable changes by year's end. ILO statistics indicated that the incidence of child labor is still on the increase, in spite of programs designed to reduce it.

e. Acceptable Conditions of Work.—The law sets a minimum wage, which was reviewed infrequently. Real private sector wages greatly exceeded the minimum wage. The minimum wage was \$56.70 (7,500 naira) per month (with a 13 month year as

the law mandates an extra month's pay for the Christmas holiday). Ghost workers (who appeared on the employment rolls but not on the job) remained a significant problem that was not addressed fully during the year. 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; however, in August, the Government and the NLC signed an agreement to increase the public sector wage by up to 12.5 percent for junior grades, representing half of the 25 percent earlier agreed upon. Many state governments have stated they are not in a position to pay the increase without massive layoffs or the elimination of ghost workers. The issue of the minimum wage caused several labor disruptions throughout the year, and remained unresolved in several states (see Section 6.b.).

In September, the Government announced an agreement to implement sliding scale wage increases for all federal civil servants retroactive to July 1, under which the lowest paid workers would receive the 12.5 percent increase while those at the top would get 4 percent; however, this increase had not been paid by year's end.

The law forbids any employer from granting a general wage increase to its workers without prior government approval; however, in practice private sector wage increases generally were not submitted to the Government for prior approval.

The law mandates a 40-hour workweek, 2 to 4 weeks annual leave, and overtime and holiday pay, except for agricultural and domestic workers. There is no law prohibiting excessive compulsory overtime. The law also establishes general health and safety provisions, some of which were 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 was greatly underfunded, lacked basic resources and training, and consequently neglected safety oversight of many enterprises, particularly construction sites and other nonfactory work. The Ministry often failed to reimburse inspectors for expenses incurred in traveling to inspection sites, and safety oversight of many enterprises often were neglected. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which was charged with enforcement of these laws, has been ineffective in identifying violators. The Government has failed to act on various ILO recommendations to update its program on inspection and accident reporting. The Labor Decree did not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

The law applies to legal foreign workers; however, in practice, not all multinational companies respected these laws in practice.

f. Trafficking in Persons.—On July 14, President Obasanjo signed a bill into law prohibiting human trafficking; however, trafficking in persons remained a problem. The country was an origin, transit, and destination country for trafficked persons, with an active, growing market for trafficking in women and children within the region and to Europe. The July law also created the National Agency for Prohibition of Trafficking in Persons (NAPTIP), which was active at year's end. President Obasanjo selected a Special Assistant for Human Trafficking and Child Labor in June.

The National police have an anti-trafficking unit, and official anti-trafficking units have been created in all 11 states. Immigration has anti-trafficking units as well. Many states that arrest traffickers were forced to release them when victims and their families refused to testify. The Government prosecuted only a few persons for trafficking during the year.

On September 28, immigration officers arrested 6 suspects in a child trafficking syndicate and repatriated 116 Beninois boys. The boys, aged 5 to 17 years, had been trafficked to work in a quarry in Ogun State. The U.N. reported that the boys' families were promised annual fees of \$36.42 and other gifts in return for their labor. Once in the country, the boys suffered poor working conditions, were inadequately fed, and given salaries of \$1.56 per month. Some of the boys had been held against their will for up to 5 years. The traffickers were awaiting trial at year's end. Approximately 380 children were repatriated to Benin during the year.

There were no developments in the 2002 cases against a high chief who since has been stripped of his title, the trafficker arrested for trafficking 10 teenage girls, the 30 trafficking cases pending in Edo State; or the reported 2001 cases of trafficking.

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, and Spain. In September, 562 trafficking victims had been deported to the country since the beginning of the year; over the past 3 years, 1,660 persons were returned to the country from Europe and North America. Nigerian Interpol claimed that some women entered the sex trade independently, were not controlled by syn-

dicates, and were economically motivated. Numerous human rights organizations claimed a majority of women entered the sex trade independently, were controlled by syndicates, were economically motivated, and were culturally pressured to do so to provide for families back home. These groups further claimed that the sex trade was inculcated into the culture and was an acceptable social practice for many young women; although, most women were unaware of the conditions in which they would be placed. However, several women's rights organizations reported that hundreds of women migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival, many were forced into prostitution to pay off debts. In addition, there was evidence that crime syndicates may use indebtedness, secret rituals, threats of beatings and rape, physical injury to the victim's family, arrest, and deportation to persuade those forced into and practicing sex work from attempting to escape or from contacting police and NGOs for assistance.

Nigerian girls are also reported to be trafficked to the United Kingdom as sex workers; however, the trade to the United Kingdom was reportedly less than that to other European countries.

Incidents of child trafficking in Lagos and other major cities during the year were suspected to be commonplace. Unlike in the previous year, there were no confirmed reports of smuggling children to the U.S. during the year. Child traffickers received a monthly payment from the employer, part of which was to be remitted to the parents of the indentured child servant. Traffickers took advantage of a cultural tradition of "fostering," under which it was 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 worked and did not receive any formal education; however, many families who employed children as domestic servants also paid their school fees. Other children were forced to serve as domestics or to become street hawkers selling nuts, fruits, or other items. There were credible reports that poor families sold their daughters into marriage as a means of supplementing their income (see Section 5).

According to ILO reports, there was an active and extensive trade in child laborers. Some were trafficked to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises. Other children were 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 the country and some southern states such as Cross Rivers and Akwa Ibom were the points of trafficking of children for labor and, in some cases, human sacrifice. The country remained a destination for the trafficking of Togolese children.

Children from neighboring countries also were trafficked to the country for work as domestic servants.

The Government has conducted few investigations into the involvement of government officials in trafficking; however, allegations of such involvement reportedly were widespread. Some returnees have alleged that immigration officials actively connived with syndicates. In 2002, the Assistant Inspector General of Police investigated allegations of the collusion of customs officials in trafficking; however, there were no reports and investigation continued during the year. In 2002, the Government announced it was investigating a former customs officer and two others suspected of trafficking children in Abuja.

The Government provided support to international NGOs, which protect victims. Nigerian embassies in destination countries provided assistance to victims, and the Foreign Ministry created a position to facilitate victim repatriation. Regional centers to monitor child rights violations have been established.

There was federal and state government acknowledgement of trafficking, and prevention efforts were underway at all levels. Awareness campaigns, undertaken by NGOs, the U.N., prominent politicians, state governments, and members of the press continued to gain widespread attention. The issue of trafficking in persons for commercial sexual exploitation to Europe initially raised the awareness of trafficking, and the awareness of child trafficking for forced labor was growing. For example, Imo State continued to promote a comprehensive anti-trafficking campaign.

Police attempts to stem the trafficking of persons were inadequate, and frequently the victims of trafficking were subjected to lengthy detention and public humiliation upon repatriation.

RWANDA

Rwanda is a republic dominated by a strong presidency. The largely Tutsi Rwandan Patriotic Front (RPF) took power in 1994 and formed a Government of National

Unity that functioned during the transitional period following the civil war and genocide and ended with elections held during the year. On May 26, a country-wide referendum resulted in the approval of a new constitution, which mandated that presidential and legislative elections be held within 6 months. The Constitution recognizes a multi-party system and nullifies the suspension of political activity, although it provided few protections for parties and their candidates. On August 25, the country held its first multi-candidate national elections since independence; President Paul Kagame, who had held the presidency since the Transitional National Assembly elected him in April 2000, was elected to a 7-year term in largely peaceful but seriously marred elections. In September, President Kagame's party, the RPF, won the majority of the seats during legislative elections and therefore remained the principal political force that controlled the Government. The judiciary was subject to presidential influence and suffered from a lack of resources, inefficiency, and some 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 Rwanda Defense Forces (RDF), which maintain external security, and the police, which maintain internal security, comprise the security apparatus. Following the formal withdrawal of all its troops from the Democratic Republic of the Congo (DRC) in October 2002, the Government began to reorganize its military establishment to provide for a smaller force more suitable for territorial defense than for expeditionary action abroad. Government authorities did not always maintain effective control of the security forces, and there were several instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses.

Proxy groups reportedly supported by the Government continued to operate in the DRC and committed serious human rights abuses. In addition, multiple credible sources have reported that the RDF still maintain a presence in key areas in the Kivus in the DRC, although there were no reports that these groups committed human rights abuses.

The country was very poor, and 60 percent of the population of 8.2 million lived in poverty. The economy is market-based and primarily driven by the agricultural sector. More than 80 percent of the labor force was 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 was \$250, and the country experienced an economic growth rate of 1.3 percent. Small-scale commercial activities increased, but the industrial base remained limited.

The Government's human rights record remained poor, and it continued to commit serious abuses. The right of citizens to change their government was effectively restricted. Members of Local Defense Forces committed unlawful killings. Unlike in the previous year, there were no reports of human rights abuses committed by security forces in the DRC. There were reports that an organized group targeted and killed witnesses to the 1994 genocide in certain provinces. There were reports of politically motivated disappearances. Police often beat suspects. Prison conditions remained life threatening; however, unlike during the previous year, there were no reports that prisoners died of outbreaks of disease and the cumulative effects of severe overcrowding. Arbitrary arrest and detention, particularly of opposition supporters, and prolonged pretrial detention remained serious problems. The judiciary did not always ensure due process or expeditious trials. The Government continued to conduct genocide trials at a slow pace. The Government restricted freedom of speech and of the press, and limited freedom of association and assembly. In some instances, local government officials restricted the freedom of religion. The Government harassed refugees who refused to leave the country voluntarily. The Government harassed NGOs, particularly during campaign periods. Societal violence and discrimination against women and ethnic minorities, particularly the Batwa, were problems. Child labor and trafficking in persons were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, there were reports of arbitrary killings by members of the Local Defense Forces (LDF).

On March 7, two members of the LDF shot and killed Valens Nzigiyimana, Vice Mayor in Charge of Social Affairs in Gitarama Province. On July 18, a LDF officer killed a man named Saidi in Gisenyi Province. On August 31, Protogene

Maniragaba, an LDF officer, killed Isidore Ndaraye in Ruhengeri Province; the LDF officer also injured Straton Mbarushimana. All LDF suspects were subsequently arrested, and remained in prison at year's end.

There were no developments in the February 2002 killing in Kigali of RDF officer Alphonse Mbayire by a soldier in uniform.

In previous years, RDF troops participated in military operations during the war in the DRC on the side of the Goma-based Congolese Rally for Democracy (RCD/G) rebel movement, against the DRC government. In July 2002, in Pretoria, the Government and the DRC government signed an agreement calling for the DRC to end its support for Rwandan rebels and for the RDF to withdraw from DRC territory. By October 2002, according to the U.N.-South African Third-Party Verification Mechanism, all RDF forces had left the DRC. However, during the year, there were credible reports that the Government continued to provide material support for RCD/G forces and the Union of Congolese Patriots (UPC) forces in the Kivus, while likely maintaining a small RDF presence in the DRC.

There continued to be reports throughout the year of killings and other human rights abuses, including torture, rape, and looting, committed with impunity in the DRC by both pro-DRC and anti-DRC government forces, although RDF forces were reportedly no longer directly involved. 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. The Government maintained that it no longer had troops in eastern DRC, and that its influence over RCD/G and UPC forces was decreasing. It rejected any responsibility for the numerous serious human rights abuses committed against civilians by RCD/G or UPC soldiers in the DRC.

At year's end, the Government had not opened any new inquiries into the abuses by its troops in previous years in the DRC.

During the year, the Government continued to prosecute members of the military on charges of committing murder, rape, or other offenses in the DRC prior to the October 2002 withdrawal. For example, during the year, a military court tried and sentenced RDF Private Onesphore Mushabizi to 10 years imprisonment for raping a woman in July 2001, between Goma and Masisi, DRC. A military court also tried five RDF sergeants accused of the 1998 murders of a Congolese woman named Jolie and her boyfriend, an RDF Sergeant named Gashuliat, at a Kinshasa military barracks. The court sentenced two RDF sergeants—Alphonse Nkusi and Edouard Sebuhero—to death and acquitted three others; Nkusi and Sebuhero's appeals were pending at year's end. The Ministry of Defense also has prosecuted members of the security forces alleged to have committed human rights violations during the year in military trials.

Military courts actively prosecute RDF soldiers accused of violating the human rights of citizens. In accordance with the Penal Code, the military courts sentenced Private Jean de Dieu Ntezimana and Private Francis Xavier Mbakeshimana to 5 to 10 years' imprisonment and fined them approximately \$20 (10,000 Rwandan francs) for beating a man to death on October 14, who had stolen goats. The trial of two other RDF officers—Sergeant Anselme Nyamaswa and Corporal Felicien Karangwa—for the beating death on April 20 of an agronomist, Mr. Nsanzimana, who had attacked another RDF sergeant, was pending at year's end.

Unlike in the previous year, there were no reports that unexploded ordnance from the 1994 civil war caused deaths during the year.

There were no developments in the investigation into the December 2001 shooting death of Gratien Munyarubuga.

According to Ibuka, an organization representing survivors of the 1994 genocide, assailants killed several witnesses to the genocide, reportedly to prevent testimonies and undermine the rural justice system introduced in 2002. For example, in the southwest province of Gikongoro, assailants killed a genocide witness and dismembered him in front of his family. By year's end, police had detained suspects in connection with some of the killings.

There were reports in the northwest of killings by insurgents who were allied with persons responsible for the 1994 genocide. Groups of armed insurgents looted villages and ambushed at least one vehicle on the road, killing civilians and destroying property. Such attacks were rare, and appeared to be aimed at destabilizing the tourism economy of the region.

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, continued to prosecute genocide suspects during the year (see Section 4).

b. Disappearance.—There were reports of politically motivated disappearances within the country.

On March 17, the Government released a report sharply criticizing the Democratic Republican Movement (MDR) party for divisionism. On April 14, the Transitional National Assembly recommended that the party be banned; in May, the cabi-

net accepted the recommendation, but the Supreme Court never acted upon the recommendation. Instead, the party dissolved when all existing political parties were required to reregister under the new political party law. In April, at least six persons—one of whom was named in the report—disappeared, four of whom were senior members of the government (three were military, one was a member of parliament).

On April 3, Damien Musayidizi, a demobilized ex-Rwandan Armed Forces (FAR) soldier and Personal Secretary to the Minister of Defense, disappeared. Musayidizi had worked for the previous Defense Minister, Brigadier General Emmanuel Habyarimana, who fled the country in March after being named in the Government's report on the MDR.

On April 7, MDR parliamentarian Dr. Leonard Hitimana disappeared in Kigali City. Hitimana was 1 of 48 individuals named in the government report on the MDR. Police announced that his vehicle was found at Kannyogo, Kaniga sector, Byumba province, close to the Uganda border. On April 23, Lieutenant Colonel Augustin Cyiza and Eliezar Runyaruka, a magistrate at Nyamata district court, disappeared in Kigali City on their way from UNILAK University. Their vehicle was found at Bukamba district, Ruhengeri province, bordering Uganda, and neither has been heard from since. The Government claimed that they could have fled the country into Uganda. Police never returned the vehicles they claimed to have found on the border to the families of those who had disappeared.

At year's end, none of these cases had been solved.

Unlike in the previous year, there were no reports that RDF forces seized and transferred prisoners from the DRC to the country.

There were no developments in the case of the missing Banyamulenge soldiers reportedly arrested in April and May 2002 by the RDF; the Government continued to deny that any such arrests had occurred.

There were no developments in the reported disappearances of two persons detained in 2002 at Ndoshu in the DRC by RDF and RCD/G forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, police officers often beat suspects at the time of arrest, and on at least one occasion, security forces reportedly committed acts of torture. Unlike in the previous year, there were no reports that RDF troops committed abuses against civilians in the DRC.

On April 1, police arrested RDF Major Félicien Ngirabware, interim commander of Nyakinama Military School, reportedly in connection with Brigadier General Habyarimana's self-imposed exile on March 30, and detained him at Kami military barracks in Kigali. There were credible reports that Major Ngirabware was tortured, and his family spent more than 2 months without information about his whereabouts. At year's end, he was still in prison; however, his family was able to visit him.

There continued to be numerous reports that security forces at times beat, harassed, and threatened political dissidents, journalists, and NGOs (see Sections 2.a., 2.b., and 4).

Unexploded ordnance that remained from the 1994 civil war caused no injuries during the year.

During the year, there were numerous, credible reports from local and international human rights groups that RCD/G forces engaged in the beating and torture of civilians in the DRC, particularly in the Kivus. There also were numerous reports that RCD/G and UPC soldiers raped women and girls.

Unlike in the previous year, there were no reports that RDF forces imprisoned persons in metal freight containers.

Prison conditions were harsh and life threatening. The International Committee of the Red Cross (ICRC) has registered approximately 80,000 prisoners detained on genocide or security-related charges and estimated that an additional 8,000 prisoners were detained on charges unrelated to the genocide; however, the Ministry of Justice routinely referred to the prison population as numbering 108,000. While the Government was committed to improving prison conditions, chronic overcrowding remained a major problem. During the year, the Government shut down the cachots (local detention centers) in all but two provinces in the country, which were considered to have the worst conditions. The prisoners were transferred to other prisons, which exacerbated prison overcrowding. Also during the year, the Government began work on the construction of a new prison; however, it was not completed by year's end. Sanitary conditions were extremely poor, and despite continuing efforts, the Government did not provide adequate food or medical treatment. The ICRC provided 50 percent of the food in the 18 main prisons and also provided additional expertise and medical, logistical, and material support to improve conditions for inmates. Prison deaths largely were the result of preventable diseases and suspected

cases of HIV/AIDS; however, unlike in the previous year, prison deaths did not result from the cumulative effects of severe overcrowding. There was an undetermined number of deaths in prison reported during the year.

Women were detained separately from men, and more than 3,700 minors—including those who were minors at the time of the crime—were incarcerated with adults throughout the prison system. Children under 14 were not legally responsible for their acts, and this led to the release of approximately 1,000 children and youths from prison under a presidential decree of January 1. The Government was making efforts to release them; however, an undetermined number of children classified as minors were incarcerated on genocide-related charges at year's end. Although the law prohibits the imprisonment of children with adults, the National Commission for Human Rights (NCHR) reported that at least 15 children and 100 infants were incarcerated with their mothers. 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 may also be hired out to perform work at private residences and businesses (see Section 6.c.). High profile political prisoners, such as former president Pasteur Bizimungu, were kept in special sections of regular prisons.

The ICRC, human rights organizations, diplomats, and journalists had regular access to the prisons. The ICRC continued its visits to communal jails and military-supervised jails.

Reports persisted that RCD/G forces used the private residences of rebel military commanders for incarcerations. Reports from former detainees indicated a pattern of beatings, undernourishment, and deliberate killings in these houses.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provided 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 National Police are a young organization. Prior to 2000, police functions were carried out by the military, intelligence services, and judicial courts. The National Police are headed by the Commissioner General and have two Deputy Commissioners, one for operations and another for administration. Five Assistant Commissioners oversee the various units, such as traffic, intelligence, criminal investigations, protection, and the provincial areas. The police lack basic resources such as handcuffs, radios, and patrol cars. However, they participated in extensive training programs, and the police academy curriculum included training on human rights, non-lethal use of force, and professionalism. There was little problem with corruption or discipline within the police force due to national pride, strict training, and close monitoring.

The LDF (Local Defense Forces) are lesser-trained and locally staffed “civil disorder” units that fall under the Ministry of the Interior. The LDF perform basic security guard duties throughout the country, and were known to chase illegal street vendors, petty criminals, and prostitutes away from public areas. These units operate throughout the country. While they have no arrest powers, they reportedly acted with impunity.

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 were widely disregarded during the year. The law permits investigative 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.

During the year, police used arbitrary arrest and detention frequently. Authorities detained numerous individuals after they expressed viewpoints unacceptable to the Government, including supporters and campaign workers of presidential opposition candidate Faustin Twagiramungu. Human rights organizations estimated that more than 300 persons were detained during the presidential campaign period in July; almost all were alleged supporters of Twagiramungu. Presidential candidate Dr. Theoneste Niyitegeka was detained daily from July 29 until August 1 after he filed a complaint against the Government for eliminating him from the race. Four members of the executive committee of the ADEP-Mizero party, led by former MDR president Celestin Kabanda, were detained daily from July 29 to August 26. One of those detained, Leonard Kavutse, made a public announcement at National Police headquarters severely criticizing his own party in what was widely believed to be a coerced statement. Kavutse remained in detention at year's end.

Unlike in the previous year, police did not arrest members of NGOs during the year.

Members of religious groups were arrested during the year (see Section 2.c.).

On June 8, Janvier Munyemana was arrested and placed in Kigali central prison. It turned out that he was mistaken for another man, and although the correct man was eventually found and arrested, Mr. Munyemana remained in prison at year's end.

On September 9, police arrested Alvera Mukantabana of Butare Province after her husband accused her of "divisionism." She was held in prison until October 17.

On July 30, the Supreme Court dismissed the second appeal of former President Pasteur Bizimungu, former transport minister Charles Ntakarutinka, and five other persons believed to be involved with Bizimungu's banned PDR-Ubuyanja party; the seven individuals were arrested in April and May 2002 on charges of "threatening national security by forming a criminal association." The Supreme Court ruled that the appeal had no legal basis and ordered them to remain in detention, pending trial before Kigali's Court of First Instance. At year's end, the seven individuals remained in custody awaiting trial.

At year's end, Pierre Gakwandi, Secretary General of the MDR, remained in prison, awaiting trial on charges of sectarianism, divisionism, and defamation of public personalities on charges related to an interview that appeared in the newspaper *Le Partisan* in 2002.

The Government continued to detain ex-combatants who returned to the country as part of the ongoing peace process between Rwanda and the DRC; detainees were placed in a reintegration program, which lasted from 8 to 12 weeks. These returnees included some children. The children generally were serving as porters for ALIR (now called the Democratic Front for the Liberation of Rwanda, or FDLR); few were serving as combatants for FDLR. Child soldiers were held separately from the adult combatants. Detainees at the demobilization camp at Mutobo frequently received visitors and sometimes were allowed to go home for visits.

An estimated 90 percent of the approximately 88,000 individuals incarcerated were awaiting trial on genocide charges. The law permits the continued detention of genocide suspects long enough to allow them to face trial either in a conventional court or in the Gacaca system (see Section 1.e.). Lengthy pretrial detention was a serious problem. Some suspects had been in jail since 1994. The Government did not have the capacity to process cases within a reasonable time.

Mobile groups, whose mandate was to establish or complete files that indicated the basis for charges for all genocide-related detainees, continued to operate during the year. Approximately 90 percent of detainees in custody during the year had files; however, the vast majority of those files were incomplete.

The Constitution prohibits forced exile, and the Government did not use forced exile; however, some individuals secretly left the country to live in self-imposed exile because they believed their lives were in danger. For example, in March, former Defense Minister Brigadier General Emmanuel Habyarimana, RPF parliamentarian Colonel Balthazar Ndengeyinka—both of whom were mentioned in the Government's March 17 report sharply criticizing the MDR—and Lieutenant Alphonse Ndayambayage, an aide of Habyarimana's, went into exile.

Theobald Rwaka Gakwaya, a former Interior Minister and founder of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) remained in self-imposed exile abroad.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, the judiciary was subject to executive influence and also suffered from inefficiency, a lack of resources, and some corruption. 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.

Security forces at times ignored court decisions and refused to release prisoners. There were occasional reports of bribery of officials ranging from clerks to judges. The 12-member Anti-Corruption Commission, which was responsible for exposing numerous cases of corruption, was no longer in operation during the year. The new constitution provided for the creation of an ombudsman, who would be responsible for drafting an anti-corruption law; however, by year's end, such a law had not been drafted. An ombudsman was nominated by the president and approved by the Senate, per the Constitution, in November.

The Constitution provides for the adoption of a system of ordinary and specialized courts. Ordinary courts included the Supreme Court, the High Court of the Republic, the Provincial courts, and district courts. Specialized courts included Gacaca courts and military courts. At the year's end, judicial reforms were not implemented, and a system of communal courts, appeals courts, and a Supreme Court of six justices were not operational. The President may nominate two candidates for

each of two Supreme Court seats, and the Senate may choose one or reject both; in December, all judges for the Supreme Court were chosen by this process, but the lower courts had yet to be staffed.

The law provides for public trials with the right to a defense, but not at public expense; a presumption of innocence; and a right to appeal. The shortage of lawyers and the abject poverty of most defendants made it difficult for many defendants to obtain legal representation. Lawyers Without Borders continued to train Gacaca judges but did not provide defense or counsel to those in need. New court officers continued to be sworn in and assigned to courts across the country, but the Government did not have a sufficient number of prosecutors, judges, or courtrooms to hold trials within a reasonable time.

The RDF continued to dismiss soldiers for indiscipline and criminal offenses. The RDF routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both during the year. The law stipulates that civilians who were accomplices of soldiers accused of crimes be tried in military court. Civilians tried in military court had received stolen goods from soldiers, or had acted as accomplices with soldiers to commit theft. Military courts tried fewer than 20 civilians during the year.

The judiciary was focused on resolving the enormous genocide caseload of more than 80,000 detainees (see Section 1.d.). The Government continued with the program referred to as the Gisovu, or pre-Gacaca, project, a release program in which genocide-related detainees and prisoners who were elderly, ill, or without files were taken to their former villages to allow villagers to make complaints against them or to confirm that there was no reason to detain them. Local human rights organizations estimated that less than 10 percent of accused persons undergoing this process during the year were released. Re-arrests because of community criticism were rare but did occur. In January, the Government provisionally released close to 24,000 prisoners accused of genocide. These prisoners had confessed to their crimes, and were either elderly, ill, or had already served the sentence they would have received. Approximately 1,000 of these released prisoners were re-arrested, after having been implicated in additional crimes.

Gacaca courts, a grassroots participatory form of justice, served as the Government's primary judicial process for adjudicating genocide cases. The sixth chamber of the Supreme Court oversaw the implementation of Gacaca until May, when the new Constitution required the creation of a special commission to oversee Gacaca courts. By year's end, the law governing this new commission had not passed the legislature. The Gacaca law provides for reduced sentences for cooperation and credit for time served; lawyers were not permitted to participate officially in Gacaca. In June, the Government changed the procedure for observing Gacaca trials, making it difficult for human rights groups to monitor the trials. As a result, some groups stopped their observation activities altogether. In June, the Government suspended all Gacaca trials until after the end of the campaign period. Activities resumed in most Gacaca districts in October.

In addition to Gacaca courts, genocide-related cases were tried in the ICTR and by the Government in local courts (see Section 4). By year's end, local courts had judged approximately 7,800 persons on genocide-related charges, most following group trials. Of the 557 cases judged by local courts during the year, 18 resulted in death sentences, 54 in life imprisonment, 360 in sentences less than life, 106 in acquittals, and 19 in dismissals due to death or a lack of evidence. The vast majority of trials met international standards. The domestic human rights NGO LIPRODHOR actively monitored trials and interviewed released prisoners. No executions have been carried out since 1998.

In August, the Court of First Instance in Butare Province convicted 100 persons of committing crimes against humanity, including rape, torture, and murder, in connection with the 1994 genocide; 11 were sentenced to death, and 71 to life in prison. The other 18 were convicted of terms from 25 years to life, and 39 persons were acquitted during that trial. This was the largest mass trial in the country.

In December, a court found 18 persons guilty of genocide crimes committed in the country in 1994 and sentenced them to serve various terms in prison. They were convicted for having taken part in the killing of an estimated 20,000 civilians at the Nyarubuye Roman Catholic Church in the province of Kibungo. The leader of the group, Gitera Rwamuhizi, was sentenced to 25 years in prison. The rest received terms from 7 to 16 years.

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 NGOs to widely advertise the confession provisions, 63,000 prisoners have confessed since the law was implemented in 1996. However, only a small number of confessions were proc-

essed, due to lengthy administrative review and hearing proceedings, and the lack of officials to process the confessions through the system.

There were numerous reports of political detainees (see Sections 2.b. and 3); however, there were no reports of political prisoners.

Few people had success pursuing their property restitution cases through the court system. There were reports that orphans, ex-combatants, and returning refugees had difficulty reclaiming their family land.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices, and authorities generally respected these prohibitions; however, on September 8, police forcibly entered the home of opposition presidential candidate Faustin Twagiramungu and confiscated his computer, cellular phone, and many personal documents. During the year, government security agents followed Dr. Niyitegeka and Twagiramungu and tapped their phones.

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 government authorities compelled many persons to move; others may have relocated out of fear of security forces or insurgents. Human Rights Watch (HRW) 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 had encountered problems in the implementation of the program. While villagization remained government policy, the Government no longer compelled these persons to remain in the villages; however, restrictions on where houses could be built forced some individuals to remain. Thousands of persons still lived in inadequate housing not of their own choosing.

Since its withdrawal from the DRC in October 2002, the RDF has not practiced forced conscription. However, citizens who served in the military could be recalled to compulsory duty at any time.

During the year, there were numerous credible reports that RCD/G forces in the DRC forcibly recruited and transferred to the country numerous Kinyarwanda-speaking Congolese Hutus, including children, for military training. The Government denied that any such activities occurred.

There were reports that police harassed family members of former president Pasteur Bizimungu.

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, and the Government harassed journalists whose views were contrary to official views. Most journalists practiced self-censorship due to fear of government reprisals.

During the campaign period, the Government repeatedly accused opposition candidates and parties of using language that was divisionist, often using this as a pretext to eliminate them from the races.

Authorities detained numerous individuals after they expressed viewpoints unacceptable to the Government, including supporters and campaign workers of presidential opposition candidate Faustin Twagiramungu (see Section 1.d.).

During the year, the number of newspapers continued to increase. There were both privately and government owned newspapers, which published weekly in English, French, or Kinyarwanda; however, there were no daily newspapers. Newspapers were subject to government restrictions, and print journalists generally exercised self-censorship due to fear of government reprisal.

The Government largely controlled the broadcast media. In November 2002, a press law was passed that authorized private radio and TV broadcasting, subject to the approval of the Government; however, by year’s end the Government continued to own the only national radio station and the only television station, both of which nominally were independent of the Government. Radio Rwanda journalists were civil servants of the National Office of Information. At year’s end, the Government had granted licenses to several community-based radio projects, but had failed to give the projects frequencies, thereby rendering the licenses useless. During the campaign period, the Government publicly discussed jamming international radio stations.

Foreign media groups, including Voice of America, Deutsche Welle, and the British Broadcasting Corporation, broadcast in Kigali.

On January 22, police arrested and detained Ismail Mbonigaba, chief editor of the independent newspaper Umuseso, on charges of discrimination and sectarianism for publishing defamatory and divisive material. The Prosecution released him on February 27 on the grounds that his 7-day detention by police exceeded the maximum

period allowed by law. On March 16, Mbonigaba was dismissed from Umuseso following accusations that he embezzled newspaper funds.

On November 19, police seized an edition of Umuseso and arrested Umuseso Editor Robert Sebufirira on accusations of publishing false information and “defamatory” stories and inciting ethnic divisions. Police subsequently detained and beat Deputy Editor McDowell Kalisa and three Umuseso journalists during interrogations. All were released by November 21, without having been formally charged.

At year’s end, The Herald had not resumed publishing after its Chief Editor was deported to Uganda in 2002. He has never returned.

Valens Kwitegetse, a journalist for the government newspaper Imvaho, remained outside the country at year’s end. He was charged with using the media to promote ethnic hatred, and chose self-exile in Uganda.

On April 17, border police confiscated Ismail Mbonigaba’s new publication, *Indorerwamo*, which was printed in Uganda. The police spokesman indicated that the Government did not authorize the newspaper’s first publication. Restrictions were lifted within a few weeks.

There were two printing presses, one of which was owned by the Government. The second was owned by the Catholic Church, and was used only by the Church. Other newspapers had to either use the government press, or print their newspapers in Uganda.

During the campaign period, although the Government had promised equal media coverage for all candidates, in practice this did not occur. During both the presidential and legislative election campaigns, the Government used state-run newspapers, as well as the state-run radio and television stations, to accuse opposition candidates of divisionism. In September, the Government held a press conference to which it only invited government-run media. During the briefing, government officials asked journalists for help in exposing the divisive nature of opposition candidates’ campaigns.

The Government did not restrict access to the Internet or censor websites during the year.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, authorities limited this right in practice. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings. Authorities generally prohibited nighttime meetings, although they relaxed this restriction for religious groups.

Authorities prevented and dispersed political meetings and meetings held in private homes during the campaign for presidential and legislative elections. Authorities also threatened citizens to prevent them from attending already scheduled meetings.

Police forcibly dispersed political rallies during the campaign period; however, there were no reports of injuries.

The Constitution provides for freedom of association; however, the Government limited this right in practice. Private organizations were required to register; however, with few exceptions, the Government generally granted licenses without undue delay.

The Constitution provides for a multi-party system of government and for the free operation of political organizations; however, the Government did not always respect these provisions. The MDR party was outlawed and dissolved by the Government in accordance with an April recommendation by the Transitional National Assembly and the law governing the registration of political parties; its members subsequently split into three factions. Each of these factions attempted to register as a new political party prior to the presidential and legislative elections in August and September. Only one, the Party for Peace and Concord (PPC), was accepted. The President’s cabinet rejected the other two, which were led by opposition figures Celestin Kabanda and Stanley Safari in July, because of illegal provisions in the parties’ constitutions. Neither party was given the opportunity to amend its constitution; consequently, neither party was able to field candidates during the legislative elections.

Police harassed and intimidated MDR members during the year. During April, several individuals suspected of association with the banned MDR political party were arrested or had disappeared (see Sections 1.b. and 1.d.). In July, government officials harassed and intimidated friends and associates of opposition presidential candidate Dr. Theoneste Niyitegeka.

In eastern DRC, there were numerous reports that RCD/Goma and UPC forces restricted freedoms of assembly.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, while the Government generally respected this right in practice, it failed to prevent local authorities from abusing or restricting religious freedoms.

There were multiple reports that local authorities harassed and detained members of Pentecostal and Seventh-day Adventist churches. The majority of those detained by local officials were released within weeks of their arrest. In some provinces, schools continued to expel Jehovah's Witnesses children. A number of religious leaders reported intimidation and harassment related to the referendum for the new constitution held in May; according to religious officials, security forces detained and interrogated Protestant church leaders when it was believed their congregations were not voting in favor of the Constitution. In addition, a number of religious leaders reported intimidation and harassment again during the presidential and legislative elections.

On March 13, members of a Pentecostal church were arrested during a prayer service on Mt. Kigali. The group had gone into a cave to pray when local security forces arrested them. At the end of the year, the leaders of the group remained in detention.

At year's end, approximately three members of the Mouvement Sacerdotal Marial, a prayer group, including dissident Catholic priest Laurent Kalibushi, remained in detention; the Government arrested the group in March 2002 on accusations that the group was an "unhealthy and anti-social cult" with ties to the 2000 "doomsday cult" deaths in Uganda.

Some religious leaders were perpetrators of violence and discrimination during the year, and several clergy members of various faiths have faced charges of genocide in the country's courts, in the ICTR, and in foreign courts, notably in Belgium. In February, the ICTR concluded the trials of Elizaphan Ntakirutimana, a former Seventh-day Adventist pastor, and his son, Gerald Ntakirutimana. Both were found guilty of genocide, and both cases were under appeal at year's end. Of the 31 detainees awaiting trial at the ICTR, 3 were religious leaders during the 1994 genocide: Hormisdas Nsengimana, Rector of Christ-Roi College; Emmanuel Rukundo, a military chaplain; and Athanase Seromba, a Catholic priest.

The law requires that all nonprofit organizations, including churches and religious organizations, register with the Ministry of Justice to acquire the status of "legal entity." At year's end, no application had been denied, and no group's religious activities had been curtailed as a result of difficulties or delays in the registration process.

Unlike in the previous year, there were no reports that RDF troops targeted Catholic clergy for abuse in the DRC. No religious groups in the DRC reported any abuses targeted specifically at them, although several reported that "armed soldiers" pillaged and destroyed their property, forcibly dispersed religious services, and harassed religious leaders.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times did not respect them in practice. Citizens had to show identification upon request by security forces. Citizens must obtain a new national identity card when making a permanent move to a new district, and these new cards were issued routinely.

Unlike in the previous year, there were no reports that the Government confiscated passports of journalists.

By year's end, more than 80,000 Rwandan refugees remained outside the country; however, many other refugees returned to the country during the year. According to the UNHCR, more than 8,000 Rwandan citizens freely returned to the country from the DRC during the year. Another 2,000 Rwandan refugees were voluntarily repatriated from Tanzania. During the year, the Government signed tripartite agreements with eight African countries, including Zambia, Uganda, the DRC, the Republic of the Congo, Malawi, Namibia, Zimbabwe, and Mozambique, to establish a framework for the return of Rwandan refugees from these eight countries.

More than 400 Hutu former combatants and accompanying family members were repatriated to the country as part of an effort to demobilize, repatriate, and reintegrate Rwandan rebels in the DRC.

The law does not provide for the granting of asylum or refugee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Constitution recognized the right to asylum "under conditions determined by law"; however, there was no law in place to recognize refugees. In practice, the Government did not provide protection against refoulement, but it did grant asylum status and generally cooperated with the office of the U.N.

High Commissioner for Refugees (UNHCR), who granted refugee status, in assisting refugees and provided temporary protection to approximately 34,700 persons, the vast majority of whom were Congolese refugees who fled the DRC during the unrest of 1996.

Unlike in the previous year, there were no reports of the forced return of persons to a country where they feared persecution; however, more than 8,500 refugees who were forcibly repatriated in 2002 returned to the country's refugee camps to escape the harsh conditions in the DRC. Even after authorities discontinued the forced repatriations in October 2002, the Government continued to harass those who chose to stay in the country and drastically reduced services to the camps during the year. The Government banned the construction of new shelters at Gihembe Camp, in anticipation of a move at a later date. At year's end, the camp had become severely overcrowded, and living conditions were well below international standards.

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, despite peaceful presidential and legislative elections during the year, this right was effectively restricted.

On May 26, a new constitution was adopted by referendum, ending a 9-year transitional period. The new constitution required that all political parties register with the Government, and all but one of the existing parties successfully re-registered (see Section 2.b.).

Founding members of Celestin Kabanda's party, ADEP-Mizero, were called into the police station daily from July 29 until August 26, the day after the presidential elections, effectively prohibiting the party from supporting any candidate during the presidential election and from running any candidates in the legislative elections. In addition, the Government pressured an estimated 600 former MDR members and members of the ADEP-Mizero to publicly denounce opposition presidential candidate Faustin Twagiramungu and independent legislative candidate Celestin Kabanda.

During the presidential and legislative campaign periods, Kagame's opponents and their supporters faced harassment and intimidation, including detention, which made it virtually impossible to campaign (see Section 1.d.). On the eve of the election, police arrested Twagiramungu's 12 provincial campaign organizers, saying they were preparing election-day violence. Most of them were released after the elections.

During the campaign period for both presidential and legislative elections, government officials confiscated campaign materials of opposition candidates.

On August 25, President Paul Kagame won a landslide victory against two independent candidates, Faustin Twagiramungu and Jean Nepomuscene Nayinzira. A fourth candidate, Alvera Mukabaramba, withdrew on the eve of the election. International election observers, representing both governments and NGOs, noted that the country's first post-genocide elections, though peaceful, were marred by numerous irregularities, including ballot stuffing, "guarded" polling booths, and irregular ballot counting in at least 2 of the 12 provinces; there were numerous credible reports of widespread intimidation and harassment of the opposition.

The Constitution also created a bicameral legislature, consisting of an 80-seat Chamber of Deputies and a 26-seat Senate. The term for Deputies was 5 years, while the term for Senators was 8 years, non-renewable. President Kagame's political party, the RPF, won the majority of the seats in the newly created Chamber of Deputies and Senate during legislative elections held over a 4-day period from September 29 to October 2. International election observers noted that the elections, though peaceful, were marred by numerous irregularities and widespread intimidation against the opposition. A coalition of five parties, including the ruling RPF, competed against three opposition political parties. Parties and independent candidates that ran in opposition to the RPF experienced intimidation and harassment similar to those faced by opposition candidates during the presidential elections; the Government reportedly canceled opposition rallies and confiscated campaign materials. Two independent candidates, Celestin Kabanda and Jean Baptiste Sindikubwabo, were disqualified 3 days before election day over allegations that they submitted false documents. There were numerous withdrawals from the legislative races the weekend prior to the elections.

In accordance with the Constitution, indirect elections were organized to designate 24 women deputies, 2 deputies representing youth organizations, 1 deputy with disabilities, and 1 senator from each of the 12 provinces. The women were chosen by a joint assembly composed of members of the respective district, municipality, town, or Kigali city councils and members of the executive committees of women's organizations at the provincial, Kigali City, district, municipal, town, and

sector levels. The National Youth Council elected the youth members; the Federation of Associations of the Disabled elected the handicapped member.

There were local elections for some positions such as district mayors and cell, district, and provincial level councils. Others were appointed, such as prefects and executive secretaries.

In addition to the RPF, six other political parties were represented in the newly mandated Chamber of Deputies and the Senate; however, none were considered to be fully independent of President Kagame and the RPF.

In accordance with the Constitution, all political organizations were required to join a consultative forum. In addition, the Organic Law Governing Political Organizations and Politicians, which the Transitional National Assembly passed on June 23, regulates the formation, structure, and functioning of political organizations; it also monitors their use of the media, management of financial assets, and relations between political organizations and other institutions. The law outlines a code of conduct that places tight controls on political organizations. For example, the law states that political organizations have the "moral obligation to condemn any biased ideas and behavior aimed at turning the State into a State governed by a cluster of politicians." The law also outlines the Government's ability to cancel an organization's mandate.

The Constitution requires that at least 30 percent of the seats in parliament be reserved for women; women won approximately 40 percent of the seats during September legislative elections. At year's end, there were 6 women in the 20-seat Senate, and 39 women in the 80-seat Chamber of Deputies. In addition, President Kagame appointed 9 women to ministerial positions, representing 32 percent of the positions in his cabinet.

There were no laws that restricted the participation of minorities in government and politics. Although the Constitution stipulated that marginalized groups should be represented in the Senate, the Batwa were not given such representation.

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

A variety of domestic and international human rights groups operated in the country, investigating and publishing their findings, but none of the domestic organizations had the resources to conduct extensive human rights monitoring. The Government tended to be suspicious of local and international human rights observers, particularly with regard to accusations against the Government during the campaign periods. The majority of the domestic human rights organizations are seen as being only nominally independent of the Government. The Government harassed those that attempted to report and act more independently. The Government attempted to prohibit the more independent organizations from gaining official observer status during the elections.

Local NGO activities often were limited to receiving and compiling reports from citizens about human rights abuses and conducting selected investigations, primarily because of resources but also because of some self-censorship. Reports were published occasionally; statements criticizing specific incidents were more common.

The Government generally did not provide to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. Under international pressure, the Government did provide a statement on reports of politically motivated disappearances (see Section 1.b.), 4 months after they occurred. However, it did not resolve these cases.

The Government directly threatened the domestic human rights NGO LIPRODHOR, by publicly criticizing its reports and trying to block international funding for its activities. LIPRODHOR was mentioned specifically in the MDR report, which accused members of LIPRODHOR of collaborating with MDR members and funneling money to the party from foreign donors.

There were a few reports of the forcible dispersal or prevention of NGO meetings during the year. Independent journalists and human rights workers said police regularly harassed them in the weeks prior to presidential elections. In addition, the Government forced some NGOs to suspend their programs during the elections in August and September. It also attempted to confiscate NGO vehicles just prior to the campaign period, and at one point, government officials tried to infiltrate NGO meetings.

In February, police prevented the regional NGO League for Human Rights in the Great Lakes (LDGL) from conducting a conference designed to address the controversial legal status of the Local Defense Forces.

At a May 9 meeting, an umbrella organization of 40 women's groups sharply criticized both domestic and international human rights organizations. Members of Pro-Femmes/Twese Hamwe and other women's groups joined parliamentarians and aca-

demics in criticizing the MDR for “divisionism”; the groups also criticized HRW for its support of the MDR and LIPRODHOR for being “divisive.” That Pro-Femmes/Twese Hamwe, which had previously received an award for its commitment to non-violence and tolerance, would publicly join government officials in such statements demonstrated the effect the Government had on civil society.

Restrictions on three members of a local NGO arrested in January 2002 and later released were lifted by the end of 2002; however, the NGO was still barred from operating at year’s end.

The Government continued to criticize reports by international human rights NGOs and was hostile towards those whose reporting was perceived by the Government to be biased and inaccurate. For example, in May, on state-controlled radio, the Government “strongly condemned the deceit used by Human Rights Watch to sabotage programs of the Government.”

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, continued to prosecute genocide suspects during the year, but at a slow pace. Since 1994, the ICTR has delivered verdicts on only 16 persons, including 5 during the year. Credible reports indicated that the ICTR continued to face serious problems, including poor management, incompetence, and corruption. The authorities sporadically prevented witnesses from attending and giving testimony at the ICTR, which delayed the judicial process. To expedite trials, the U.N. Security Council appointed a new ICTR Prosecutor on September 4, after it split the ICTR and International Criminal Tribunal for Yugoslavia (ICTY). Relations and cooperation between the Government and the ICTR improved following the appointment of Hassan Bubacar Jallow as the ICTR’s new Prosecutor. Discussions between the Government and the Tribunal continued on investigating RDF crimes, or “revenge killings,” committed in 1994.

Five trials were completed by year’s end. On February 19, the ICTR sentenced former Seventh-day Adventist pastor Elizaphan Ntakirutimana to 10 years’ imprisonment and his son Gerard Ntakirutimana to 25 years’ imprisonment (see Section 2.c.). On May 15, Laurent Semanza was sentenced to 25 years’ imprisonment and Eliezer Niyitegeka to life imprisonment. In addition, on December 3, Ferdinand Nahimana, a founding member of Radio Television Libres des Mille Collines (RTL)M—a privately owned and operated radio station whose members were all also government officials—and Hassan Ngeze, owner and editor of the Hutu extremist newspaper Kangura, were found guilty of genocide, incitement to commit genocide, and crimes against humanity and were sentenced to life in prison; the two worked for a radio station that broadcast lists of persons to be killed and revealed where they could be found. The third defendant, Jean-Bosco Barayagwiza, who was also a founder of RTL)M and former political affairs director in the foreign affairs ministry, was sentenced to 35 years in prison; his sentence was reduced to 27 years because of the time he had already served prior to the trial.

Seven ICTR trials were in progress at year’s end: the Butare 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 Cyangugu case against Emmanuel Bagambiki, Samuel Imanishimwe, and Andre Ntagerura; the Juvenal Kajelijeli case; the Jean de Dieu Kamuhanda case; the Sylvestre Gacumbitsi case; the case of former finance minister Emmaunel Ndindabahizi; and the military case against Theoneste Bagasora, Gratien Kabiligi, Aloys Ntabakuze, and Anatole Nsengiyumva. An additional 30 persons remained in detention, awaiting trial at the year’s end, while 2 persons awaited transfer to Arusha. Two of the three ICTR investigators arrested in 2001 on genocide charges were in custody awaiting trial at year’s end; the remaining investigator had been released from custody but was fired by the ICTR.

The Governments of Mali, Benin, and Swaziland have agreements with the ICTR to accept convicted prisoners. Six convicted genocidaires were serving their sentences in Mali: former Prime Minister Jean Kambanda, Jean Paul Akayesu, Alfred Musema, and Clement Kayishema, all of whom were sentenced to life in prison; Obed Ruzindana, who was sentenced to 25 years; and Omar Serushago, who was sentenced to 15 years. The Government of Italy has agreed to house Georges Riuggiu, the only non-Rwandan in ICTR custody; however, the agreement was not implemented by year’s end.

The NCHR produced only one communiqué before the election period, in which it severely criticized the pre-election report of HRW.

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

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith opinion, economic status, culture, language, social status, or phys-

ical or mental disability. The Government generally enforced these provisions; however, problems remained.

Women.—Domestic violence against women was common and wife beating occurred frequently. Cases normally were handled within the context of the extended family and rarely came before the courts. When the Government did become involved, such as in cases involving serious injury, the courts handled such cases efficiently, leading to the conviction of numerous suspects. During the year, 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.

Prostitution and trafficking were problems (see Section 6.f.).

Women continued to face societal discrimination. Women traditionally performed 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. Government efforts to expand opportunities for women included a clause in the Constitution providing that at least 30 percent of the seats in parliament be reserved for women; women won approximately 40 percent of the seats during September legislative elections. Other efforts included the sponsorship of scholarships for girls in primary and secondary school, the provision of loans to rural women, and a Ministry of Gender program to train government officials and NGOs in methods to increase the role of women in the workforce. The 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 was charged with handling problems of particular concern to women, and the Minister was an active advocate of women's rights. A number of women's groups were extremely active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children.

Children.—The Government was committed to children's rights and welfare, and it attempted to provide education and health care to every child. Children headed at least 65,000 households. The Government worked closely with international NGOs to secure assistance for children who were heads of households, and sensitized 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.

In June, the Government announced that all primary school fees would be waived. The fees were waived; however, in some districts, near the end of the term, principals refused to give out grades unless persons paid the fees. School fees routinely were waived for orphans. Public schools lacked essential and basic supplies and could not accommodate all children of primary school age. A UNICEF study reported that 400,000 school-age children were unable to go to school in 1999. Private schools often were too distant or too expensive to serve as an alternative for many children. Examination decided entry to secondary school.

According to a UNICEF report published during the year, 67 percent of primary school-age boys and girls were enrolled in school. Of the children who enter the first grade, 78 percent reach the fifth grade. Approximately 74 percent of men were literate compared with 60 percent of women.

Child prostitution was a problem (see Section 6.f.).

Both the Government and non-state militias have used children as soldiers in past conflicts. However, the Government no longer recruited children into its security forces. The Government's program of demobilization and reintegration continued during the year, with a number of child soldiers being among those moved through the program back to civilian life. The Government participated in an International Labor Organization (ILO)-International Program for Elimination of Child Labor (IPEC) program to prevent the involvement of children in armed conflicts and support the rehabilitation of former child soldiers. There were credible reports that in some regions, children were recruited to work for the LDF; however, these were isolated cases.

There were reports that Congolese children were transferred to the country for military training (see Section 1.f.).

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

There were approximately 6,000 street children throughout the country. Local authorities rounded up street children and placed them in foster homes or govern-

ment-run facilities. The Gitagata Center still housed approximately 700 children, the majority of whom were rounded up in December. During the year, approximately 25 girls, who were subject to sexual abuse in the center, were removed and placed in a new center only for girls, managed by the Catholic Church. The Government opened a "Childcare Institution" in each of the 12 provinces that served as safe houses for street children, providing shelter and basic needs. The Government continued to work with NGOs throughout the year to address the question of street children.

There continued to be reports that RCD/Goma and UPC rebel troops abducted young women from the villages they raided in the DRC, to serve primarily as porters or sex workers.

Persons with Disabilities.—Although there were no laws restricting persons with disabilities from employment, education, or other state services, in practice, few persons with disabilities had access to education or employment. There was no law mandating access to public facilities.

National/Racial/Ethnic Minorities.—Before 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However, Hutus and Tutsis were 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 remained unknown.

With the removal of ethnic labels from identification cards, the Batwa no longer were officially designated as an ethnic group. During the year, there were approximately 23,000 Batwa in the country, which represented less than 1 percent of the population. The Batwa, survivors of the Twa (pygmy) tribes of the mountainous forest areas bordering the DRC, existed on the margins of society and continued to be treated as inferior citizens by both the Hutu and Tutsi groups.

The Community of Indigenous Peoples of Rwanda (CAURWA), an advocacy group for the Batwa, reported that Biturira, a Batwa genocide suspect detained at Gikongoro prison, died in a pit latrine in July 2002. The man had been sent into the latrine by a prison guard to fetch a mobile phone that had fallen into the latrine. At the year's end, no investigation had been made into his death.

There were seven Batwa organizations focused on the protection of their interests, which included access to land, housing and education, and the eradication of discrimination against them; however, they generally were unable to protect their interests due to government restrictions on using ethnic labels. Because the Government no longer recognized ethnicity, the Batwa were unable to argue that they needed special services. Few Batwa had been educated formally. There was one Batwa on the NCHR, and no Batwa in the Senate, despite a constitutional provision that allows the president the right to appoint 4 members to the Senate "who shall ensure the representation of historically marginalized communities."

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 in large part implemented 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 Government of National Unity, which was composed of members of eight political parties and which ruled until the elections in August and September. 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. The new constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. Some organizations and individuals accused 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; however, the Government continued to deny this charge.

Incitement to Acts of Discrimination

During the year, the ICTR convicted and sentenced former media executives and journalists to prison terms for promoting racial hatred and inciting acts of violence against Tutsis and moderate Hutus during the 1994 genocide (see Section 4).

Section 6. Worker Rights

a. The Right of Association.—The law provided the right to create professional associations and labor unions, and workers generally exercised this right in practice. The labor movement was hampered because of the massive disruptions caused by

the 1994 genocide; however, unions continued to regroup and assert themselves during the year.

More than 80 percent of workers were engaged in small-scale subsistence farming. Union membership was voluntary and open to all salaried workers, including public sector employees. Organized labor represented only a small part of the work force. Approximately 7 percent of the work force worked in the modern (wage) sector, and approximately 75 percent of those active in the modern sector were union members.

There were no restrictions on the right of association, but all unions must register with the Ministry of Labor for official recognition. There were no known cases in which the Government denied recognition. The law prohibits unions from having political affiliations, but in practice this was not always respected.

There were 27 registered unions under 2 umbrella groups: 17 were under the Central Union of Rwandan Workers (CESTRAR), and 10 were jointly under the National Council of Free Unions in Rwanda (COSYLI), and the Association of Christian Unions (ASC-Umurimo).

The law prohibits anti-union discrimination, but no formal mechanisms existed to resolve complaints involving discrimination against unions. Union activists have complained that some employers threatened to fire employees who attempted to join a union.

Labor organizations may affiliate with international labor bodies. The CESTRAR was affiliated with the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the protection of workers from employer interference in their right to organize and administer unions; however, the law does not include agricultural workers in this provision. The law provides for collective bargaining, although only the CESTRAR had an established collective bargaining agreement with the Government. In practice, the Government was intimately involved in the collective bargaining process since most union members were in the public sector (see Section 6.e.).

Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union; however, authorization was not required for union meetings.

The law provides for the right to strike, except for public service workers and workers in essential services. 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. This process essentially prohibits strikes. There were no demonstrations by union members during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, prisoners were assigned to work details, which generally involved 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.

Unlike in the previous year, there were no reports that the national army forced Rwandan prisoners and Congolese civilians, including children, to mine columbite-tantalite, or coltan, in the Provinces of South Kivu and Maniema in the DRC, especially in the areas of Kalemie and Kalima.

The law does not prohibit specifically forced and bonded labor by children; however, with the exception of forced military recruitment and service (see Section 5), there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Except for subsistence agriculture, which occupies approximately 80 percent of the workforce, the law prohibits children under the age of 16 from working without their parents' or guardians' permission, and prohibits children under 16 from participating in night work or any work deemed hazardous or difficult, as determined by the Minister of Labor; however, child labor was a problem. Night work is defined by the Labor Code as work between 7 p.m. and 5 a.m.; children also must have a rest period of at least 12 hours between work engagements. The minimum age for full-time employment was 18 years, and 14 years for apprenticeships, provided that the child had completed primary school. According to a U.N. report released during the year, 31 percent of children aged 5 to 14 engaged in child labor. The Ministry of Public Service and Labor and the Ministry of Local Government did not enforce child labor laws effectively, and children headed many households.

The Government identified five forms of child labor as those that should be considered as the "worst forms of labor," including domestic work outside the family sphere; agricultural activities on tea, rice, and sugar cane plantations; work in

brickyards and sand extraction quarries; crushing stones; and prostitution. During the year, child labor persisted in the agricultural sector, among household domestics, and the brick-making industry. In addition, child prostitution was a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The Ministry of Public Service and Labor set minimum wages in the small modern sector. The Government, the main employer, effectively set most other wage rates as well. There is no single minimum wage; minimum wages varied according to the nature of the job. The minimum wages paid were insufficient to meet the basic needs of a worker and family, and in practice, workers accepted less than the minimum wage. Often families supplemented their incomes by working in small business or subsistence agriculture.

Officially, government offices and private sector entities had a 40-hour workweek; the maximum workweek was 45 hours. In July, the Government changed the workday schedule, so that the day began at 7 a.m. and ended at 3:30 p.m., with a 30-minute break for lunch. There was no mandated rest period. The law regulates 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.—There was no specific anti-trafficking law, but laws against slavery, prostitution by coercion, kidnapping, rape, and defilement were available to prosecute traffickers; however, there were reports of trafficking.

During the year, the Government actively prosecuted cases of sex crimes, but did not keep separate trafficking statistics. The Government did not fully comply with the minimum standards for the elimination of trafficking in persons; however, it was making significant efforts to do so despite severe resources constraints.

There were reports that persons were trafficked to South Africa. Numerous children head households, and some of these children resorted to prostitution or may have been trafficked into domestic servitude. Child prostitution was a problem; an international organization estimated there were 2,140 child prostitutes in the major cities and several thousand street children.

There continued to be reports that Rwandan-backed Congolese militias operating in the DRC abducted men, women, and children for forced labor and sexual exploitation, and to serve as combatants. Unlike in the previous year, there were no reports that RDF troops abducted women and children from villages they raided to perform labor, military services, and sexual services.

SAO TOME AND PRINCIPE

The Democratic Republic of Sao Tome and Principe is a multiparty democracy. Fradique de Menezes was elected President of the country in a 2001 election deemed free and fair by international observers. In March 2002 parliamentary elections, also deemed free and fair, the Movement for the Liberation of Sao Tome and Principe-Social Democratic Party (MLSTP) won 24 seats, the Movement for the Democratic Force of Change (MDFM) coalition took 23 seats, and the Ue-Kedadji coalition won 8 seats; Gabriel Arcanjo Ferreira da Costa was named Prime Minister. In September 2002, President Menezes dismissed Costa and his government, and on October 2002, a new 13-member coalition government was formed under Maria das Neves, the first woman to hold the position of Prime Minister. That government remained in power, despite an attempted coup in July. The judiciary was generally independent; however, it was subject at times to influence and manipulation.

The Minister of National Defense and Internal Affairs supervise and control the military services, the police, and immigration. The Government and international donors continued to dedicate resources to improving soldiers' living conditions, salary, and benefits, all issues negotiated as part of ending the attempted coup. Some members of the security forces committed human rights abuses.

The mainstay of the mixed economy was the export of cocoa; coffee, vanilla, and pepper also were produced for export. The population was approximately 137,500; per capita annual income was \$280. Unemployment remained high, and endemic malaria slowed economic production. The Government has privatized all state-held land and was somewhat successful in its efforts at structural adjustment; however, the country remained highly dependent on foreign aid.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Security forces on occasion beat and abused detainees and violently dispersed a demonstration. Prison conditions were harsh, and

the judicial system was inefficient. Violence and discrimination against women were widespread, child labor was a problem, and labor practices on plantations were harsh.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings during the year.

On April 17, one person died and three were injured after police attempted to disperse a violent demonstration; a subsequent investigation did not resolve whether police or demonstrators were responsible (see Section 2.b.).

On March 29, the court convicted a police sergeant of involuntary manslaughter in the October 2002 death of Ineas Cravid. The police sergeant was sentenced to 12 years in prison; two other officers involved in the case were convicted of abuse and violation of authority and sentenced to 8 and 4 years' imprisonment, respectively. All three officers filed appeals.

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 reports that security forces at times beat and abused detainees in custody.

After an April 17 demonstration, authorities arrested and detained 37 demonstrators; some claimed that police beat them in custody (see Section 2.b.).

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. Because of overcrowding, some pre-trial prisoners were held with convicted prisoners.

The Government permitted human rights monitors to make prison visits; however, no such requests were made during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. However, on April 17, security forces arrested and detained 37 demonstrators, some of whom reported that they were beaten while in custody; all 37 were released after 5 days (see Section 2.b.).

The police force, under the Ministry of Defense, was ineffective and widely viewed as corrupt, despite the Government's replacement of two police directors during the year, ostensibly to improve police service. The Government agreed to reform the Criminal Investigation Police, a separate agency under the Ministry of Justice that conducted criminal investigations, as part of negotiations to end the attempted July coup; however, no action was taken during the year.

The Constitution does not prohibit forced exile; however, the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, however, the judicial system at times was subject to political influence or manipulation. The Government has important powers relating to the judiciary, including setting salaries for judges and all ministerial employees. Government salaries remained low, and suspicion persisted that judges may be tempted to accept bribes (see Section 6.e.).

The legal system was based on a Portuguese model. The court system had two levels: Circuit courts and the Supreme Court. The Supreme Court was 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 suffered from severe budgetary constraints, inadequate facilities, and a shortage of trained judges and lawyers, which caused delays from 3 to 9 months in bringing cases to court and greatly hindered investigations in criminal cases. To address the backlog during the year, the Government held a 2-week trial marathon in which three or four cases were heard daily for 14 consecutive days.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions.

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. A Superior Council for Press, made up of representatives from each branch of the media, acts

as an arbitration board in cases of disputes; however, the Council has been inactive for several years.

Two government-run and six independent newspapers and newsletters were published sporadically, usually on a monthly or bi-weekly basis; resource constraints determined publishing frequency.

All parties freely distributed newsletters and press releases stating their views and criticizing the Government, the President, and one another.

Television and radio were state operated. While there were no independent local stations, no laws forbade them. The Voice of America, Radio International Portugal, and Radio France International were rebroadcast locally. The law grants all opposition parties access to the state-run media, including a minimum of 3 minutes per month on television.

On March 24, former Prime Minister Costa was convicted of defamation and calumny in a lawsuit brought by President Menezes. Costa, who had accused Menezes in an open letter to the National Assembly of mismanaging government funds and usurping government authority, was sentenced to a 1-month suspended sentence and a fine of \$66 (600,000 dobras).

The Government did not restrict access to, or the use of, email, the Internet, or satellite telephones. The only domestic Internet service provider was a joint venture in which the Government's Post and Telecommunications Office was a minority partner. The cost of Internet access remained high; consequently, access remained limited in practice.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly and association, and the Government generally respected these rights in practice. The Government required that requests for authorization for large-scale events be filed 48 hours in advance, but it usually granted the appropriate permits.

On April 17, local artisans marched on the Prime Minister's office to protest the Government's sale of land that had been promised to them. After security forces arrived to disperse the demonstration, shots were fired, resulting in the death of one demonstrator and the injuring of three others. Police investigators could not determine whether the shots had been fired by demonstrators or security forces; observers noted that security forces were poorly trained in crowd control.

c. Freedom of Religion.—The Constitution provides for religious freedom and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

After the July 16 attempted military coup, a curfew was imposed, and the International Airport was closed; by July 18, the Airport was reopened and the curfew lifted.

The law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol; however, in practice, the Government granted refugee status or asylum. There were no reports of the forced return of persons to a country where they feared persecution. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for the election of the President, who as Head of State approves the Prime Minister. The Prime Minister appoints ministers of the Government.

President Menezes was elected in July 2001; in December 2001, he dissolved the National Assembly and called for new elections. In a March 2002 election deemed free and fair by international observers, the MLSTP won 24 seats, the MDFM coalition took 23 seats, and the Ue-Kedadji coalition won 8 seats; Gabriel Arcanjo Ferreira da Costa was named Prime Minister. In September 2002, President Menezes dismissed Costa and his government, and on October 2002, a 13-member coalition government was formed under Maria das Neves, the first woman to hold the position of Prime Minister.

On July 16, Major Fernando Pereira, head of the country's military training center, led a military coup attempt while President Menezes was visiting Nigeria. Coup leaders, who detained members of the Government, took over the national radio station, and closed the Airport, said they were frustrated by military living conditions and wage arrears, and demanded reform of the Criminal Investigation Police. On July 23, President Menezes resumed control of the Government after signing a framework agreement with the rebels to reform the military, establish legal and regulatory measures to manage the country's new oil wealth, and to initiate a national forum to establish developmental priorities. On November 27, the Commission of Guarantee, an international body established to oversee the implementation of the framework agreement, convened its first meeting.

There were 5 women in the 55-seat National Assembly, and women held 5 of 13 seats in the Cabinet. The Prime Minister and the President of the 3-member Supreme Court were women.

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

A small number of domestic 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, 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. The Government actively enforced these provisions.

Women.—While the extent of the problem was unknown, domestic violence against women occurred, including rape. 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. Tradition inhibits women from taking domestic disputes outside the family.

The Constitution stipulates that women and men have equal political, economic, and social rights. While many women have access to opportunities in education, business, and government, in practice, women still encountered significant societal discrimination. Traditional beliefs left women with most child-rearing responsibilities and with less access to education and to professions; a high teenage pregnancy rate further reduced economic opportunities for women. An estimated 70 percent of households were headed by women.

Children.—A number of government and donor-funded programs operated to improve conditions for children, notably an ongoing malaria control project and acquisition of school and medical equipment.

Nutrition, maternity and infant care, and access to basic health services have improved, especially in urban areas. Mistreatment of children was not widespread; however, there were few protections for orphans and abandoned children.

Education was universal, compulsory through the 6th grade, and tuition-free to the age of 15. Students were responsible for buying books and uniforms; however, the Government provided both to children from poor families. Enrollment in primary school was estimated at 74 percent. After grade 6 or age 15, whichever came first, education was no longer free. There were no differences between the treatment of girls and boys in regard to education.

During the year, a social services program tried to collect street children in a center where they received classes and training. Conditions at the center were good; however, because of overcrowding, some children were sent back to their families at night, and these children frequently ran away. Children who stayed full time at the center did not run away.

Persons with Disabilities.—The law does not mandate access to buildings, transportation, or services for persons with disabilities. There were no reports of discrimination against such persons; however, local organizations have criticized the Government for not implementing accessibility programs for persons with disabilities as it promised.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, and workers generally exercised this right in practice. Few unions exist in the very small formal wage sector. The two unions are the General Union of Workers and the National Organization of Workers of Sao Tome and Principe; government workers and members of farmers' cooperatives belonged to one of these unions. Independent cooperatives took advantage of the Government's land distribution program

to attract workers and in many cases to improve production and income significantly. Public sector employees still constituted the majority of wage earners.

There are no laws prohibiting anti-union discrimination; however, there were no reports of such discrimination.

There were 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 remained the key interlocutor for labor on all matters, including wages.

The Constitution provides for the freedom to strike, even by government employees and other essential workers. During the year, there was one strike by civil service workers that was resolved within 1 day through negotiations. Numerous other threats of strikes during the year were resolved through negotiation. There were no laws or regulations prohibiting employers from retaliation against strikers; however, there were no reports of retaliation following strikes.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. Employers in the formal wage sector generally respected the legally mandated minimum employment age of 18. 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 of underage workers can be fined.

The Government has not ratified International Labor Organization Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Working conditions on many of the cocoa plantations—the largest wage employment sector—were extremely harsh. The legal minimum wage was \$23.50 (220,000 dobras) per month, with an additional stipend of \$2.20 (20,000 dobras) for civil servants. The average salary for plantation workers did not provide a decent standard of living for a worker and family, and the real value of their pay was further eroded by a 9 percent rate of inflation. Working two or more jobs was so common that the Government modified its hours so civil servants could pursue a second career; the labor law specifies areas in which civil servants may work if they pursue a second job. Privatization of the plantation sector generally eliminated fringe benefits provided when plantation production was controlled by the State. 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”; however, corruption was widespread, and workers often were forced to pay higher prices on the open market to obtain the goods theoretically provided at a discount as part of their compensation.

Civil servants in “strategic sectors,” such as the court system, the ministries of finance, customs, education, and the Criminal Investigation Police, earned up to 400 percent more than their counterparts in the remainder of the public sector.

The legal workweek was 40 hours, with 48 consecutive hours mandated for rest. Shopkeepers worked 48 hours a week. The law prescribes basic occupational health and safety standards. Inspectors for the Ministry of Justice and Labor were responsible for enforcement of these standards; however, resource constraints hindered their efforts. Employees had the right 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, Abdoulaye Wade, backed by a coalition of opposition parties, became President in an election viewed as both free and fair. In January 2001, 94 percent of the voters approved a new constitution that abolished the Senate, a body that had no directly elected members. Wade’s Sopi (Change) Coalition, composed of the Senegalese Democratic Party (PDS) and its allies, has 89 of 120 seats in the National Assembly and controls the majority of rural, regional, and city councils. The Government continued to implement decentralized regional and local administra-

tions. In March 2001, the Government and the secessionist Movement of Democratic Forces of the Casamance (MFDC) signed two peace agreements designed to end the 20-year insurgency. Although these agreements proved ineffective, there was a considerable reduction in the level of violence in the Casamance during the year. The Constitution provides for an independent judiciary; however, in practice it is subject to government influence and pressure.

The armed forces are professional, generally well disciplined, and firmly under civilian control. The police and the paramilitary gendarmerie are somewhat less professional and disciplined. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses.

The country is predominantly agricultural with approximately 60 percent of the labor force engaged in agricultural work and 20 percent engaged in fishing. The economy is market-based with substantial foreign investment, particularly in the tourism sector. In 2002, the population was estimated at 9.9 million, 33 percent of which was urban and 67 percent rural. Per capita gross domestic product was estimated at approximately \$500, but this figure excludes the large informal economy. The Government continued to implement a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Inflation averaged 2.2 percent in 2002, after averaging 3.0 percent in 2001. The Government received external assistance from international financial institutions and other sources, amounting to 32 percent of the national budget.

The Government generally respected its citizens' rights; however, there were problems in some areas. Government forces were responsible for several deaths during the year, and several disappearances from previous years remained unresolved. At times, police tortured and beat suspects during questioning and arbitrarily arrested and detained persons. Prison conditions were poor. Impunity remained a problem. Lengthy pretrial detention largely due to an overburdened judiciary is a problem. Human rights advocates and nongovernmental organizations (NGOs) continued to report a decrease in arbitrary arrests and random violence in connection with the Casamance insurgency. The Government, at times, limited the freedoms of speech and association. Domestic violence and discrimination against women, female genital mutilation (FGM), child labor and trafficking in persons remained problems.

There were reports that rebel MFDC forces committed 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 political killings; however, government forces reportedly were responsible for several civilian deaths. On February 23 in Mandina Mancagne, a village in the Casamance that has been resettled since the decline in violence, the military shot and killed a man who reportedly failed to stop after receiving warnings.

There were no further developments in the October 2002 shooting of a civilian at a roadblock by a government soldier.

During the year, no large-scale confrontation between government forces and rebels was reported in the Casamance region; however, the press continued to report frequent armed robberies attributed to MFDC rebels. The most serious incident took place on August 11, when 10-armed men stopped 6 passenger vehicles in the village of Djegoune and robbed the passengers. The gunmen isolated three men whose names indicated that they were not from the Casamance and shot them, killing two and leaving the third for dead.

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

According to Amnesty International (AI), MFDC rebels detained six fishermen in July 2002 on the banks of the Casamance River near the village of Brin. One man with a name indicating he was from the Casamance was freed; the others were not seen again.

Disappearances from previous years remained unresolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such treatment; unlike in previous years, there were no credible reports that police and gendarmes beat and tortured suspects during questioning and pretrial detention during the year. However, this remained a serious concern. Despite stronger legal provisions against torture, the Government was reluctant to prosecute members of the security forces accused of torture.

The local chapter of the human rights organization African Assembly for the Defense of Human Rights (RADDHO) reported that the May 2002 case of Alioune Sow,

who was beaten in the suburban Dakar police station of Guediawaye, was dropped following pressure from the policeman and Sow's family.

There were instances of unknown assailants attacking government offices and opposition politicians. For example, in July, a heavily armed group of approximately 20 men attacked the customs office in the village of Sare Ndiaye on the Gambian border; one officer was injured.

On October 5, unknown assailants brutally attacked Talla Sylla, leader of the opposition party Jef-Jel and vocal critic of President Wade. Sylla was evacuated to France to obtain medical treatment for his injuries. No arrests were made in the case, and the police were investigating the identities of Sylla's attackers at year's end.

During the year, the police on occasion beat journalists (see Section 2.a.).

Prison conditions were poor and prisons remained overcrowded. Food and health care were inadequate, but there were no reported deaths in prison as a result of these conditions.

In April, RADDHO and the local press reported that 26-year-old Alioune Badara Mbengue, who was held in pretrial detention since 1999 at Dakar's Central Prison, was handcuffed and tortured by prison guards in November 2002, resulting in amputation of both of his arms. Six prison guards were arrested but subsequently freed after fellow guards went on strike. The case was pending at year's end.

Women were held separately from men and juveniles were housed separately from adults. Although pretrial detainees were usually held separately from convicted prisoners, as required by law, they were occasionally kept with convicted prisoners due to limited space.

The Government permits prison visits by independent human rights monitors. During the year, local and international human rights groups such as RADDHO, the National Organization for Human Rights, and the International Committee of the Red Cross (ICRC) visited prisons. A delegation of the National Assembly, led by the Chairman of the Human Rights and Rule of Law Network, also visited prisons. However, the Secretary General of RADDHO noted some difficulties securing authorization to visit prisons after the Mbengue incident.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the authorities at times arbitrarily arrested and detained persons.

The police force contains 10 departments as part of the Directorate General of National Safety. In each of the country's 11 regions, police have at least 1 police station and at least 1 mobile safety brigade. Dakar has more than 15 police stations, which are spread throughout the city's districts. Most of the chiefs of police were well-educated and well-trained. A foreign government has also helped facilitate training of the police force in a number of areas such as crisis response, airport security, hostage negotiation, and trafficking in persons.

The Government generally did not try or punish members of the military, gendarmerie, or police for human rights abuses; however, authorities punished corruption. In August a chief of police was removed from his position and was being held for charges of corruption at year's end.

Although the law specifies that warrants issued by judges are required for arrests, the law also grants the police broad powers to detain prisoners for lengthy periods of time before filing formal charges. Police officers may hold suspects without filing formal charges for up to 48 hours after arrest, up to 96 hours if authorized by a public prosecutor, and up to 192 hours in cases involving threats to state security. During the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical exam and possible access to family. If necessary, a prosecutor can also demand a medical examination of the accused. The accused has the right to an attorney after this initial period of detention. Bail is possible, but was rarely used.

The accused may not be held in custody for more than 6 months pending trial for minor crimes. In cases involving murder, threats to state security, and embezzlement of public funds, there are no limits on the length of pretrial detention. Judges are allowed the time necessary to investigate these more serious cases. A court may review such extensions on appeal. Judges have the right to order release pending trial without the prosecutor's consent.

The authorities may detain a prisoner for long periods while building their case; police were rarely prosecuted for violations of arrest and detention procedures. Prisoners were routinely held in custody unless and until a court demanded their release. Despite the 6-month limit on detention for most crimes, the average time between charging and trial was 2 years. In 2002, a local newspaper published a letter to President Wade from Elhadj Der, one of several persons held in pretrial detention

for up to 12 years, asking the President to intervene so that they can stand trial. There were no reports of progress in scheduling their trials by year's end.

The Government continued to detain foreigners in police custody who have finished serving prison sentences and who should be repatriated. On August 11, a local newspaper reported that 19 Africans and 1 European who had finished serving their sentences were transferred to "administrative detention" in Dakar's central police station until the papers expelling them from the country were signed. The article noted that the detention was mainly due to a lack of funds to purchase plane tickets for their repatriation.

During the year, military authorities in the Casamance region made an effort to reduce the number of human rights abuses committed by security forces under their command. Although NGOs confirmed that there were fewer complaints of arbitrary arrests, lengthy detention, and abuse during detention, there were no available statistics. In comparison with previous years, NGOs in the Casamance reported a significant decrease in the number of detentions of suspected MFDC rebels claimed by local families. However, in its 2002 annual report, AI stated that 40 persons, some allegedly in possession of light weapons, were arrested and charged with collaborating with the MFDC. Reportedly, only those convicted of "blood crimes" or murder remained in prison at year's end. The others reportedly were pardoned by President Wade and freed in March and April.

The Constitution prohibits forced exile, and it was 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 the judiciary was subject to government influence and pressure. Low pay, poor working conditions, and family and political ties made magistrates vulnerable to outside pressure. The press reported two cases in which the executive branch influenced the justice system: A judge who refused bail 10 times for pro-government union leaders and prison guards who were arrested in connection with the Mbengue case, were removed from their positions (see Sections 1.c. and 6.a.). Ministry of Justice officials have substantial authority to influence judicial procedures by keeping suspects in pretrial detention.

Based on French civil law, the legal system is composed of ordinary courts and several higher and special courts, including the Council of State, the Constitutional Council, the Court of Final Appeal, and the Accounting Court. These courts remained understaffed, and many of the special courts, including those that deal with unlawful enrichment, treason, and official malfeasance were dormant. Although Muslims have the right to choose customary or civil law for certain civil cases, such as inheritance and divorce, customary law cases are decided by civil court judges. There is a separate system of military courts for the armed forces and 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 they were involved with military personnel who violate military law.

Defendants are presumed innocent and have the right to public trials, be present in court, confront witnesses, present evidence, and have an attorney. Some defendants were denied legal representation at public expense due to a lack of funds. Evidentiary hearings may be closed to the public and the press, but defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer a case for trial. A panel of judges presides over ordinary courts in civil and criminal cases. Jurors also sit on the panels during special sessions of the criminal court.

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 the Government generally respected this prohibition in practice. The law requires search warrants issued by judges, and there were no reports during the year that the police proceeded without the requisite 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, at times the Government limited this right in practice.

Regularly published magazines and newspapers, including foreign publications, covered a wide range of opinions. Political and economic views expressed in the independent press often were critical of the Government and its programs. Publishers are required to register prior to starting a publication; however, Government approval was routine.

Radio was the most important medium of mass information and the main source of news for citizens outside urban areas. Of the 32 privately owned radio stations, 24 were regular commercial enterprises and 8 were non-commercial radio stations,

set up by communities to broadcast community information and provide information on a variety of topics. There were also three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some were frequently critical of the Government, but no government harassment was reported.

A government monopoly controlled local television, an important source of news. While there were no privately owned domestic television stations, French-owned and South African-owned pay television systems were readily available but offered no local news.

On January 22, police beat Ibrahima Fall, a journalist for the daily *Info 7*, while he attempted to cover the demolition of shops by government authorities at the Soumbédioune handicraft market in Dakar.

During the year, opposition members and journalists increasingly reported that they were threatened and harassed after criticizing the President. For example, in July, Abdou Latif Coulibaly, director of the independent radio station *Sud FM*, received anonymous death threats following publication of his book critical of President Wade. The Government subsequently provided him protection. At the same time, a libel suit against Coulibaly was reopened. Coulibaly's 3-month sentence was suspended in 2002 after review by the Court of Appeals. The Court of Appeals heard the case on December 8 and the decision was pending by year's end.

On October 24, a French journalist for *Radio France International (RFI)* was expelled from the country for her controversial reporting of the conflict in the Casamance and alleged interference in the country's internal affairs. In response, RFI temporarily suspended activities in the country.

The case against Alioune Fall, editor-in-chief of *Le Matin* newspaper, for reporting false news was dropped during the year.

On July 24, the High Audiovisual Commission (HCA), the country's media watchdog, criticized the government-run TV station *RTS* for not covering events that would likely embarrass the Government, such as a strike by prison guards and the suicide of a Muslim religious leader, Khadim Bousso.

The Government did not restrict access to the Internet. The country had at least nine Internet service providers, including providers offering high-speed Internet access and continued to pursue development of information systems. A personal account with unlimited access costs approximately \$17 (10,000 CFA francs) per month. Dakar had numerous cybercafes for those unable to afford personal accounts, and they also existed in many regions outside Dakar.

The Government generally did not restrict academic freedom. Unlike in the previous year, there was no informal ban on student meetings.

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. Prior authorization for public demonstrations is usually granted.

In previous years, the Government frequently denied permission for marches by the opposition or forcibly dispersed them. During the year, the Government approved most requests, but usually excluded downtown and shopping areas, citing security concerns. The Government permitted demonstrations against political violence in November.

A policeman arrested and charged with killing a student at the University of Dakar during a 2001 demonstration, was tried on August 5. The court considered the evidence weak and dropped all charges. The policeman, who spent 20 months in pretrial detention, was considered by the press to be a scapegoat. The case remained open at year's end.

No new developments were reported in the 2002 case of a television cameraman beaten by police during a demonstration.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. However, on March 26, the Ministry of the Interior notified the Association of Families of the Victims of the *Joola*, a group representing families of the more than 1,800 persons who died during the September 2002 sinking of the *Joola* ferry, that the law mandated their association be dissolved. On July 15, the police questioned key leaders of the association in an attempt to force them to give their assets to a new, government-backed association of families of victims. NGOs and human rights organizations protested this action. The original group continued its activities, and police interference stopped after the group filed a court case. However, the Government sent the association a notification that it must vacate the offices given to them by the Government. The association had not vacated the property by year's end.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Any group—religious or oth-

erwise—that wants to form an association with legal status must register with the Ministry of Interior in accordance with the civil and commercial code. Registration was generally granted.

During the year, a group of Muslim intellectuals and leaders presented to the Government draft legislation on the creation of Islamic Family Law based on Shari'a, applicable to all Muslims in the country. The Government and many elements of civil society rejected the proposed draft as a threat to religious tolerance and separation of religion and state.

RADDHO and local press reported that on August 10 and 17, youth from the neighborhood of Dieuppeul III in Dakar attacked the Assembly of God of Bethel church. Those responsible for the attack complained that chanting from the church prevented them from sleeping, they subsequently stoned members of the congregation, injuring five worshippers, including an 11-year-old boy. The pastor said they had received threats before the attack and had complained to the local police station, but no action was taken. RADDHO severely criticized these acts and the lack of tolerance of 50 local residents who before the attack had signed a petition demanding that the Assembly stop its religious activities.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the country, although this was enforced only on occasion.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to or within the Casamance region. The security forces also maintained regular checkpoints in the Ziguinchor region of the Casamance to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles. There were military checkpoints in the Casamance on the road to Cap Skiring and on roads leading to the Gambian border. Roads were closed from 6:30 p.m. until morning.

MFDC rebels sought to extort supplies and money from civilians in the Casamance. Several times during the year MFDC rebels stopped passenger vehicles and robbed passengers (see Section 1.a.).

During the year, the Government helped reconstruct villages to enable refugees and internally displaced persons (IDPs) to return to their homes in the Casamance. In May, security forces transported approximately 400 refugees from the Gambian border to Ziguinchor, where they received aid, and then were returned to their native villages. The reduction of violence in the Casamance during the year has resulted in fewer refugees and IDPs.

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 cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other such humanitarian organizations. Since 1989, the country has offered temporary protection for Mauritanian refugees, who generally lived in dispersed locations along the Mauritanian border and enjoyed free movement within the country. However, most could not obtain current refugee documents from the authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. While no formal repatriation agreement existed, both governments cooperated to permit generally unsupervised and largely informal repatriation. The exact number of remaining Mauritanian refugees was not known. Several hundred Bissau-Guinean refugees remained in the country. As of August, the UNHCR regional office in Dakar had registered 235 Liberian refugees in the country.

On July 18, the Government extradited to Mauritania Lieutenant Didi Ould M'Hamed, who had fled to the country after allegedly having participated in the June attempted overthrow the Mauritanian president. Fearing that Didi would be tortured in Mauritania, local human rights organizations protested the extradition, which had been approved by the Court of Appeals.

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, which they exercised during the 2000 presidential election that ended the Socialist Party's 40-year domination of government. After 26 years in the opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated the incumbent president in what was considered to be a free and fair election. There were reports of several incidents of pre-election violence and minor pro-

cedural irregularities. In a 2001 national referendum, 94 percent of voters accepted a new Constitution. There were 72 legally-registered parties.

In August, the National Assembly created the High Council of the Republic (Haut Conseil), a consultative body of 90 appointees to advise the President and the Government on social and economic issues, as well as conflict resolution. The High Council is a combination of the former Senate and the Economic and Social Council, both of which existed under the previous constitution.

In the 2001 legislative elections, the President's coalition won 49.6 percent of the vote and 89 of 120 seats in the National Assembly. International and national observers characterized the elections as free and transparent. In 2002, the President's coalition won 52 percent of the vote in the first local elections held since 1996. This resulted in the control of 281 of the 441 rural, regional, and city councils by President Wade's governing coalition.

The National Electoral Observatory (ONEL) was established to oversee and supervise elections. The Ministry of the Interior remains responsible for the actual organization and implementation of elections, but ONEL has the power to order bureaucrats to obey electoral laws and initiate legal action against individuals and parties who violate these laws. ONEL presents a report on its findings after every election. The President appoints ONEL members during electoral years and discharges them by presidential decree after they deliver their report.

Although there are no legal bars for women to participate in politics, cultural and educational factors existed as barriers to participation. However, there were 7 female ministers in the 34-member Cabinet, and the number of women on electoral lists for local elections increased. There were 23 women in the 120 member National Assembly. In March 2001, President Wade named the first woman Prime Minister, Mame Madior Boye. Mr. Idrissa Seck replaced her in November 2002. Nevertheless, parties often ranked women low on electoral lists, making it hard for them to win a seat in the National Assembly (a prerequisite for being named a Minister).

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

A wide variety of human rights groups generally operated without government restriction, investigating and publishing their findings. Government officials generally were cooperative and responsive to their views.

The Government's National Committee on Human Rights has members from the Government and civic organizations, including private human rights groups. It may investigate abuses, including torture, on its own initiative.

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

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on sex, race, class, or language; however, sex discrimination was widespread and the anti-discrimination laws often were not enforced.

Women.—There were credible reports that domestic violence against women, usually wife beating, was common. According to a study funded by the Canadian Center for International Research and Development done in Dakar and Kaolack in 1996, 87 percent of 515 women interviewed had suffered from some form of domestic violence. It also showed that domestic violence was more prevalent in the capital than in Kaolack. Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. Domestic violence is punishable by a prison term of up to 5 years and a fine of \$825 (500,000 FCFA).

In contrast, society viewed 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, age is considered an aggravating circumstance. Rape trials often resulted in convictions. Sexual harassment is punishable by a prison term of up to 3 years and a fine of \$825 (500,000 FCFA).

FGM was not practiced by the Wolof, the largest ethnic group (43 percent of the population), but was performed on girls of most other ethnic groups. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by the Toucouleur, Mandinka, Soninke, and Bambara, particularly in rural areas. In the regions of eastern Saint-Louis, Matam, Tambacounda, Ziguinchor, and Kolda, where FGM was most prevalent, it was estimated that the majority of girls undergo FGM. FGM is a criminal offense under Senegalese law, carrying a jail term of 6 months to 5 years for those directly practicing FGM or ordering it to be carried out on a third person. The trials in a 2002 and a 2001 case against persons performing FGM were pending at year's end.

The Government had programs to educate women about the dangers of FGM, and there were national and local governmental action plans against FGM, piloted by the Ministry of Family, Social Development, and Solidarity. Much progress was

made in reducing the practice of FGM in the country. On March 30, 108 villages in the southeastern region banned the practices of FGM and underage marriages in their communities; on September 20 and 21, 202 villages prohibited the practice of FGM and underage marriages. In October, 13 villages in the northern region also banned FGM. Since 1997, 1,031 villages have prohibited FGM, constituting over 20 percent of the estimated 5,000 villages that had practiced FGM in the country. Those villages that have declared themselves against FGM have undertaken extensive basic education programs, social mobilization activities, and inter-village and inter-generational awareness programs.

Women faced pervasive discrimination, especially in rural areas where Islamic and traditional customs—including polygyny—and rules of inheritance were strongest. Under national law, women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The minimum age of consent to marry is 21 years for males and 16 years for females. Under certain conditions a judge may grant a special dispensation for marriage to a person below the age requirement. This law was not enforced in some communities where marriages were arranged. Under family law, the woman's consent is required for a polygynous union, but once in a polygynous union, a woman need not be notified or given prior approval to the man's subsequent marriage. Women were discriminated against in obtaining educational opportunities. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

Only an estimated 20 percent of women have paid employment, and traditional practices made it difficult for women to obtain bank credit. Due to the fact that men are legally considered the head of household, women paid higher taxes than men for the same salary (they were taxed as single individuals without children) and employers paid child allowances to men but not to women. Women typically married young (usually by the age of 16 in rural areas) and averaged 5.7 live births. An estimated half of all women were in polygynous marriages.

In urban areas, women encountered somewhat less discrimination and were more active in government, politics, and business. Approximately 14 percent of lawyers were women. Urban women were more likely to benefit from government efforts to improve the respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. Urban women usually received equal pay for equal work.

Children.—The Ministry of Family, Social Development and Solidarity is responsible for promoting children's welfare and is assisted by the Ministry of Health and the Ministry of Education, which focus on child survival and education. The Government continued to increase the number of classrooms and encouraged more children, particularly girls, to enter and stay in school. However, girls were still discriminated against in obtaining educational opportunities. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

Although educational policy declares education to be compulsory, free, and universal for children until the age of 16, compulsory attendance was not enforced. Approximately 75 percent of boys and 67 percent of girls were enrolled in primary school.

FGM was performed primarily on young girls (see Section 5, Women).

The imprisonment for convicted pedophiles was up to 10 years.

Persons with Disabilities.—There are no laws that mandate accessibility for persons with disabilities, and most persons with disabilities were unable to perform the physically-intensive jobs available in the country. There was also a lack of equipment and training opportunities for persons with disabilities.

National/Racial/Ethnic Minorities.—The largest ethnic groups are the Wolof (more than 40 percent of the population), the Pular (also called Peuhl or Fulani, nearly 25 percent) and the Serer (more than 15 percent). Smaller groups include the Diola, Mandingo, and Soninke. Each group has its own primary language, but French and Wolof were used widely among all ethnic groups. While general regions of origin can be identified for most ethnic groups, these geographical areas are no longer distinct.

The Casamance region of the country, which lies south of the Gambia, is substantially less arid, less Islamic, and fewer Wolofs resided there than the rest of the country. Resentment on the part of Casamançais groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the MFDC rebellion in the Casamance, which began in 1982 and has led to many human rights abuses (see Sections 1.a. and 1.d.). During the year, there was considerably less violence in the Casamance, and at an October conference of the MFDC, the MFDC leadership declared that it no longer sought total independ-

ence from Senegal but emancipation. The two sides had not yet entered into a formal peace process by year's end.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide all workers with the right of association and the freedom to form or join unions. The Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally, and the Government can also dissolve trade unions by administrative order. The International Labor Organization (ILO) continued to oppose these limitations on the freedom of association.

Any group of workers in the same occupation or profession, or in similar trades, 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. Approximately 60 percent of the population was engaged in agricultural work, and 40 percent of urban youth was officially unemployed. The small industrial component of the total work force of 4 million was almost totally unionized. The only union in the agrarian sector represented workers at a privately owned sugar company. Although they represented a small percentage of the working population, unions wielded significant political influence because of their ability to disrupt vital sectors of the economy.

The National Confederation of Senegalese Workers (CNTS), the largest union, had close ties to the Socialist Party (PS). While ostensibly an independent organization, the CNTS backed the PS and its policies throughout its 40 years of government control. After President Wade entered office in 2000, the CNTS' support for the PS became a source of tension with Wade's supporters. In an attempt to secure union backing for the PDS, President Wade facilitated the split of the CNTS into two separate unions: The CNTS and the National Confederation of Senegalese Workers-For Change (CNTS-FC), which supported President Wade and the PDS.

In 2002, individuals attacked and burnt the CNTS headquarters. One man died, and others were severely burned. The police arrested nine persons, including Cheikh Diop, a leader of the CNTS-FC, for the attack. Diop's lawyers tried unsuccessfully to obtain bail 11 times. The press reported that 1 of the judges who did not yield to government pressure and rejected 10 of the requests for bail was removed from his position as Dean of Judges. Six defendants were convicted of unlawfully demonstrating, and three were acquitted. They received sentences of 18 months in prison, which was equivalent to the time they had served in pretrial detention.

The National Union of Autonomous Labor Unions of Senegal (UNSAS) was the main rival of the CNTS. UNSAS is a federation of strategically important unions: Electrical, telecommunication, hospital, railroad and sugar workers; teachers; and hydrology technicians. The third major labor federation is the Confederation of Autonomous Workers.

There are legal prohibitions governing discrimination by employers against union members and organizers. Employers guilty of anti-union discrimination must reinstate workers.

The labor code permits unions to affiliate internationally. The CNTS was active in regional and international labor organizations and was the dominant local member of the Organization of African Trade Union Unity. The CNTS was also a member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law provides unions with the rights to organize and to bargain collectively, and these rights are protected in practice. The ICFTU 2002 survey noted that the national trade union centers were able to bargain successfully with the Government. There were no known cases of workers being prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) may intervene in disputes between labor and management, if requested. It also plays a mediation role in the private and state enterprise sectors.

The Constitution and the Labor Code provide for the right to strike, but with significant restrictions. Unions representing members of the civil service must notify the Government of their intent to strike at least 1 month in advance; 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, usually through the MOL, but they cannot stop the strike. The provision in the Constitution that a strike may neither infringe upon the freedom to work nor imperil the enterprise involved has not been tested. The Government has the power to requisition workers from both private enterprises and public services for the safety of persons and goods, the maintenance of public order, the continuity of public services, or to meet essential needs. There were no illegal strikes during the year.

Labor laws apply to all industrial firms, including those in the Dakar Industrial Free Trade Zone.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or compulsory labor, including by children; however, there were some reports of forced child labor (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans the exploitation of child labor, and the Government enforced this ban in the formal sector; however, there were some reports that forced child labor occurred. The Government passed regulations after its ratification of ILO Convention 182 to address the problems of child labor in the informal sector, including regulations defining the nature of hazardous occupations forbidden to children and young people; defining and prohibiting the worst forms of child labor; and defining categories of work forbidden to children and mandatory age limits for the ban. Children under the age of 15, the minimum age for employment, frequently worked in the much larger traditional or informal sectors, particularly on family farms in rural areas or in small businesses where the Government does not enforce minimum age or other workplace regulations. MOL inspectors closely monitored and enforced minimum age rules within the small formal-wage sector, which included state-owned corporations, large private enterprises, and cooperatives.

Some religious instructors in Koranic schools brought children from rural areas to Dakar and held them under conditions of involuntary servitude to earn both their living expenses and to support their teachers.

In 1998, the country began a 3-year implementation program to eliminate child labor through the International Program for the Elimination of Child Labor (IPEC). Originally scheduled to end in 2001, the national program implemented by IPEC ended in December.

e. Acceptable Conditions of Work.—The law mandates a monthly minimum wage, and the Ministries of Labor and Finance determine wage rates after negotiating with the unions and management councils. The minimum wage of \$0.37 (223.7 FCFA) per hour did not provide an adequate standard of living for a worker and family.

Within the formal sector, the law mandates for most occupations a standard workweek of 40 to 48 hours with at least one 24-hour rest period, 1 month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures. These regulations are incorporated in the Labor Code and are supervised by MOL inspectors; however, enforcement was uneven, particularly outside of the formal sector.

While there are legal regulations on workplace safety, they often were not enforced. There is no explicit legal protection for workers who file complaints about unsafe working conditions. Although workers have the right to remove themselves from unsafe working conditions, it was seldom exercised due to high unemployment and a slow legal system.

f. Trafficking in Persons.—The law prohibits the sale of persons, abduction, and hostage taking but does not specifically address trafficking in persons, and there were occasional reports of the trafficking of women for labor or sexual purposes. In September 2002, the office of the Human Rights Commissioner coordinated the country's national strategy against trafficking in persons. In May, the Government signed an agreement with a foreign government to train members of the gendarmerie and the national police in an effort to enhance the Government's capabilities to prevent trafficking in persons.

The country was a source and transit country for women and girls trafficked to Europe, South Africa, and the Middle East for sexual exploitation and a destination country for children trafficked from surrounding countries. Nigerian criminal organizations use Dakar as a transit point for women trafficked for purposes of prostitution to Europe, particularly Italy.

SEYCHELLES

Seychelles is a multi-party republic governed by President France Albert Rene and the Seychelles People's Progressive Front (SPPF) since a 1977 military coup. In September 2001, President Rene and the SPPF 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. Some international observers concluded that the overall result was decided fairly; however, other international observers concluded that the election was not entirely free and

fair. December 2002 elections for the National Assembly were judged to be free and fair by international observers, and the ruling SPPF party won 23 of the 34 seats. The opposition SNP party won 11 seats, a significant increase over the 4 seats the opposition won in the 1998 elections. The President and the SPPF dominated the country through a pervasive system of political patronage, control over government jobs, contracts, and resources. The judiciary was inefficient, lacked resources, and was subject to executive interference.

The President has complete control over the security apparatus, which included a national guard force, the army, the Presidential Protection Unit, the coast guard, the marines, and the police. There also was an armed paramilitary Police Mobile Unit. Members of the security forces committed human rights abuses.

The economy was market-based and provided the country's approximately 82,000 residents with an average per capita income of \$8,000. The economy is primarily based on tourism; however, the fishing industry is an important sector. Overall growth continued 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 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. Security forces detained citizens during weekends to avoid compliance with the Constitution's 24-hour "charge or release" provision. The Government sometimes infringed on citizens' privacy rights. There were some restrictions on freedom of the press. Violence against women continued, and child abuse remained a problem. Women's rights were limited. 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.

There was no action taken against the police officers responsible for the June 2002 killing of a prisoner during an alleged escape attempt 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 expressly forbids torture; however, there were reports of the use of torture, such as beatings, by security forces. Reportedly beatings of detainees, including with electrical wires, usually occurred on weekends while detainees were awaiting arraignment. Families were sometimes denied access, especially in cases where the detainee had been severely beaten.

There was no action taken, nor was any likely to be taken, against the responsible police officers who forcibly dispersed and detained a group of soccer players and their fans in 2001 on Praslin Island.

The criminal and civil trials of a man allegedly beaten by police in 2000 on the island of La Digue were still pending at year's end.

Conditions at the Long Island prison remained Spartan. In September, the Grand Police High Security Prison was established on Mahe for more violent criminals. During the year, the total number of inmates dropped to 149 of whom 2 were women, 27 were under the age of 23 years, and 7 were noncitizens. Family members were allowed monthly visits, and prisoners had access to reading but not writing materials.

Men were held separately from women, and juveniles were held separately from adults. Pretrial detainees were generally held separately from convicted prisoners.

There was no regular system of independent monitoring of prisons; however, local and international nongovernmental organizations (NGOs) were allowed to visit. There were no prison visits by NGOs; however, during the year, the local Bar Association was invited to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits such practices; however, there were reports such practices occurred.

The Police Commissioner, who reports to the Chief of Staff of the Defense Forces, commands the police. Police are unarmed, and, as a result, they must work with the Special Security Unit (riot police) and with the Army (often referred to as the "task force").

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. In previous years, defense attorneys asserted that extended periods of

detention under harsh conditions were used to extort confessions from suspects. Police occasionally detained individuals on a Friday or Saturday to allow for a longer period of detention without charge; however, the practice appeared to diminish during the year. The police released such persons on Monday before the court could rule on a writ of habeas corpus.

Detainees have the right of access to legal counsel, but security forces, in hopes of eliciting a confession or other information, sometimes withheld this right. Free counsel was provided to the indigent. Bail was available for most offenses.

The law prohibits forced exile, and the Government did not use 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 was inefficient, lacked resources, and was 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 may 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 were citizens, with the exception of the Chief Justice, who was a naturalized citizen. The Bar Association criticized the Government for not advertising domestically that judicial positions were available, since 30 citizens practiced 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, were reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

Defendants had the right to a fair public trial. Depending on the gravity of the offense, criminal cases were heard by a magistrates' court or the Supreme Court. A jury was used in cases involving murder or treason. Trials were public, and the accused was considered innocent until proven guilty. Defendants had 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; however, the Government sometimes infringed on these rights. 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; however, the Government maintained telephone surveillance of some political figures.

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." As a result, both freedom of speech and of the press were limited because civil lawsuits could easily be filed to penalize journalists for alleged libel.

The government-controlled Seychelles Broadcasting Corporation (SBC) continued to ban a local singer's music from being broadcast on the grounds that the songs were seditious. During the year, the SNP also was not permitted to broadcast its theme song in advertisements on SBC.

The Government had a near monopoly of the media and owned the only television station, all radio stations—the most important means for reaching the public—and the only daily newspaper, the Nation. The government-owned 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 published an assortment of newsletters and magazines, only one significant opposition newspaper, the weekly Regar, was published. Government officials have sued Regar for libel 10 times in the last 7 years. During the year, the Government again sued Regar for libel. The Supreme Court had not heard President Rene's 2001 libel case against Regar by year's end; however, it met to discuss the admissibility of the President's case under the Constitution.

The license fees for a private radio or television station were prohibitively expensive and were a deterrent to the establishment of private radio and television stations. The license fees for a private newspaper were much more reasonable.

The law allows the Minister of Information Technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable”; however, the law was not used during the year. The legislation also requires telecommunications companies to submit subscriber information to the Government.

The Internet was available in the country, and the Government did not restrict access to it.

Academic freedom was limited because persons could not reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teacher appointments were largely apolitical. The Government controlled 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 respected these rights in practice; however, while generally permitting SNP rallies, the police on occasion refused to grant permission to the SNP to hold rallies, citing dubious reasons.

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

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Although it was not used during the year, 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 approximately \$49 (SR 250) was payable in local currency, government foreign exchange regulations and the foreign exchange shortage hindered many citizens from being able to afford foreign travel, although they might have sufficient means in local currency.

The law provides for the granting of refugee status or asylum to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however the issue did not arise during the year. The Government provides protection against refoulement, and 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 2001 presidential elections and in the 2002 National Assembly elections, although President Rene and the SPPF’s dominated the elections. Suffrage was universal. In the December 2002 National Assembly elections, judged to be free and fair by international observers, the opposition SNP party won 11 of the 34 seats.

In the September 2001 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 Boule received 1 percent. Ramkalawan challenged the election results; he accused the SPPF of intimidation, vote buying, and not respecting the election rules. During the year, he withdrew his court case. Observers from the Southern African Development Community noted “minor hitches” but stated their satisfaction with the election and in particular observed “transparency” during vote casting and counting. However, in October 2001, the Commonwealth Organization observers reported that the elections were peaceful but not entirely free and fair. Their report described instances of intimidation during voting and the lack of open competition during the campaign.

The President’s SPPF party continued to use its political resources and those of the Government to develop a nationwide organization that extended to the village level. The opposition parties have been unable to match the SPPF’s organization and patronage, in part because of financial limitations. Under the budget, \$98,800 (SR 500,000) was allocated to political parties; however, there were allegations that the SPPF spent much more during the 2002 and 2001 political campaigns. In the 2002 budget, the SPPF was allocated \$72,100 (SR 365,000), the SNP \$42,500 (SR 215,000), and the Democratic Party \$4,000 (SR 20,000).

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and were at a disadvantage when applying for government licenses and loans.

There were 10 women in the 34-seat National Assembly, 7 by direct election and 3 by proportional representation, and there were 3 women in the 12-minister Cabinet.

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

A number of domestic human rights groups, including churches, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The Friends for a Democratic Society, a private human rights organization, focused on raising awareness of individual rights was inactive. The Center for Rights and Development (CEFRAD) has a 5-year action plan that stressed respect for human rights, participation in a civil society, and sensible approaches to development. CEFRAD did not claim any results from its 5-year plan by year's end. CEFRAD also established ties with other national and international NGOs.

In 2002, the Government established a National Humanitarian Affairs Committee (NHAC), with a diverse range of members from both civil society and the Government. During the year, the Committee completed work on the Anti-Personnel Mine Prohibition and the General Conventions Act bills. Neither bill had been approved by the Legislature by year's end. The International Committee of the Red Cross acts as a technical adviser to the NHAC.

Section 5. Discrimination Based on Race, Sex, 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 was no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnicity, nationality, or disabilities.

Women.—Domestic violence against women, particularly wife beating, remained a problem and increased during the year. Police seldom intervened in domestic disputes, unless the dispute involved a weapon or major assault. The few cases that reached 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. At year's end, the Probation Services recorded 130 cases of domestic violence against women and 3 cases of spousal rape. There was growing societal concern about domestic violence and increased recognition of the need to address it. During the year, local NGOs continued awareness campaigns and training programs regarding domestic abuse for women and girls.

Prostitution is illegal, but it was growing more prevalent.

The society largely was matriarchal. There were no reports of societal discrimination against unwed mothers, and 76 percent of births were out-of-wedlock during the year; fathers were required by law to support their children. There was no officially sanctioned discrimination in employment, and women were well represented in business. Inheritance laws did not discriminate against women.

Children.—The Division of Social Affairs in the Ministry of Social Affairs and Manpower Development worked to protect children's rights. Children were required to attend school through the 10th grade. Free public education was available through the secondary level until age 18. Students had to buy school uniforms, but did not have to pay for books or tuition. However, parents were sometimes asked to contribute some supplies. Parents contributed 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 attended school, and the percentages of boys and girls enrolled was roughly equal. There was a noncompulsory 5th year of secondary school. After completing secondary school, students can go to the Polytechnic School for Vocational Training, go abroad for university studies, or go to apprenticeship or short-term work programs. Children in the apprenticeship or short-term work programs received a training stipend, which was less than the minimum wage.

The age of consent was 14, and women under 20 years of age accounted for 14 percent of all births. Girls were not allowed to attend school when they were pregnant, and many did not return to school after the birth of a child.

An 18-member Family Tribunal heard and decided all matters relating to the care, custody, access, and maintenance of children, except paternity cases, which remained under the courts. During the year, 367 cases came before 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 December, the Auditor General confirmed that there were missing child support funds totaling

\$255,400 (SR 1,297,615). The funds have not been recovered, and it was unlikely that there will be further action on the case. Social security funds were transferred to cover the child support obligations.

The law prohibits physical abuse of children. Sexual abuse of children, usually in low-income families, was a problem; however, there were only a few cases of sexual abuse reported during the year—generally by stepfathers and older brothers. Ministry of Health data and press reports indicated that there were 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 was a semiautonomous agency, the National Council for Children. There was criticism that the police failed to vigorously investigate charges of child abuse.

Persons with Disabilities.—There was no discrimination against persons with disabilities in housing, jobs, or education; however, there was no legislation providing for access to public buildings, transportation, or state services.

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 was unionized.

There were three trade union organizations: The Seychelles Federation of Workers Union was dominated by the SPPF, the Seychelles Workers Union was independent, and the Seychelles National Trade Union had close connections to the opposition SNP party.

The law prohibits anti-union discrimination by employers against union members, and there were no reports such practices occurred.

Unions may affiliate freely with international bodies; the SFWU was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides workers with the right to engage in collective bargaining; however, 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 employed 57 percent of the labor force, the Government set mandatory wage scales for employees. The employer generally set wages in the private sector in individual agreements with the employee, but, in the few larger businesses, the Government set wage rates.

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.

Strikes require written permission or approval from the Commissioner of Police. The last recorded strike occurred in the early 1960s.

There were 26 companies that participated in an export processing zone known as the Seychelles International Trade Zone (SITZ). The SITZ was bound only by the Seychelles Trade Zone Act and was not obliged to adhere to labor, property, tax, business, or immigration laws.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The 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 \$1,090 (SR 6,000) to employ a child under the age of 15. The Ministry of Employment and Social Services was 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.

e. Acceptable Conditions of Work.—The Government regulated the complicated minimum wage scale administratively; it covered the public and state-owned sectors and differentiated among various job classifications. The Ministry of Employment and Social Affairs enforced minimum wage regulations. The “recommended” minimum wage was \$368 (SR 2,025) per month. Trade unions contended that government entities paid some workers less than the legal minimum wage. Even with the free public services that were available, primarily health care and education, independent labor unions believed a single salary at the low end of the pay scale did not provide a decent standard of living for a worker and family. Private employers historically paid higher wages than the Government in order to attract qualified

workers; however, economic problems during the year led to downward pressures on wages.

The legal maximum workweek varied from 45 to 52 hours, depending on the economic sector; government employees worked fewer hours. Each full-time worker was entitled to a 30-minute break per day and a minimum of 21 days of paid annual leave. Workers were permitted to work overtime up to 60 additional hours per month. The Government generally enforced these regulations.

Foreign workers did not enjoy the same legal protections. There continued to be a growing trend to admit foreign workers, primarily from China, India, the Philippines, Thailand, and Madagascar, to work in the construction and commercial fishing sectors, because few citizens chose to work in these sectors. Although it was 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.

The Ministry of Employment and Social Affairs has formal responsibility for enforcing the Government's comprehensive occupational health and safety regulations, and the Ministry of Health enforced such standards. An International Labor Organization (ILO) team found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts; however, there was no known government response to the ILO criticisms. Occupational injuries were most common in the construction, marine, and port industries. Safety and health inspectors rarely visited job sites. There were two 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, and a worker who removed himself from a potentially dangerous situation on the job was considered to have resigned.

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. In January 2002, the devastating 11-year civil conflict officially ended, and the Government, backed by a large U.N. peacekeeping force, subsequently asserted control over the whole country. Revolutionary United Front (RUF) insurgents, who fought successive governments since 1991, and the Civil Defense Force (CDF), a government-allied militia, completed disarmament and demobilization in 2002. Ahmed Tejan Kabbah was re-elected President in 2002, and his Sierra Leone People's Party (SLPP) won a large majority in Parliament. Many international monitors declared the elections free and fair; however, there were numerous reports of election irregularities and abuses. The U.N. continued the Adjustment, Drawdown, and Withdrawal process and maintained a force of approximately 11,250 peacekeepers at year's end; the complete withdrawal of the U.N. Mission in Sierra Leone (UNAMSIL) was targeted for December 2004. From April to August, the Truth and Reconciliation Commission (TRC) held public hearings to air the grievances of victims and the confessions of perpetrators from the civil war. During the year, the Special Court of Sierra Leone (SCSL) war crimes tribunal indicted 13 persons. There still were sections of the country where the judiciary had not yet returned. The judiciary demonstrated substantial independence in practice, but at times was subject to corruption.

Among the Government's security forces, the Sierra Leone Police (SLP) officially has primary responsibility for internal order; however, on occasion, the Republic of Sierra Leone Armed Forces (RSLAF) and UNAMSIL share responsibility with the police in security matters. The RSLAF is responsible for external security. Civilian authorities maintained control of security forces throughout the year. Some members of the security forces committed human rights abuses.

The country had a market-based economy and remained extremely poor; per capita GDP was \$170. Approximately two-thirds of the working population engaged in subsistence agriculture. Limited agricultural production resumed after a virtual standstill during the war, and industrial mineral companies began rehabilitating mining sites to resume extraction; illegal diamond mining continued. There was little manufacturing, and there were few exports; approximately 60 percent of the Government's budget came from foreign assistance. Years of fighting and decades of corruption and mismanagement resulted in a devastated infrastructure.

The Government generally respected the rights of its citizens; however, there were serious problems in several areas. RSLAF soldiers beat to death a civilian. Security forces raped women and children; UNAMSIL forces also raped women and children. Although conditions in some prisons improved, many detention centers were overcrowded and unsanitary. Members of the SLP continued to arrest and detain persons arbitrarily. There were reports of extortion by police. Prolonged detention, excessive bail, and insufficient legal representation remained problems. The Government at times limited freedom of speech and the press during the year. Violence in Liberia, which produced an influx of more than 11,000 Liberian refugees during the year, contributed to instability in border areas. Violence, discrimination against women, and prostitution remained problems. Female genital mutilation (FGM) remained widespread. Abuse of children was a problem; however, numerous children who fought as child soldiers continued to be released and participated in reintegration programs during the year. Residents of non-African descent faced institutionalized political restrictions. Forced labor continued to be a problem in rural areas. Child labor remained a problem. There were reports of trafficking in persons.

There were some reports of abuses committed by former RUF/Armed Forces Revolutionary Council (AFRC) rebels. International aid groups believed that many girls who were abducted by the RUF remained sex slaves during the year.

During the year, there were incursions into the country by Liberian combatants, who sometimes raided villages and used inhabitants as porters.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces committed unlawful killings during the year.

On June 6, three RSLAF soldiers allegedly beat to death a Fullah businessman. The soldiers were arrested and charged; however, the case had not been heard by year's end.

On February 3, a prisoner died at Magburaka Prison, allegedly from tetanus resulting from untreated wounds sustained in a January escape attempt. Human rights monitors claimed the dead prisoner showed signs of torture; the guard believed to be the assailant was reassigned to another prison. Prison guards beat another prisoner involved in the January escape attempt.

During the year, the SCSL indicted 13 persons for crimes against humanity and war crimes under the Geneva Convention (see Section 4).

At year's end, more than 60 RUF/AFRC members remained in Pademba prison awaiting trial (see Section 1.d.).

No known action was taken in the 2001 killings by CDF forces.

No action was taken against RUF rebels responsible for killings in 2001; it was unknown if specific incidents would be included in the SCSL cases against RUF leaders. Unlike in previous years, UNAMSIL was not responsible for killings.

There was no action taken against Guinean armed forces who participated in numerous killings in 2001. Guinean soldiers continued to occupy disputed land in Yenga, Kailahun District.

Multiple mass grave sites were discovered throughout the year: A site at Bendu Malen reportedly contained the bodies of more than 250 persons killed by the RUF; a site at Sahn Malen contained the remains of more than 30 juveniles killed in 1991 by the Sierra Leone Army (SLA), the precursor to the RSLAF; and a site near Bo, where Nigerians, Guineans, CDF members, SLA soldiers, and civilians were allegedly buried by the RUF in 1998 and 1999. Mass graves also were discovered in Pujehun District.

b. Disappearance.—From 1991 to 1999, the RUF abducted approximately 20,000 persons throughout the country; some victims escaped, and more than 10,000, primarily children, were released and went through a formal reintegration process. However, former RUF rebels continued to hold some persons, including women and children, as laborers or sex slaves at year's end. Some women reportedly remained with their captors during the year due to a lack of viable options and intimidation by their captors (see Section 5). According to child protection officers from non-governmental organizations (NGOs), the Government was severely hindered by a lack of resources and had taken little action to secure their release. The Ministry of Social Welfare, Children, and Gender maintained a database, with the help from UNICEF, which attempted to track children separated from their families during the war. International NGOs continued to work to secure the release of women and children from their captors, with government assistance on some occasions.

Unlike in the previous year, there were no reports that Liberian combatants abducted villagers. Some persons abducted in 2002 by Liberian forces returned the

same year to their homes in Mandavalahun, Sange, Kokobu, and Kolu in Kailahun District; however, the whereabouts of others remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that security forces engaged in torture and rape, and that police stole, extorted, and accepted bribes.

Security forces raped women and children during the year. On June 23, a police constable in Kambia was arrested and charged with raping an 8-year-old girl. By year's end, the constable had not been tried and reportedly was released from custody. Another police officer allegedly raped an elderly woman in Lunsar. In July, an RSLAF soldier allegedly raped a 9-year-old girl in Malikia Village, Kambia District; the same month, another RSLAF soldier allegedly raped a child in Kambia. During the year, an RSLAF soldier was sentenced to 56 days imprisonment and hard labor for raping a 9-year-old girl in Kenema.

On multiple occasions, police did not intervene while crowds beat alleged thieves.

There were no developments in the 2002 beating by two uniformed RSLAF soldiers of two former RUF combatants in the presence of two police officers.

No known action was taken against RUF members who committed abuses in 2001.

During the year, there were reports that UNAMSIL staff and soldiers raped persons. One UNAMSIL national staff member allegedly raped a woman at UNAMSIL headquarters at Mammy Yoko in Freetown; a subsequent investigation by UNAMSIL could not confirm the rape. In May, a UNAMSIL soldier allegedly raped a minor girl in Makeni; a UNAMSIL investigation was being conducted at year's end. The Personnel Conduct Committee, which UNAMSIL established in 2002 to receive complaints of impropriety, continued to operate, and the UNAMSIL Human Rights Section held training sessions on sexual abuse during the year for newly arrived peacekeepers.

Prison conditions improved in some locations during the year; however, conditions in other facilities were poor. International human rights observers who visited maximum-security Pademba Road Prison reported that prisoners had adequate access to food, medical care, recreation, and vocational skills training. However, in May, human rights observers visited prisons and police detention facilities in the Western Area, Kono, Bombali, Kambia, Port Loko, and Kenema District and reported that conditions frequently fell below minimum international standards because of overcrowding, unhygienic conditions, and insufficient medical attention. Such conditions resulted in numerous deaths during the year. Many problems resulted from the poor state of the judiciary; for instance, case backlogs in the courts led to severe overcrowding. Pademba Prison, which was designed to house 325 prisoners, held more than 800 prisoners. Conditions in holding cells in police stations were extremely poor, especially in small stations outside of Freetown. Government policy precluded family visits to prisoners at Pademba Prison except in exceptional circumstances and on a case-by-case basis. During the year, international monitors visited the SCSL detention facilities on Bonthe Island and the new facility in Freetown; conditions reportedly met acceptable standards. In August, all SCSL detainees were transferred to the Freetown facility.

International observers who visited Liberian combatants throughout the year at Mape and Mafanta Internment Camps reported that conditions were adequate; however, a number of juveniles were held with adults. Approximately 450 former Liberian combatants were detained at the 2 camps at year's end.

Male and female prisoners were housed separately. Adults and juveniles were incarcerated together. Pretrial detainees were held with convicted prisoners.

International monitors, including UNAMSIL and the International Committee for the Red Cross (ICRC), had unrestricted access to visit Pademba Prison and other detention facilities, including the SCSL detention facilities. At least one local human rights group claimed that it could not get unrestricted access to the prisons, although another local human rights group, Prison Watch, reported on detention facilities throughout the country.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily.

The SLP, which has primary responsibility for maintaining internal order, received insufficient resources, lacked investigative or forensic capabilities, and was widely viewed as corrupt and incompetent. During the civil war, numerous officers were killed or fled their posts, which resulted in a reduction of the country's police force from approximately 9,500 officers to 7,000. Budget constraints have impeded recruitment efforts, as have the lack of basic educational skills of applicants, many

of whom had no schooling during the civil war. In May 2002, the Government appointed Brima Acha Kamara as the first citizen to head the Inspector General of Police (IGP) in 5 years. During the year, IGP Kamara continued efforts to bring the SLP, which numbered more than 8,100 officers year's end, up to pre-war levels.

During the year, there were frequent reports that police officers took bribes at checkpoints and falsely charged motorists with violations, and impounded vehicles to extort money.

The law requires warrants for searches and arrests in most cases; however, arrest without warrant was common. There were adequate judicial protections against false charges; however, prisoners often were detained for prolonged periods on false charges. Detainees have the right of access to family or counsel; however, access to counsel was often delayed, and family visits were restricted at maximum-security Pademba Prison (see Section 1.c.). There are provisions for bail, and there was a functioning bail system; however, international observers described frequent cases of excessive bail. Many criminal suspects were held for months before their cases were examined or formal charges were filed.

Police often arrested persons at the request of individuals who claimed they were owed money by the arrestee. For example, in November, police arrested without charge a foreign businessman, who was detained for 2 days at the request of a former business partner who was trying to extract money.

The 31 members of the West Side Boys, who were charged in 2002 with 11 counts of murder in connection with incidents in 1999 and 2000, remained in detention awaiting trial at Pademba Road Prison at year's end. International human rights groups criticized their continued detention without trial; however, local human rights groups did not actively advocate on behalf of the West Side Boys because of a reported aversion to their activities.

At year's end, more than 60 RUF/AFRC members remained in Pademba prison awaiting trial, including: 47 RUF prisoners, who were arrested in 2000 and indicted in 2002 on 70 counts of murder and related charges; and 20 RUF/AFRC prisoners arrested in 2000 who have not been indicted.

There were frequent reports of prolonged pretrial detention, failure to follow arrest and detention procedures, and lack of legal assistance for prisoners. In August, RUF detainees at Pademba Prison reported to international monitors that they had been incarcerated without trial since May 2000, that they had not appeared in court since January, and that approximately 60 other former RUF members had not been permitted contact with family members or legal counsel.

The Constitution does not provide for forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary continued to function only in part of the country. The judiciary continued to reestablish operations in areas that were abandoned during the war, although there still were large parts of the country without judicial institutions. The judiciary at times was subject to corruption.

On December 22, former Minister of Transport and Communication Momoh Pujeh, who was convicted in September of illegally possessing rough diamonds, was released by the High Court after he served only 3 months of a 2-year sentence; the High Court claimed its reversal of the lower court's decision was based on insufficiency of evidence. However, observers noted that Pujeh was caught with the diamonds and an illegal mining permit.

The judicial system consists of the Supreme Court, appeals courts, the High Court, whose justices are chosen by the President, and magistrate courts. Local courts administered traditional law with lay judges; appeals from these lower courts moved to the superior courts.

The Constitution and the law provide for a speedy trial; however, in practice, the lack of judicial officers and facilities often produced long delays in the judicial process. Trials were usually fair; however, there was evidence that corruption influenced some cases. A majority of cases on the magistrate level were prosecuted by police officers, many of whom had little or no formal legal training.

In June, for the first time in more than a decade, cases were heard at the High Court in Port Loko. Justices of the Peace were present throughout the country. For most of the year, only one magistrate covered all provinces outside of the Western Area; however, by year's end, one magistrate was permanently stationed in Pujehun District.

Traditional justice systems continued to extensively supplement the central government judiciary in cases involving family law, inheritance, and land tenure, especially in rural areas. Unlike in the previous year, there were no reports that former

CDF and Movement of Concerned Kono Youth held informal courts in Kono District to settle disputes among area residents.

During the year, the SCSL indicted 13 persons for war crimes and other abuses (see Section 4).

There were no reports of political prisoners.

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

Unlike in the previous year, there were no reports that youths from the Lower Bambara chiefdom tried to drive out former RUF commanders from the area.

No action was taken against the approximately 100 persons who destroyed dozens of homes in Kono District in 2002, allegedly to rid the area of non-Kono persons.

In January, Liberian combatants attacked Mandavalahun and reportedly forced some villagers to carry goods until the attackers fled back into Liberia. The affiliation of the Liberian attackers with either the Government of Liberia or rebel forces could not be reliably determined. Although there was an RSLAF presence in the area, it did not deter the attack. The RSLAF performed frequent border patrols to deter such attacks, and UNAMSIL maintained a heavy presence in Kailahun District; however, the porous border with Liberia made such cross-border raids difficult to stop completely.

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 limited these rights in practice.

More than 50 newspapers were published in Freetown during the year, covering a wide spectrum of interests and editorial opinion. Most of the newspapers were independent, and several were associated with opposition political parties. Reporting was often politicized and inaccurate, in large part because of poor training of journalists, insufficient resources, and a lack of commitment to objectivity. Corruption among journalists was widespread. The number of newspapers fluctuated weekly. Newspapers openly and routinely criticized the Government and its officials, as well as opposition parties and former rebel forces.

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 Independent Media Commission (IMC) regulated independent media outlets. Although it was an independent body, some media observers alleged that the Government influenced it. In 2002, the IMC instituted a \$2,000 (4 million Leones) annual license fee for single channel radio stations. Radio journalists and media monitors claimed that this fee was prohibitively expensive and would limit severely the number of independent radio stations. The IMC threatened to close any radio station that did not pay the fee; however, by year's end, no stations had been closed. Unlike in the previous year, the IMC did not order newspapers to cease publication.

On October 9, Paul Kamara, editor of the For Di People newspaper, was found guilty of civil libel and fined \$25,000 (60 million Leones) for publishing an article that accused a High Court judge of corruption. Media groups charged that the action was an attempt to stop Kamara from publishing; the fine reportedly would require Kamara to divest himself of his press assets. On October 11, authorities arrested Kamara and two other employees of the newspaper on three counts of seditious libel against President Kabbah; the three were released on October 23. International media groups continued to call for the repeal of the criminal libel law under which Kamara was charged.

By year's end, the 2002 IMC case against Mohamed Koroma had not been heard by the High Court.

There was no action taken against police forces that detained the editor of the Democrat newspaper in 2001. There was no further development on the rumors of "killing squads" that allegedly targeted a list of seven journalists in 2001.

The Government did not restrict access to the Internet; however, the parastatal Sierratel communications company exercised a monopoly over land-line access to the Internet. A private company offered satellite-based Internet service; however, the cost precluded broad usage. The lack of competition and the poor condition of telephone lines often made Internet connectivity problematic.

The Government did not restrict academic freedom. University infrastructure destroyed during the conflict had not yet been restored fully by year's end. Classes were cancelled several times during the year due to the Government's failure to pay teachers on time.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

Several large demonstrations took place during the year, including opposition party political rallies. Although some demonstrations were marred by violence, most were relatively peaceful. At times UNAMSIL forces backed up government security forces in dealing with demonstrations.

There was no further action on the July 2002 killing, allegedly by UNAMSIL troops, of two persons during a demonstration in Freetown.

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 16 opposition political parties and the more than 60 registered civic action NGOs. Throughout the year, the RUF, the political party formed from the RUF, continued to exist, although it had serious problems with membership and organization.

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

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, there were frequent reports that SLP officers manned roadblocks and stopped motorists to extort money from travelers.

Since April 2001, approximately 220,000 registered internally displaced persons (IDPs) have been resettled; many more were unregistered and returned to their homes without assistance. NGOs estimate that approximately 10,000 to 20,000 unregistered IDPs remained, mostly in urban areas. The last remaining IDP camps were closed in December 2002; however, two camps for war-wounded persons remained, one in Grafton, and another for amputees in Freetown.

Approximately 32,000 refugees were repatriated during the year. An estimated 40,000 persons remained in refugee camps in Guinea and Liberia; smaller numbers remained in Cote d'Ivoire, the Gambia, Ghana, and other countries and were expected to integrate locally in those countries.

The large influx of IDPs and refugees and the lack of resources caused tension with local residents; however, there were no reported incidents of violence. There were numerous reports that refugees and IDPs returned to find their homes occupied.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other organizations in assisting refugees.

The Government also provided temporary protection to certain individuals who fall outside of the definition of the 1951 Convention Related to the Status of Refugees or its 1967 Protocol. During the year, the Government continued to provide temporary protection to an increasing number of Liberians who had fled the conflict in their home country. More than 67,000 Liberian refugees were living in the country by year's end, according to the UNHCR. Some camps, at times, were unable to provide adequate food or shelter for the influx of refugees, which sometimes caused instability in border areas. In April, the UNHCR opened its eighth refugee camp in the country near Tobanda village; the camp had a capacity for 10,000 persons.

International aid workers reported several cases of abuse and exploitation of refugees by aid workers throughout the year. For example, there were allegations, in March, that several NGO employees had sexual relationships with refugees below the age of consent; the contracts of these employees were not renewed.

The Liberian border officially closed, at times, during the year due to the civil conflict in Liberia; however, authorities permitted refugees, returnees, and other persons to move between the two countries regularly. There were some unconfirmed reports of bribery or coercion at border crossing points. At year's end, the border was open for all travel.

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

The Constitution provides for the right of citizens to change their Government; however, the May 2002 elections were marred by some irregularities.

Presidential and parliamentary elections were held in May 2002; 11 political parties were represented in the elections. President Kabbah of the SLPP was re-elected

with 70 percent of the popular vote. The RUF fielded presidential and parliamentary candidates, but won only 1.7 percent of the vote. In Parliament, the SLPP won 83 seats; only 2 other parties won seats. Only the SLPP was represented in the Cabinet after two cabinet members, who were earlier considered to be independent, joined the SLPP following the elections. Many international monitors declared the elections free and fair; however, there were credible reports of significant abuse of incumbency, uneven voter registration, manipulation of vote counting, and partisan action by the National Electoral Commission (NEC). There also were reports of voter coercion by party bosses and traditional leaders.

Locally elected councils and a traditional chieftain system controlled local government. Local elections, which were to have taken place in 1999, again were postponed; however, during the year, a commission to prepare for local elections was created. In January and February, largely peaceful elections were held to replace paramount chiefs; however, there were some instances of violence and political interference by the ruling party.

Only citizens can vote, and the Citizenship Act restricts the acquisition of citizenship at birth to persons of "patrilineal Negro-African descent." Since legal requirements for naturalization effectively denied citizenship to many long-term residents, a large number of persons of Lebanese ancestry, who were born and resided in the country, could not vote (see Section 5). A small percentage of the Lebanese population had been naturalized and did vote.

There were 16 women in the 112-seat Parliament, 3 women in the Cabinet, and 1 in the Supreme Court. A significant number of women were employed as civil servants.

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

A number of domestic and international human rights groups generally operated with few government restrictions, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The National Forum for Human Rights (NFHR) served as an umbrella organization for human rights groups in the country. More than 30 human rights NGOs were registered with the NFHR, although only approximately 20 of these were said to be active. The majority of domestic human rights NGOs focused on human rights education, while only a few NGOs actively monitored and reported human rights abuses. The Campaign for Good Governance oversaw widespread monitoring activities.

Human rights monitors traveled freely in previously rebel-held areas. Intensive reporting, data collection, and investigations continued in these formerly inaccessible areas. Representatives of various international NGOs, 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 on occasion attempted to restrict such visits (see Section 1.c.).

UNAMSIL expanded its regional human rights offices to include eight provincial human rights offices in addition to the UNAMSIL Human Rights Section in Freetown, which conducted training, monitoring, reporting, and advocacy throughout the year. During the year, the UNAMSIL Human Rights Section led a campaign to establish a National Human Rights Commission as mandated by the 1999 Lome Peace Accord to oversee implementation of the TRC's final report; the Commission's mandate was under discussion at year's end.

The SCSL, a U.N.-Sierra Leone war crimes tribunal established in 2002 to try those who "bear the greatest responsibility for the commission of crimes against humanity, war crimes, and serious violations of international humanitarian law," indicted 13 persons during the year: Former RUF leader Foday Sankoh; Sam 'Maskita' Bockarie, Sankoh's deputy; RUF commander Morris Kallon; AFRC commander Akex Tamba Brima; RUF and AFRC/RUF commander Issa Sesay; CDF leader Sam Hinga Norman; AFRC commander Brima Kamara (AKA Bazzy); AFRC leader Santigie Kanu (AKA Five-Five); AFRC leader Johnny Paul Koroma (AKA JPK); RUF commander Augustine Gbao; Kamajor leader Allieu Kondewa; Kamajor leader Moinina Fofana; and former Liberian President Charles Taylor. Four of the 13 were not in custody at year's end: Sankoh, who died in July from a pulmonary embolism while in custody; Bockarie, who was killed during the year in Liberia; Charles Taylor, who was exiled to Nigeria during the year; and Koroma, who escaped from police custody in January and has not been seen since. All those indicted were charged with crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II, and other serious violations of international humanitarian law. Specific charges included murder, rape, extermination, acts of terror, sexual slavery, conscription of children into an armed force,

attacks on U.N. peacekeepers, and looting and burning of homes from 1997 to 1999. Initial appellate arguments were heard in November, and the first trials were expected to begin in early 2004.

In handing down the indictments of RUF leaders, the SCSL cited the following incidents among others: The June 1997 killings and burning of civilian houses in Telu, Sembahun, Mamboma, and Tikonko, Bo District; the February 1998 to June 1998 killings, rapes of women and children, mutilation, abduction, looting, and burning in Kono District; the January 1999 killings, rapes, mutilations, abductions, burning, and looting, in Freetown; and the use of child soldiers. The indictment of CDF leader Sam Hinga Norman included references to the following crimes: The November 1997 to February 1998 killings, looting, and burning at or near Tongo Field; the November 1997 to February 1998 killings during "Operation Black December" in the southern and eastern provinces; and the use of child soldiers.

The TRC, a hybrid U.N.-Sierra Leone war crimes tribunal established in 2002 to provide a forum for publicly airing the grievances of victims and the confessions of perpetrators from the civil war, held hearings from April through August; approximately 500 persons appeared before the Commission. The testimony of victims dominated the hearings; however, the testimony of perpetrators, who initially were reluctant to appear, increased toward the conclusion of the hearings. Public attendance at many of the hearings was low; however, proceedings were broadcast on radio and television. The TRC also conducted thematic hearings on good governance, corruption, the role of civil society, and the rights of women.

The U.N. and numerous NGOs, both domestic and international, continued to educate and sensitize the population about the TRC and the SCSL, and the Government supported these efforts.

Section 5. Discrimination Based on Race, Sex, 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, faced institutionalized political restrictions on the acquisition of citizenship.

Women.—Domestic violence against women, especially wife beating, was common. The police were unlikely to intervene in domestic disputes except in cases involving severe injury or death. In rural areas, polygyny was common. Women suspected of marital infidelity often were subjected to physical abuse. Frequently women were beaten until they divulged the names of their partners. Because husbands could claim monetary indemnities from their wives' partners, the beatings often continued until the woman named several men even if there were no such relationships. There also were reports that women suspected of infidelity were required to undergo animistic rituals to prove their innocence.

Rape was recognized as a societal problem and was punishable by up to 14 years' imprisonment. There were reports that former rebel forces continued to force women and girls to act as sex slaves. There also were reports of the sexual abuse of refugees in refugee camps. Cases of rape were underreported, and indictments were rare, especially in rural areas. Medical or psychological services for rape victims were very limited. Rape victims were required to obtain a medical report to file charges; however, government doctors charged \$20 (50,000 Leones) for such an exam, which was prohibitively expensive for most victims. The International Rescue Committee opened centers in Freetown and Kenema to perform medical examinations and provide counseling for victims of sexual assault; human rights monitors also urged the Government to eliminate or lower the cost.

FGM was practiced widely at all levels of society, although with varying frequency. The less severe form of excision was practiced. UNICEF and other groups estimated that 80 to 90 percent of women and girls had undergone the practice; however, local groups believed that this figure was overstated. FGM was practiced on girls as young as 5 years old. No law prohibits FGM. Although a number of NGOs worked to eradicate FGM and to inform the public about its harmful health effects, active resistance by women's secret societies, in which FGM commonly occurred as part of initiation rites, countered efforts against the practice.

By year's end, the Director of Public Prosecutions had not decided whether to file charges against the 10 women arrested in 2002 in connection with the death of a 14-year-old girl following an FGM rite.

Prostitution was widespread and legal; however, prostitutes sometimes were arrested and charged with loitering or vagrancy. Many women and girls, particularly those displaced from their homes and with few resources, resorted to prostitution as a means to support themselves and their children.

The Constitution provides for equal rights for women; however, in practice, women faced both legal and societal discrimination. In particular, their rights and

status under traditional law varied significantly depending upon the ethnic group to which they belonged. The northern Temne and Limba tribes gave greater rights to women to inherit property than did the southern Mende tribe, which gave preference to male heirs and unmarried daughters. In the Temne tribe, women could not become paramount chiefs; however, in the Mende tribe, there were several female paramount chiefs. Women did not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas, women performed much of the subsistence farming and had little opportunity for formal education.

Women were active in civic and philanthropic organizations. Domestic NGOs, such as 50/50 and Women's Forum, raised awareness of gender equality and women's issues and encouraged women to enter politics as candidates for Parliament.

Children.—The Government was committed to improving children's education and welfare; however, it lacked the means to provide them with basic education and health services. The Ministry of Social Welfare, Gender, and Children's Affairs had primary responsibility for children's issues.

The law requires school attendance through primary school; however, only 42 percent of school-aged children were enrolled in school, according to UNICEF. Schools, clinics, and hospitals throughout the country were looted and destroyed during the 11-year insurgency; most were not rebuilt by year's end. A large number of children received little or no formal education. Schools were financed largely by formal and informal fees, but many families could not afford to pay them. The average educational level for girls was markedly below that of boys, and only 6 percent of women were literate. At the university level, male students predominated.

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

More than 7,000 child soldiers served alongside adults on both sides during the civil conflict. By 2002, when demobilization was completed, 6,845 child combatants had been demobilized since 1998, according to the National Commission for Disarmament, Demobilization, and Reintegration. Girls represented 8 percent of demobilized child soldiers and 30 percent of reunified noncombatant separated children. In previous years, UNAMSIL compelled the RUF to disarm, demobilize, and release its child soldiers; however, there were concerns that a significant number of children remained with their captors. Because U.N. and human rights observers estimated that girls represented 50 percent of those abducted during the war, and there were reports that the rebels released disproportionate numbers of boys, these groups feared that many girls continued to be held as sex slaves. During the year, more than 3,000 children from both groups participated in UNICEF's Community Education Investment Program (CEIP), which was designed to enable children separated from their families to return to school. CEIP provided each school that enrolled a child ex-combatant with learning, teaching, or recreational materials to assist 200 children for 1 year. Others were in special transitional centers, which were designed to help provide for their unique mental and emotional needs prior to reunification with their families. There continued to be reports that some families and communities rejected the returnees because of their perceived involvement in rebel atrocities. Child protection agencies reported that hundreds of boys and girls did not participate in the formal demobilization process. 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. However, 98 percent of the 7,134 children who were registered with child protection agencies as separated from their families or as ex-combatants had been reunited with their families by year's end.

Persons with Disabilities.—There was no outright discrimination against persons with disabilities in housing or education; however, given the high rate of general unemployment, work opportunities for persons with disabilities were few. Public facility access and discrimination against persons with disabilities were not considered public policy priorities. 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. No law mandates accessibility to buildings or provides assistance to persons with disabilities.

Some of the numerous individuals maimed in the fighting, or who had their limbs amputated by rebel forces, received special assistance from various local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help them acquire new work skills; however, amputees complained that they did not receive sufficient assistance compared to ex-combatants, who received assistance through the demobilization process. Attention to amputees increased the access of other persons with disabilities to health care and treatment.

National/Racial/Ethnic Minorities.—The ethnically diverse population consisted of at least 13 ethnic groups that all spoke distinct primary languages and were concentrated outside urban areas; however, all ethnic groups besides the Krio used Krio as a second language. Little ethnic segregation was apparent in urban areas, and interethnic marriage was common. The two largest ethnic groups were the Temne in the north and the Mende in the south. Each of these groups was estimated to make up approximately 30 percent of the population. There were reports of interethnic tension.

Ethnic loyalty remained an important factor in the Government, the armed forces, and business. Complaints of ethnic discrimination in government appointments, contracts, military commissions, and promotions were common.

Residents of non-African descent faced institutionalized political restrictions (see Section 3). 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 denied citizenship to many locally born residents, notably members of 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. Police and members of the armed services were prohibited from joining unions. Approximately 60 percent of the workers in the formal sector in urban areas, including government workers, were unionized, but attempts to organize agricultural workers and mineworkers have met with little success. All labor unions generally joined the Sierra Leone Labor Congress (SLLC), but membership was voluntary. There were no reliable statistics on union membership.

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 representation 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 took such action.

The law does not prohibit anti-union discrimination against workers or employer interference in the establishment of unions; however, there were no reports of such cases during the year. An employee fired for union activities could file a complaint with a labor tribunal and seek reinstatement. Complaints of discrimination against trade unions were made to a tribunal.

Unions were free to form federations and to affiliate internationally. The SLLC was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The 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 had an equal number of employer and worker representatives. Most enterprises were covered by collective bargaining agreements on wages and working conditions. The SLLC provided assistance to unions in preparations for negotiations; in the case of a deadlock, the Government could intervene. Although most cases involving industrial issues continued to go through the normal court system, the Industrial Court for Settlement of Industrial Disputes heard more than 20 cases during the year.

Workers had the right to strike, although the Government could require 21 days' notice. There were several significant strikes in the public sector during the year. Teachers and doctors went on strike over wages and unpaid salaries in the form of work stoppages and sick-outs. Dock workers went on strike after authorities briefly detained the president of the Dock Workers Union in connection with an October 3 attack on the Chairman of the Board of the Ports Authority.

No law prohibits 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.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced and bonded labor, including by children; however, forced labor remained a problem (see Section 6.d.). Under the Chiefdom's Council Act, individual chiefs may impose forced labor as punishment, and have done so in the past. They also may require members of their villages to contribute to the improvement of common areas, a practice that occurred only in rural areas. There is no penalty for noncompliance. There were reports of bonded labor in rural areas.

Some women and girls, although in significantly less numbers than before, allegedly remained with former RUF rebels as sex slaves (see Section 5).

Liberian forces used persons for forced labor (see Section 1.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The official minimum age for employment is 18 years; however, children between the ages of 12 and 18 years may work in certain non-hazardous occupations, provided that they had parental consent. Due to a severe lack of resources, the Government was unable to implement these laws.

Children routinely assisted in family businesses and worked as petty vendors. Adults employed a large number of street kids to sell, steal, and beg. In rural areas, children worked seasonally on family subsistence farms. Hundreds of children, including those 10-years-old and younger, mined in alluvial diamond fields for relatives. Because the adult unemployment rate remained high, few children were involved in the industrial sector or the formal economy.

Foreign employers hired children to work as domestic laborers overseas at extremely low wages and in poor conditions. The Department of Foreign Affairs and International Cooperation was responsible for reviewing overseas work applications to see that no one under the age of 14 was employed for this purpose; however, the reviews were ineffective.

The Constitution prohibits forced and bonded labor by children; however, such practices continued to exist. There were reports of bonded labor by children in rural areas. There continued to be reports that former RUF commanders forced children to mine diamonds. The Government had not asserted complete control over the diamond fields by year's end.

e. Acceptable Conditions of Work.—The minimum wage is approximately \$10.50 (21,000 Leones) per month; it had not been adjusted since 1997. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. Most workers supported an extended family, often including relatives who were displaced by the insurgency in the countryside. It was common to pool incomes and to supplement wages with subsistence farming and child labor (see Section 6.d.).

The Government's suggested workweek is 38 hours, but most workweeks exceeded that figure.

Although the Government set health and safety standards, it lacked the funding to enforce them properly. Trade unions provided the only protection for workers who filed complaints about working conditions. Initially, a union could make a formal complaint about a hazardous working condition; if this complaint was rejected, the union could issue a 21-day strike notice. If workers were to remove themselves from dangerous work situations without making a formal complaint, they risked being fired.

The law protects both foreign and domestic workers; however, there were fewer protections for illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons were trafficked from and within the country. Child prostitution was a problem (see Section 5).

With the end of the war and the demobilization of child soldiers, trafficking in persons lessened significantly. The Government acknowledged unconfirmed reports of limited trafficking within and from the country; however, it lacked resources to address the problem adequately. There were no figures available on the extent of the trafficking problem. Children reportedly were trafficked to Liberia as forced conscripts and to Europe in false adoption schemes.

SOMALIA¹

Somalia has been without a central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. In 2000, the Djibouti Conference, made up of local and regional leaders, established a 3-year Transitional National Government (TNG) and selected a 245-member Transitional national Assembly (TNA). Despite the expiry of the term in August, both institutions continued to function at year's end. In August 2000, the TNA elected Abdiqassim Salad Hassan as Transitional President. Administrations in the northwest (Somaliland) and northeast (Puntland) of the country do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders. Serious inter-clan and

¹The United States does not have diplomatic representation in Somalia. This report draws in part on non-U.S. Government sources.

intra-clan fighting occurred in parts of the country, notably in Puntland, the central regions of Hiran and Middle Shabelle, the southern regions of Bay, Bakol, Gedo, Lower Shabelle, Middle Juba, Lower Juba, and in Mogadishu. In Baidoa, the Rahanweyn Resistance Army (RRA) that controls Bay and Bakol splintered, resulting in continued fighting by RRA leaders to assert control over Baidoa. No group controlled more than a fraction of the country's territory. Since October 2002, the Inter-Governmental Authority for Development (IGAD) sponsored a reconciliation conference led by Kenya, in association with Ethiopia, Djibouti, Eritrea, and Uganda. All major political and military leaders attended as well as elders, religious leaders, and members of civil society. There was no national judicial system.

Leaders in the northeast proclaimed the formation of Puntland in 1998. Puntland's leader, Abdullahi Yusuf, publicly announced that he did not plan to break away from the remainder of the country; however, the Puntland Administration did not participate in the Djibouti Conference or recognize the TNG that emerged from it. In 2001, traditional elders elected Jama Ali Jama as the Puntland President. Yusuf refused to accept the elders' decision, and in 2001, he seized by force the town of Garowe, reportedly with Ethiopian support. Jama fled to Bosasso. In 2002, President Yusuf seized Bosasso and controlled Puntland in general. Both Yusuf and Jama continued to claim the presidency, and there were continued efforts to resolve the conflict at year's end. In addition to Yusuf's and Jama's competing claims on the presidency, General Adde Musse in April attempted to seize Puntland with Somaliland support. After intensive mediation efforts by traditional elders, Musse reconciled with Yusuf. A ban on political parties in Puntland remained in place.

In the northwest, the Republic of Somaliland continued to proclaim its independence within the borders of former British Somaliland but did not have international recognition. Somaliland's Government included a parliament, a functioning civil court system, executive departments organized as ministries, six regional governors, and municipal authorities in major towns. Presidential elections were held on April 15 and the ruling United People's Democratic Party (UDUB) won a very close victory in elections determined to be credible and significantly transparent.

Clan and factional militias, in some cases supplemented by local police forces continued to function with varying degrees of effectiveness in the country. Police and militia members committed numerous, serious human rights abuses throughout the country.

The country's population was estimated to be between 7 and 8 million. The country was very poor with a market-based economy in which most of the work force was employed as subsistence farmers, agro-pastoralists, or pastoralists. Insecurity and bad weather continued to affect the country's already extremely poor economic situation. A livestock ban by Saudi Arabia continued and seriously harmed an already devastated economy. The country's economic problems continued to cause severe unemployment and led to pockets of malnutrition in southern areas of the country.

The country's human rights record remained poor, and serious human rights abuses continued. Citizens did not have the right to change their government because of the absence of an established central authority. Numerous civilians were killed in factional fighting, particularly in Puntland, Gedo, Bay, Bakol, Hiran, Lower Shabelle, Middle Shabelle, Middle Juba, Lower Juba, and in Mogadishu. Kidnapping remained a problem, particularly in Mogadishu. Prison conditions remained harsh and life threatening. Arbitrary arrest and detention remained problems. Impunity was a problem. 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. Citizens' privacy rights were limited. There were restrictions on freedom of speech, press, assembly, association, religion, and movement. Violence and discrimination against women, including the nearly universal practice of female genital mutilation (FGM), continued. 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 in persons 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 1991 revolt against Siad Barre. Since that time, tens of thousands of persons, mostly noncombatants, have died in inter-factional and inter-clan fighting. The vast majority of killings during the year resulted from clashes be-

tween militias or unlawful militia activities; several occurred during land disputes, and a small number involved common criminal activity. The number of killings continued as a result of inter-clan and intra-clan fighting between the following groups: The RRA sub-factions in Bay and Bakol regions; the Somali National Front (SNF) sub-factions in north Gedo; the Awlyahan and Bartire clans in Buale; the Dir and Habargidir clans in Galkacyo; the TNG and warlord Muse Sudi in Mogadishu; the forces of warlord Muse Sudi and those of Mohammed Dere in and around north Mogadishu and Jowhar; Abdullahi Yusuf's forces and those of General Adde Muse in Puntland; and the SRRC and Juba Valley Alliance in Kismayu.

Police and militia members killed several persons during the year. For example, on January 17, militiamen killed Mr. Abdullahi Omar Yabarow, a truck driver also known as Hareri Adle, and stole his truck on the road between Mogadishu and Afgoye. On February 26 and 27, 15 civilians were killed and over 50 others injured after fighting broke out between militiamen loyal to Muse Sudi Yalahow and Omar Filish in the Medina district of southern Mogadishu.

No action was taken against the responsible members of the security forces for abuses committed in 2002 and 2001, including during clashes with militia.

There was no action taken against the responsible members of militias in the reported 2001 cases of killing of members and supporters of the TNG.

Attacks against humanitarian and nongovernmental organization (NGO) workers resulted in at least four deaths during the year. On September 14, militia members reportedly killed a Kenyan national working with the Nairobi-based Adventist Development Relief Agency (ADRA) near Damassa village on the Kenya/Somalia border in revenge for a Marehan Ali Dere clan cattle rustler killed in August. On October 5, unknown persons shot and killed Sister Anna Lena Tonelli, an Italian aid worker, while she was visiting patients in the Borama General Hospital in Somaliland. On October 20, unknown persons shot and killed two British aid workers in their home in the Somaliland town of Sheikh. The motives for these killings remained unclear, and no suspects had been identified at year's end.

There were no developments in the February 2002 murder of Veren Karer, a Swiss national funded by a Swiss NGO who was running a primary school and clinic, and an October 2002 attack on a Doctors Without Borders (MSF) clinic in Adan Yabal in Middle Shabelle, during which one patient was killed and two persons were injured. The MSF clinic resumed operations during the year.

The Dr. Ismael Jumale Human Rights Center (DIJHRC) reported that more than 550 civilians were killed, mostly by militia members, during the year.

Conflicts between rival militias resulted in deaths during the year. For example, in July, 43 persons were killed and more than 90 others were injured during 2 days of fighting between Sa'ad Habir Dir sub-clan militia and Dir sub-clan militia. On July 27, approximately 120 Harin militiamen attacked the Leysan militia in Gofgadud village, northwest of Baidoa, killing 6 persons and injuring 10 others. In November and December, at least 100 persons were killed and more than 200 injured during several days of fighting over a land between the Darod sub-clan and the Dir sub-clan militias. No action was taken against those responsible by year's end.

There were no developments in the numerous reported cases of killings by militia members, including clashes between rural militias, in 2002 and 2001.

There were landmines throughout the country; however, statistics on the number of deaths caused by landmines were not available at year's end.

During the year, there were numerous killings by unknown assailants. For example, on July 3, unknown persons shot and killed Dr. Husayn Muhammad Nur, a prominent eye specialist, in front of his clinic in Mogadishu. On October 19, unknown persons shot and killed Shaykh Ibrahim Ali Abdulle, a prominent member of the TNG, in Nairobi, Kenya. On December 8, unknown persons shot and killed Colonel Mahmud Abdi Jama, a senior police officer, in Hargesia, Somaliland. No suspects had been identified in these cases by year's end.

Inter-clan fighting resulted in numerous deaths during the year. On August 28, two persons were killed and seven others injured after rival Abgal clan militias fought in Balad district, north of Mogadishu. On August 16, Hawadle clan members killed an unknown number of persons from the Galjeel clan in Buloburte apparently in revenge for a killing earlier in the year. On August 17, members of the Galjeel clan carried out a revenge killing against a member of the Hawadle clan in Jicibow. On September 15, unknown persons of the Sheikhal clan reportedly killed at least one person after a truck from the Habargidir clan was ambushed north of Jilib.

There were no developments in the reported killings due to inter-clan fighting in 2002 and 2001.

There were no additional developments in the 2001 report that Ethiopian soldiers killed 5 persons after they fired shots into a group of demonstrators in the southwest.

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.

Unlike in the previous year, there were no reports that NGO workers were kidnapped.

There were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. The DIJHRC reported that at least 185 abductions occurred in Mogadishu during the year. For example, on January 9, Idow Mohamed Ahmed, a businessman from Bakara market was kidnapped as he was leaving for his residence in Hawlwadag district in Mogadishu. He was released 5 days later after negotiations between his family and elders representing the kidnappers. On January 15, Hafsa Ahmed Sheikh Abdullah, a 13-year-old girl, was kidnapped from her residence in Hodan district in Mogadishu. She was released 2 days later after negotiations between her family and elders representing the kidnappers.

There were no investigations or action taken against the perpetrators of kidnappings that occurred during the year, in 2002 or 2001.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional National Charter, adopted in 2000, but still 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 believed that many incidents of torture were not reported. Prison guards beat inmates in prison.

A July 2002 court sentence of amputation was not carried out after the TNG's Justice Minister and local human rights groups objected to the verdict.

Security forces, police, and militias also injured persons during the year. Acts of violence, including several killings, continued against supporters or members of the TNG (see Section 1.a.).

In their annual report, the DIJHRC reported that during the year there were 31 rape cases in Mogadishu, largely committed by militia members. There continued to be reports of 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; a small number of the rapes were committed by Kenyan security forces and police. The U.N. High Commissioner for Refugees (UNHCR) documented more than 100 reported cases between February and August 2002, but estimated that the actual number was likely 10 times greater. In 2002, 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.

There were several attacks on humanitarian and NGO workers by militia and other groups, which resulted in deaths and injuries (see Section 1.a.).

There was no action taken on the February 2002 hand grenade attack on the residence of then TNG Prime Minister Hassan Abshir Farah or the numerous reported cases in 2001.

No action reportedly was taken against TNG, Somaliland, and Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2002 or 2001.

Although reliable statistics were not available, a large number of persons were killed and injured as a result of inter-factional and inter-clan fighting (see Section 1.a.).

In December, there were reports that Ethiopian troops of Somali ethnicity participated in the capture of the town of El Waq, and they remained there at year's end.

Prison conditions remained harsh and life threatening. In 2002, Hareryale, a prison established between north and south Mogadishu, reportedly held hundreds of prisoners, including children. Conditions at Hareryale were described as overcrowded and poor. Similar conditions existed at Shirkhole prison, a prison in south Mogadishu, and at a north Mogadishu prison for Abgel clan prisoners run by warlord Muse Sudi. In 2001, the U.N. Secretary General's Independent Expert on Human Rights, Dr. Ghanim Alnajar, visited prisons in Hargeisa and Mogadishu and reported that conditions had not improved in the 3 years since his last visit.

Overcrowding, poor sanitary conditions, a lack of access to adequate health care, and an absence of education and vocational training persisted in prisons throughout the country. Tuberculosis was widespread. Abuse by guards reportedly was common in many prisons. The detainees' clans generally paid the costs of detention. In many areas, prisoners were able to receive food from family members or from relief agencies. Ethnic minorities made up a disproportionately large percentage of the prison population.

According to an international observer in 2002, men and women were held separately in the Puntland prison in Bosasso; this was the case in other prisons as well. Juveniles frequently were held with adults in prisons. A major problem continued to be the incarceration of juveniles at the request of families who wanted their children disciplined. The juveniles were held without charge, and they frequently spent long periods of incarceration with adults. Pretrial detainees and political prisoners were held separately from convicted prisoners.

The Puntland Administration permitted prison visits by independent monitors. Somaliland authorities permitted prison visits by independent monitors, and such visits occurred during the year. The DIJHRC visited prisons in Mogadishu during the year.

d. Arbitrary Arrest, Detention, or Exile.—In the absence of constitutional or other legal protections, various factions continued to engage in arbitrary detention.

Corruption within the various police forces was endemic. The police forces throughout the country engaged in politics. The TNG has a 3,500-officer police force and a militia of approximately 5,000 persons. In Somaliland more than 60 percent of the budget is allocated to maintain a militia and police force composed of former troops. Abuses by police and militia members were rarely investigated; impunity was a problem.

On April 1, the Juba Valley Alliance (JVA) authorities in Kismayo detained 24 crewmembers of a Korean-registered fishing vessel, Beira 9, near the port of Kismayo. The authorities demanded 3 months of fishing fees and an unspecified amount of money for security services. Although it was unclear whether any money was paid, the ship and crew were released after approximately 45 days.

There were reports that authorities in the TNG, Somaliland, Puntland, and in areas of the south detained local or foreign journalists (see Section 2.a.).

It was unknown whether persons detained in 2001 were released during the year.

The law does not prohibit forced exile; however, none of the authorities used forced exile during the year.

e. Denial of Fair Public Trial.—There was no national judicial system.

The Transitional Charter 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 still had not been implemented by year's end. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most regions relied on some combination of traditional and customary law, Shari'a, the Penal Code of the pre-1991 Siad Barre Government, or some elements of the three. For example, in Bosasso and Afmadow, criminals were turned over to the families of their victims, who then exacted blood compensation in keeping with local tradition. Under the system of customary justice, clans often held entire opposing clans or sub-clans responsible for alleged violations by individuals.

There were three functioning Shari'a-based entities—one in the Daynile area and two in the Beledweyne area; however, both largely acted as administrative units, not courts.

Although Somaliland has a Constitution based on democratic principles, it continued to use the pre-1991 Penal Code. The Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. There is 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 has been suspended since the infighting between Abdullahi Yusuf and Jama Ali Jama. The Charter provides for an independent judiciary; however, the judiciary was 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 provides for the right to be represented by an attorney. The right to representation by an attorney and the right to appeal did not exist in those areas that apply traditional and customary judicial practices or Shari'a. These

rights more often were generally respected in regions that continued to apply the former government's Penal Code, such as Somaliland and Puntland.

There was no investigation or action taken against the more than 50 gunmen responsible for the 2001 attack on an Islamic court in Mogadishu.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Transitional Charter 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 and the Somaliland Constitution recognize the right to private property; however, authorities generally did not respect this right in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Charter 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 was not respected in practice. The Somaliland Constitution also provides for freedom of the press; however, this right was restricted in practice.

In 2002, the TNA passed a Press Bill that requires all media to register with the Minister of Information and imposes penalties for false reporting. Critics alleged that if enforced the law would give the TNG powers of censorship; however, there were no reports that the law was enforced during the year.

The print media consisted largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally were independent and were 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.

The majority of citizens obtained news from foreign news broadcasts, primarily the British Broadcasting Corporation (BBC), which transmitted a daily Somali-language program. The major faction leaders in Mogadishu, as well as the authorities of the self-declared Republic of Somaliland, operated small radio stations. The TNG began operating an FM station in 2002. A radio station funded by local businesses operated in the south.

Journalists were harassed during the year. For example, on January 17, armed militiamen allied to a prominent Mogadishu businessman attacked the HornAfrik television and radio stations in Mogadishu in retaliation for a story they had aired allegedly linking the businessman to terrorists. The militiamen allowed the station to go on air later in the day after a series of mediated talks by clan elders.

On June 30, TNG authorities arrested and detained two Mogadishu-based Benadir radio journalists, Abdirahmam Muhammad Hudeyfi and Husayn Muhammad Ghedi. Benadir Radio alleged they were arrested "for exercising their right to inform the public." However, TNG authorities claimed that the two were arrested "for stealing a cellular phone." They were released without charge after 4 days.

On August 24, Puntland authorities arrested and detained two local independent journalists in Galkacyo, Puntland. The two journalists, Adam Nur Mohamed, editor of the Galkacyo-based Yamayska Weekly newspaper, and Dahir Abdulkader Aflow, a member of the former Bulsho Weekly newspaper, were kept in detention for approximately 28 hours before being released.

There were no developments in the 2002 cases in which journalists were harassed and arrested.

On May 12, Puntland authorities restored the broadcasting license of the Somali Broadcasting Corporation (SBC) after its owners petitioned Puntland President Yusuf. The SBC was accused of bias in favor of Yusuf's rival, Ali Jama.

On September 16, Somaliland's information minister, Abdullahi Mohammed Duale, issued a statement banning independent television and radio stations in Somaliland, alleging that they posed a threat to national security. Somaliland Television, which operated under a temporary license issued by the Government, was exempt from the ban.

In May, authorities lifted a ban on one of two BBC correspondents who had been prohibited in 2002 from filing reports in Puntland.

Several telephone companies and Internet providers operated freely and provided service throughout the country during the year. The authorities did not restrict access to the Internet.

There were restrictions on academic freedom; academics operated under restrictions similar to those imposed on members of the media. There was no organized

higher education system in most of the country. There were two universities in Mogadishu, two in Somaliland, and one in Puntland.

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 were free to assemble in public, the lack of security effectively limited this right in many parts of the country. The ban on demonstrations continued; however, demonstrations occurred throughout the country during the year. The Government of Somaliland banned political demonstrations following the closely contested April multiparty elections (see Section 3).

The Puntland Charter provides for freedom of association; however, the Puntland Administration banned all political parties. The Somaliland Constitution provides for freedom of association, and in a 2001 referendum, Somaliland voters approved legislation that governs the formation of political parties, and 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, was responsible for considering applications. The law provides that approved parties that win 20 percent of the vote in Somaliland elections would be allowed to operate. There were three approved parties operating after the April elections.

Professional groups and local NGOs operated as security conditions permitted.

c. Freedom of Religion.—There was no national constitution and no legal provision for the protection of religious freedom, and there were some limits on religious freedom.

The Transitional Charter establishes Islam as the national religion. Some local administrations, including Somaliland and Puntland, have made Islam the official religion in their regions.

In 2002, Abdallahi Yusuf decreed that only Shafi'iyyah, a moderate Islamic doctrine followed by most citizens, would be allowed in Puntland. Unlike in the previous year, Puntland security forces did not enter mosques in Bosasso to compel compliance during the year; however, the administration monitored religious activities very closely.

Under the regulations in Somaliland, 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 were prohibited. In Puntland, religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate.

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 operated without interference, as long as they refrained from proselytizing. Unlike in the previous year, there were no reports that persons were deported for allegedly proselytizing.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. There was strong social pressure to respect Islamic traditions. Organized Islamic fundamentalist groups, whose goal was the establishment of an Islamic state, appeared to regroup during the year. They were more actively engaged in the private sector and in political activities throughout the country.

There was a small, low profile Christian community. Christians, as well as other non-Muslims who proclaimed their religion sometimes faced societal harassment.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Transitional Charter 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 did not have the documents needed for inter-national travel.

On August 28, militia in Galkacyo halted a U.N. vehicle traveling with Somaliland license plates. After negotiations with the militiamen, the license plates were removed and the vehicle was permitted to continue on.

In 2001, in the Qoryoley district, militia members reportedly created checkpoints along the river where residents obtained 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.

In September, the U.N. estimated that there were 350,000 internally displaced persons (IDPs) in the country, most of them women and children. Of this number, approximately 150,000 lived in Mogadishu, with another 15,000 in the southern port

city of Kismayo, and the remainder scattered around the country. The majority of IDPs in the country reportedly lived in old schools and former government buildings.

The U.N. estimated that approximately 205,000 Somalis were living as refugees in neighboring countries, including approximately 157,000 in Kenya at the end of 2002, a decrease from more than 400,000 at the height of the humanitarian crisis in 1992. There were approximately 28,000 Somali refugees in Ethiopia and 20,000 Somali refugees in Djibouti at year's end.

As security conditions continued to improve in many parts of the country, refugees and IDPs returned to their homes. According to UNHCR figures, by November, the UNHCR sub-office in Hargeisa in cooperation with relevant UNHCR offices in neighboring countries had repatriated 246 Somali refugees from Djibouti; 680 from Kenya; and 9,400 from Ethiopia. Despite sporadic harassment, including the theft of humanitarian provisions and convoys by militiamen, repatriation generally took place without incident. In September, the U.N. Independent Expert on Human Rights visited several IDP camps in Somaliland and found them among the worst in the world. He reported that the camps were overcrowded, had poor sanitation, and there was little or no access to employment and education. No local, regional, or U.N. authorities have taken responsibility for the camps.

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. For example, according to a U.N. official, at least 21 refugees drowned after they and dozens of others were forced off a boat at gunpoint by smugglers on a voyage from the northeast to Yemen in September.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. 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.

At the end of 2002, some Tanzanian refugees were living in an open yard at the Hamar School, and a second group moved to another location. By year's end, some of the Tanzanian refugees have voluntarily returned to their home country while approximately 100 others were scattered and trying to earn a living in Mogadishu.

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 derived their authority from the traditional deference given clan elders, most faced 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 minority groups and 25 women. The assembly elected Abdiqassim Salad Hassan as Transitional President. In November 2001, Abdiqassim appointed Hassan Abshir Farah as Prime Minister.

The Transitional Charter, still not implemented by year's end, provides for universal suffrage. Both the Puntland and Somaliland administrations provided for universal suffrage.

Presidential elections in Somaliland were held on April 15, with the participation of three political parties: The Democratic United Peoples' Movement (UDUB), Solidarity Party (Kulmiye), and the Party for Justice and Democracy. The incumbent UDUB President, Dahir Riyale Kahin, won by only 80 votes. Kulmiye initially disputed the results; however, it was resolved through mediation by traditional elders. Unofficial diplomatic observers considered the elections credible and sufficiently transparent. Parliamentary elections were postponed indefinitely.

In Somaliland, there is a constitution and bicameral parliament with proportional clan representation, and an elected president and vice president. The Hargeisa authorities have established functioning administrative institutions in virtually all of the territory they claim, which equaled the boundaries of the Somaliland state that

achieved international recognition in 1960. In 2001, a referendum was held with 97 percent of voters supporting Somaliland independence; voters also ratified the political party legislation approved in 2000 by Parliament.

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 sub-clans chose Abdullahi Yusuf as President. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which played a largely consultative role. Political parties were banned in Puntland. Regional elections in Puntland were held during 2001; however, President Yusuf refused to step down, and Chief Justice Nur assumed powers as interim president. In November 2001, 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 2001, he militarily seized Garowe, reportedly with Ethiopian support, which forced Jama to flee to Bosasso. In May 2002, Yusuf occupied Bosasso by force and declared himself President of Puntland. During the year, General Adde Musse, a former army general, organized Jama Ali Jama's militiamen, drawn primarily from the Majerten Osman Mohamoud sub-clan, and established a base in Somaliland. General Musse's forces attacked Puntland twice from their base in Somaliland without success. Puntland traditional elders then intervened and brokered a peace agreement between Musse and Yusuf, which was signed in May. In May, the two joined their forces and began sharing power. General Musse's militiamen were integrated into the Puntland forces, and a good number of his senior officers absorbed into the Puntland administration.

Jama Ali Jama subsequently attended the Somali National Peace and Reconciliation Conference held in Kenya. He helped form the National Salvation Council (NSC), a new political alliance aimed at countering the Ethiopian-backed Somali Reconciliation and Restoration Council (SRRC). He appears to have a role to play at the national level, but he exercised no power in Puntland at year's end.

The Somaliland and Puntland administrations do not recognize the results of the Djibouti Conference. During the year, several Mogadishu-based faction leaders formed alliances with the TNG.

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. In December 2002, the Somaliland president traveled to Las Anod in Sool to assert Somaliland authority, and a battle with Puntland forces took place and several persons were killed. In December 2002, forces from Puntland seized Las Anod, arrested several pro-Somaliland officials, and established a new administration in the area. The occupying Puntland forces also started collecting revenues from the local population and destroying structures in the town center. Somaliland troops were mobilized approximately 40 miles east of Las Anod and the situation was very tense at year's end.

A reconciliation conference, begun in October 2002, continued during the year on the outskirts of Nairobi. The conference worked with political and military leaders and civil society representatives to form a new government. Somaliland did not join the conference. In late 2002, six committees were created and produced reports on land and property rights; disarmament, demobilization and reintegration; economic recovery; regional and international relations; conflict resolution and reconciliation; and a draft charter. Early in the year, the conference moved to Nairobi and Kenya's Special Envoy Elijah Mwangale was replaced by Ambassador Bethuel Kiplagat. A transitional charter was drafted and adopted, under highly disorganized and possibly irregular circumstances, by the Plenary at the reconciliation conference. However, in part because of the manner in which it was adopted, several factions did not accept the Charter. At year's end, there were efforts to call for a Somali leaders' retreat to discuss and settle all contested issues.

In the TNA, there were 25 women in the 245-seat Assembly. A woman held the post of Foreign Minister in the Somaliland Government; in addition, several women were important behind-the-scenes figures in the various factions. There were 5 female members of the 69-seat Puntland Council of Elders.

Minorities held 25 seats in the TNA.

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

A number of domestic and international human rights groups generally operated without official restriction, investigating and publishing their findings on human rights cases. Authorities were somewhat cooperative and responsive to their views.

Several local human rights groups were active during the year, including the Mogadishu-based DIJHRC, Isha Baidoa Human Rights Organization in Bay and Bakol regions, and the Hargeisa-based Horn of Africa Human Rights Watch Committee (Horn Watch). The DIJHRC 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. The Mogadishu-based Somali Journalists Network (SOJON) monitored human rights violations against journalists in Mogadishu. Women's NGOs and members of civil society also played an important role in galvanizing support in the country for the reconciliation talks in Kenya.

NGOs and aid agencies operated freely throughout the country. Puntland leader Abdullahi Yusuf lifted a 2002 ban on U.N., European Union, and NGO operations in Puntland. Despite threats in March, authorities did not close any NGOs 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 and Somaliland authorities permitted visits by U.N. human rights representatives during the year.

Security problems complicated the work of local and international organizations, especially in the south. There were reported incidents of harassment against NGOs, resulting in at least four deaths (see Section 1.a.). Several attacks on NGOs disrupted flights and food distribution during the year. In August, local officials closed Galkacyo and Garowe airstrip to U.N. air operations because of a dispute over landing fees. On September 14, militia members reportedly killed a Kenyan NGO worker (see Section 1.a.).

Section 5. Discrimination Based on Race, Sex, 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 occurred. 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 were no laws that specifically address domestic violence; however, both Shari'a and customary law address the resolution of family disputes (see Section 1.e.). Police and militia members raped women, and rape was commonly practiced in inter-clan conflicts (see Section 1.c.). Laws prohibiting rape exist; however, they generally were not enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. There were numerous reports of rapes of Somali women and girls in refugee camps in Kenya during the year (see Section 1.c.).

FGM was a widespread practice. There were estimates that approximately 98 percent of women have undergone FGM. The majority of women were subjected to infibulation, the most severe form of FGM. In Somaliland, FGM remained illegal under the Penal Code; however, the law was not enforced. In Puntland legislation prohibited FGM in northeastern areas of the country; however, in practice the law was not enforced strictly. U.N. agencies and NGOs have made intensive efforts to educate persons about the danger of FGM; however, no reliable statistics were available on the success of their programs.

Prostitution is illegal; however, it was a problem, but because it is culturally proscribed, it was not reported.

Women were subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny was permitted, but polyandry was 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 local tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family than 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. During the year, the local NGO "Save Somali Women and Children" held a number of workshops on women's and children's rights, including a regular monthly "Gender Forum" in which women gathered to discuss women's rights.

Children.—Children remained 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 were 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 attended school; more boys than girls were enrolled in school. There were three secondary schools in Somaliland and more than three secondary schools in Mogadishu; however, only 10 percent of those few children who entered primary school graduated from secondary school. Parents generally paid fees for their children’s education. Schools at all levels lacked textbooks, laboratory equipment, and running water. Teachers were trained poorly and paid poorly. The literacy rate was estimated at 25 percent throughout the country; however, reliable statistics did not exist. There was a continued influx of foreign Muslim teachers into the country to teach in private Koranic schools. These schools were 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.

Medical care was rudimentary, and only a small percentage of children had access to adequate medical facilities.

There was no information available on the prevalence of child abuse in the country; however, it occurred. There were reports of numerous rapes of Somali girls in refugee camps in Kenya during the year (see Section 1.c.).

FGM was performed on approximately 98 percent of girls (see Section 5, Women).

Child prostitution was a problem; however, because it is culturally proscribed, it was not reported.

Trafficking in children for forced labor was a serious problem (see Section 6.f.).

During August and September 2002, the U.N. Independent Expert on Human Rights visited Kismayo, Lower Juba, Bosasso, Puntland, and Hargeisa, Somaliland. He reported that children were recruited as soldiers in Puntland and that many juveniles were incarcerated with adults by their parents for disciplinary problems (see Section 1.c.).

Persons with Disabilities.—In the absence of a functioning state, the needs of persons with disabilities were not addressed. There were several local NGOs in Somaliland that provided services for persons with disabilities.

National/Racial/Ethnic Minorities.—More than 80 percent of citizens shared a common ethnic heritage, religion, and nomadic-influenced culture. In most areas, members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. Inter-marriage between these groups and mainstream clans was restricted. These groups had limited access to whatever social services were 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 did not function freely.

The Transitional Charter, the Puntland Charter, and the Somaliland Constitution establish the right of freedom of association, but no unions or employer organizations existed.

b. The Right to Organize and Bargain Collectively.—Wages and work requirements in the traditional culture were established largely by ad hoc bartering, based on supply, demand, and the influence of the worker’s clan.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The pre-1991 Penal Code prohibited forced or bonded labor, including by children; however, there reports that such practices occurred (see Sections 6.d. and 6.f.). Local clan militias generally forced members of minority groups to work on banana plantations without compensation. There are reports that in Middle and Lower Juba, including the port of Kismayu, Bantus were used as forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The pre-1991 Labor Code prohibited child labor; however, child labor was a problem, and

there were child soldiers (see Sections 5 and 6.f.). 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 worked. In 2002, it was reported that 32.5 percent of children between the ages of 5 and 14 worked. However, the percentage of children engaged in labor was believed to be even higher during the year. The lack of educational opportunities and severely depressed economic conditions contributed to child labor.

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 prohibited trafficking; however, there were reports of trafficking during the year. The number of women being trafficked from the country appeared to be small.

Trafficking in children for forced labor was a serious problem. There were reports of a significant increase in the smuggling of children out of the country to relatives and friends in western countries where they worked or collected welfare and sent money back to family members in the country.

SOUTH AFRICA

South Africa is a multiparty parliamentary democracy in which constitutional power is shared between the President and the Parliament. President Thabo Mbeki led the African National Congress (ANC) party, which increased its seats to 275 in the 400-seat National Assembly after defections from opposition parties in March. Parliament was elected in free and fair elections in 1999; Parliament, in turn, elected the President. The country continued to consolidate the democratic transformation initiated by the 1994 elections. The Government included ministers and deputy ministers from the Inkatha Freedom Party (IFP), a predominantly Zulu-based party whose support is concentrated in KwaZulu-Natal, the Azanian People's Organization (AZAPO), and the New National Party (NNP), but was dominated by the ANC. The judiciary, including the Constitutional Court, was independent but overburdened.

The South African Police Service (SAPS) has primary responsibility for internal security, and the South African National Defense Force (SANDF) is responsible for external security but also has domestic security responsibilities. The SANDF and the SAPS border control and policing unit shared responsibility for border control. The Government continued to train and organize the Directorate of Special Operations (DSO), dubbed the Scorpions, to coordinate efforts against organized crime and corruption. The civilian authorities maintained effective control of the security forces. Members of the security forces committed serious human rights abuses.

The country has a market-based economy. The Government continued a restructuring effort to reduce its equity holdings and to increase competition in the telecommunications, transport, energy and defense sectors. According to the 2001 census, the country had a population of approximately 44.8 million. The manufacturing and services (including government) sectors, accounted for approximately 38 percent and 51 percent of GDP respectively, while the agricultural and mining sectors represented approximately 3 percent and 8 percent respectively. The economy grew at a rate of 3 percent in 2002. Average monthly wages rose by 10 percent while the average consumer inflation rate in 2002 was 9.2 percent. The distribution of income and wealth remained highly skewed along racial lines and between urban and rural citizens. Approximately 60 percent of the black African population and approximately 3 percent of the white population lived below the poverty line. Official unemployment remained high at approximately 30 percent. The country suffered from a significant shortage of skilled workers, and many black African citizens were poorly educated, ill housed, and unemployed.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Deaths due to use of excessive force by security forces and deaths in police custody were serious problems. 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. Prisons were overcrowded, and some prison employees and other prisoners abused some inmates. The judiciary was overburdened, and lengthy delays in trials and prolonged pretrial detention were problems. Legislation posed a potential threat to the independence of the media, and self-censorship existed. Xenophobia continued to be a problem. Violence against women and children remained serious problems, and discrimination against women and persons with disabilities also remained prob-

lems. Child labor, including forced child labor, was a problem. Child prostitution and trafficking in persons were serious problems. Vigilante violence and mob justice continued throughout the country.

The Truth and Reconciliation Commission (TRC), created to investigate apartheid-era human rights abuses, made recommendations for reparations for victims, and granted amnesty in return for full disclosure of politically motivated crimes. The TRC concluded its activities at the end of 2001 and released its final report on March 21. On November 21, the Government began allocation of \$4,600 (R30,000) reparations to individual apartheid victims identified by the TRC. By year's end, payments had been made to more than 9,000 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 political killings by security forces; however, police use of lethal force during apprehensions resulted in significant number of deaths, and deaths in police custody were a problem. The Government investigated and punished some abusers and worked to prevent future abuses. The Government's Independent Complaints Directorate (ICD) investigated deaths in police custody and deaths as a result of police action. During the year, there were 217 deaths in police custody and 311 deaths as a result of police action. The ICD's report listed subcategories under deaths in police custody, which included natural causes, suicide, injuries in custody, injuries prior to custody, and possible negligence. The ICD's relationship with the SAPS improved during the year and cooperation increased.

The ICD investigated a number of incidents during the year (see Section 1.d.). On February 19, Inspector Frans Duba was convicted of murder and sentenced to 21 years imprisonment for the December 2001 killing of Elias Morudu, who allegedly had an extra-marital affair with Duba's wife. On July 15, Inspector Shozi was convicted of murder and attempted murder in the Port Shepstone Regional Court and sentenced to 5 years and 2 years, respectively, for the killing of his brother, whom he accused of having an affair with his wife, and the injuring of his wife during the shooting. The sentences would run concurrently.

In September 2002, SAPS Sergeant Ishmael Hendricks was sentenced to incarceration in a maximum-security mental institution for life for the June 2002 shooting death of five gas station attendants.

A SAPS member was charged with assault with intent to do grievous bodily harm for the June 2002 torture and killing of Inspector Leonard Hlagala while in police custody in Polokwane. The trial was still pending at year's end.

The trial of three police officers charged with murder, assault, and related crimes in the 2000 killing of a 14-year-old boy in Barkly East, Eastern Cape Province was scheduled for December 2; however, the case was remanded and had not been heard by year's end.

Racial tensions in the military between white commanding officers and their black African subordinates continued; however, there were no killings during the year.

A peace process continued between the IFP and the ANC, the two parties most closely associated with political violence in KwaZulu-Natal in previous years. Although political violence and farm attacks have decreased in KwaZulu-Natal during the past 3 years, other forms of violence such as faction fighting and taxi feuds remained higher than in other provinces, resulting in dozens of deaths during the year. The nongovernmental organization (NGO) South Africa Institute for Race Relations (SAIRR) ended its monitoring of political killings, due to the country's changed political conditions. There was a notable increased level of tolerance of political activity attributable to the IFP-ANC peace process, as well as an increased police presence.

On November 17, four men were sentenced for the January 21 killing of Prince Mazwi Zulu, son of Prince Gideon Zulu, a prominent member of the IFP, in an attack near Ulundi in KwaZulu-Natal. Bongzi Nene was convicted and sentenced to 20 years for armed robbery and possession of unlicensed firearms. Mlungisi Zulu was sentenced to life in prison for murder and 20 years for armed robbery; he received a further 20 years for two counts of attempted murder, 15 years for possession of unlicensed firearms, and another 2 years for unlawful possession of ammunition. Bhekisisa Kunene and Lucky Thwala were sentenced to life imprisonment for murder, 20 years for armed robbery, and 10 years for two counts of attempted murder. The other three persons arrested were subsequently released.

There were no further developments in the 2001 kidnapping and killing of two members of the Zulu royal family.

Unlike in the previous year, the ANC reported no politically motivated deaths in KwaZulu-Natal during the year. There were no convictions in the 2002 cases of politically motivated deaths in KwaZulu-Natal by year's end.

Reports of politically motivated killings between the United Democratic Movement (UDM) and the ANC in Western Cape continued, but it was uncertain whether politics or general crime was the motivating factor.

There were no developments in 2001 killings of UDM and ANC members.

Factional and intra-party rivalry and violence in the Nongoma, Bergville, and Mandini areas increased during the year. Violence was mainly taxi-related but had political overtones as Sbu Ndebele, the Member of the Executive Council (MEC) for Transport and KwaZulu-Natal ANC leader, attempted to transform and formalize the IFP-dominated taxi industry. Approximately 9 taxi owners and 14 passengers, including 2-year-old Minihle Cele, were killed in taxi-related shootings.

There were no developments in the 2002 and 2001 taxi-related killings.

There continued to be reports that xenophobia led to a number of violent attacks on foreigners. In September, Catholic social workers in Cape Town claimed that xenophobia was a major contributing factor in the deaths of as many as 28 refugees during the previous 18-month period. At year's end, detectives continued to investigate the case of three Angolans and one citizen killed in January 2002 in clashes between locals and refugees in the Joe Slovo area in Milnerton, a Cape Town suburb.

No incidents of domestic terrorism occurred during the year. On May 19, the trial began against the 22 right-wing Afrikaners, charged with murder, high treason, terrorism, and sabotage in the October 2002 Soweto bombings. The court postponed the trial a number of times to resolve legal aid matters. During August, the prisoners brought a number of pretrial applications before the court, claiming violations of their human rights. Most of the applications were turned down, and the trial was ongoing at year's end.

On May 26, right-wing Afrikaners Leon Peacock, Hercules Viljoen, and Alan Rautenbach, who plotted to blow up the Vaal Dam in 2001, were convicted of sabotage. The court sentenced Peacock and Viljoen to 8 years in prison, of which 3 were conditionally suspended. Rautenbach received a 5-year sentence, of which the court conditionally suspended 3 years. Peacock received an additional fine of \$154 (R1,000) or 30 days imprisonment, as well as a further 3 years for the illegal possession of a firearm and ammunition. He was to serve 1 year of this sentence concurrently with his 8-year term, with the rest conditionally suspended. On July 15, the court granted the three men bail, and their release was pending the outcome of an appeal at year's end.

Vigilante action and mob justice continued during the year. The Institute for Security Studies (ISS) reported that mob justice was an increasing problem, although no figures were available. Vigilante attacks were particularly prevalent in Gauteng, the Western Cape, and KwaZulu-Natal. In May, a mob stoned to death two youths accused of terrorizing community members in Chesterville, outside of Durban. On July 27, a mob attacked, set alight and killed three young men from Inanda; police arrested five suspects in connection with the incident. In 1 week in June, five persons died in separate vigilante attacks in Gauteng. In some of the incidents, between 50 and 100 community members were involved in the attacks. On July 27, approximately 50 persons participated in the hacking and necklacing of the three men, who allegedly were involved in criminal activities in Kwa Mashu, north of Durban.

Three men arrested in 2002 for hacking to death seven men faced charges of murder and attempted murder. No updates were available at year's end.

A vigilante group called Mapogo A Mathamaga has grown in membership and reportedly has more than 90 branches and 50,000 members throughout the country, including offices in at least nine cities. Mapogo targeted persons they suspected of property crimes against their members, tortured suspected criminals, and beat persons with clubs and whips.

In December 2002, Bertrams Pringle, Willie Skhosana, and Mapogo member Robert Van der Colff were charged with murder for beating Adam Potgieter and Samuel Moletsane to death for allegedly stealing construction equipment. The trial was pending at year's end.

Numerous court cases involving People Against Gangsterism and Drugs (PAGAD) continued throughout the year. There were hundreds of cases under investigation against suspected members of PAGAD and scores of trials pending based on charges that included murder, attempted murder, possession of explosives, possession of an unlicensed firearm, armed robbery, and conspiracy to commit murder. The courts released only one PAGAD member on bail by year's end and there were no cases of bail denial during the year; however, the Muslim community protested the infre-

quent availability of bail to PAGAD members and staged periodic small-scale protests, criticizing the treatment as unfair compared with the judicial treatment of non-Muslims.

There were no reports that People Against Drugs and Violence (PADAV), the Eastern Cape counterpart to PAGAD, killed persons during the year; however, cases from previous years continued. PADAV is an Islamic-oriented, community-based organization with a mandate calling for stronger action against crime and drugs. The trial of 12 PADAV members for a series of vigilante crimes committed in 2000 and 2001 was underway at year's end.

Unlike in previous years, there were no reports that witnesses who were testifying against PAGAD members were intimidated or killed.

In September, PAGAD members Ebrahim Jeneker, Mogamat Isaacs, and Faizel Samsodien were placed on trial during the year for escaping from court holding cells in 2002. The trials were ongoing at year's end. On April 22, Ebrahim Jeneker was found not guilty of the 1999 murder of a top Western Cape police investigator, Bennie Lategan. Cape High Court acting judge Cecile Williams stated that the evidence against Jeneker and co-accused Ismail Edwards had been unreliable. Edwards is serving a jail sentence for the bombing of the Lansdowne police station in 1998.

Abubakar Jacobs, arrested in December 2002, was in police custody awaiting trial for his suspected role in the death of four persons. PAGAD leader Salie Abader filed a suit against authorities for "wrongful arrest and malicious prosecution;" he was acquitted in 2002 after being detained for more than a year for the killing of a gang leader. Also in the Western Cape, in November, two PAGAD members began serving 15-year prison sentences for the killing of a young girl in a November 1998 gang shoot-out.

Killings of farm families in rural parts of the country continued. 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 farm workers. According to Agriculture South Africa (AgriSA), 631 farm attacks and 64 killings took place between January and October, and there were 901 farm attacks and 148 killings during 2002. The Independent Committee on Motives for Farm Attacks conducted an investigation into farm attacks and its report was due for release on August 20; however, the Minister for Safety and Security referred it back to the committee for clarification. Priority Committees, consisting of the SAPS, SANDF, and farming communities, worked to address violent crime on farms; however, security forces actions largely were viewed as responding to attacks, not preventing them.

There was at least one report that a white employer killed a black African farm laborer during the year. On February 11, a white employer, Gerrit Maritz, allegedly killed a farm worker, Jotham Mandlaki, in Komatipoort for failing to show up for work. The accused appeared in court in February, and was released on bail of \$2,308 (R15,000). The case was postponed for further investigation and had not been heard by year's end.

In Limpopo Province, where traditional beliefs regarding witchcraft remained strong, there were occasional reports of attacks on persons accused of witchcraft by their rural communities. Traditional leaders cooperated with Ministry of Safety and Security programs and reported threats against persons suspected of witchcraft to the police. Occasional witchcraft-related incidents occurred during the year in KwaZulu-Natal and Limpopo Provinces (see Section 1.f.). For example, on February 20, a 35-year-old man was killed in the Osebeni area in KwaZulu-Natal for suspected involvement in witchcraft; police arrested 10 suspects. No additional information was available on the case at year's end.

Muti killings—killing to obtain body parts for traditional healing—continued during the year. In July, the head of a woman was found floating in a dam near Johannesburg, and it was speculated that it was a muti-related killing. Although no official statistics were available, SAPS estimated that there were between 150 and 300 such killings each year.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution's Bill of Rights prohibits such practices; however, some police officers beat, raped, tortured, and otherwise abused suspects and detainees. Some incidents of torture and ill-treatment by police and SANDF occurred during interrogation, arrest, detention, and searches of persons' homes.

In September, the ICD reported 23 incidents of torture and 16 rapes committed by police officers between April 2002 and March. During the year, the Government investigated these allegations and prosecuted some offenders (see Section 1.a.). For

example, in November 2002, a SAPS member allegedly assaulted a pregnant woman and solicited a bribe to stop the case against her minor son, whom he was investigating. The ICD investigated charges of assault with intent to do grievous bodily harm and instructed the SAPS to open a case of defeating the ends of justice against the suspected officer. The complaint was still under investigation when the ICD released its annual report in September.

There were no developments in the 2001 shooting between residents and police in Avilla Park in Vredendal, Western Cape Province. An investigation was ongoing at year's end.

Incidents of police harassment and attacks against foreigners continued, 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.

On July 10, a police dog in Secunda, Mpumalanga mauled a crime suspect, Titus Mahlatse. The police officer accused the man of theft, allegedly handcuffed him, and then set the dog on him. After an ICD investigation, the Directorate of Public Prosecutions (DPP) decided to prosecute the police officer on assault with intent to do grievous bodily harm. The DPP also reversed an earlier decision not to prosecute the same police officer in a similar incident that occurred in 2000.

In March, a court convicted Dino Guiotto and Kenneth Loubser, two former members of the North East Rand Dog Unit, on three charges of assault with intent to do grievous bodily harm and attempting to defeat the ends of justice. They had set their police dogs on three illegal immigrants in 1998. The court sentenced Loubser to 5 years in jail, with 3 suspended, on three assault charges, and sentenced Guiotto to a 5-year prison sentence, of which 2 years were suspended.

The 2001 trials of two police officers from the Pretoria SAPS dog unit, who pleaded not guilty to using their dogs to attack two Mozambican immigrants, were pending at year's end.

There were credible reports of beatings by security personnel in detention centers; overcrowded, unhygienic detention facilities; and the theft of money and personal possessions from refugees by security personnel (see Section 2.d.). There were reports of police abuse of detainees awaiting deportation.

Unlike in the previous year, police did not use excessive force during strikes.

The trial of the suspect in the 2001 shooting of ANC councilor Wandile Nkwele was ongoing at year's end.

There were no reports of bombings during the year. The case against Boeremag members accused of bombings in 2002 was ongoing (see Section 1.a.).

Vigilante action and mob justice resulted in attacks on suspected criminals and drug dealers, some of whom were killed (see Section 1.a.).

Xenophobia continued during the year. Xenophobia was expressed in institutional and social interactions with foreigners, and poor, black African immigrants were particularly vulnerable to victimization from fraud to crimes of violence. Many of those attacked were hawkers and street vendors. There were a number of unconfirmed reports of violent attacks on foreigners, including refugees and asylum seekers (see Section 2.d.).

There were incidents in which white employers abused their black African farm laborers (see Section e.). NGOs claimed that rural police and courts refused to arrest or prosecute whites in many cases.

Unlike in the previous year, there were no reports that illegal strikes resulted in worker violence.

Prisons did not meet international standards, and prison conditions did not always meet the country's minimum legal requirements. 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 March there were 131,604 prisoners in custody, with 58,144 awaiting sentences, in facilities designed to hold only 111,241. According to DCS and ISS in July, overcrowding was at 71 percent. Prisoners often were required to sleep in shifts because of a lack of space. AIDS was the leading cause of natural death in prisons; in 2002, there were 1,087 deaths, 90 percent AIDS-related. In the first 7 months of 2001, 1,101 inmates died of HIV/AIDS. The natural death cases in country's prisons have increased 500 percent since 1995 and continued to grow.

Prison employees and other prisoners abused and assaulted prisoners physically and sexually. Press reports indicated that some detainees awaiting trial contracted HIV/AIDS through rape. Food frequently was of poor quality and insufficient quantity. Unlike in the previous year, there were no reports that prison employees stole food from prisoners. There were also improvements in prisoners' access to health care during the year with 24-hour health care service available to all offenders.

The Special Investigating Unit established the Jali Commission to investigate allegations of corruption and sexual abuse in prisons. The Commission began in 2002 and reported finding widespread irregularities involving prisoners leaving the premises illegally, nepotism, drug trafficking, irregular appointments of personnel, and massive medical aid fraud. The Commission also highlighted evidence of extortion, abuse of parole procedure, abuse of disciplinary enquiries and appeal procedures, and educational qualifications fraud. On January 21, the Inter-Ministerial Security Committee (IMSC) on the implementation of recommendations of the Jali Commission reviewed a report submitted by the Minister of Correctional Services, which listed the measures taken by the Department in response to the Commission's reports. From April 2002 to March 31, 270 reports of corruption in prisons were received; DCS dismissed 55 officials for corruption, and disciplined 175 officials; 23 officials were criminally convicted and 17 cases are not yet finalized. No further information was available on the nature of the discipline at year's end. Further investigation and verification followed in a number of cases. One officer resigned and one absconded. Some officers tried to appeal in court the disciplinary measures the Department took against them.

The hearings of 17 employees at the Grootvlei prison in Bloemfontein caught on camera in 2002 for violating prison rules and criminal dereliction of duty were pending at year's end.

Problems remained at the Lindela Repatriation Center, the largest detention facility for undocumented immigrants in the country, particularly as a result of occasional overcrowding. Home Affairs conducted sweeps of squatter camps and sent illegal immigrants to Lindela to await repatriation. Some of the refugees alleged that Home Affairs employees assaulted them and requested bribes.

C-MAX prisons were 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.

Male and female prisoners were held separately; however, female prison wards often were on the same grounds as male wards, and Amnesty International reported that male prisoners raped women prisoners. DCS statistics from March 2002 documented that there were 28,347 youth offenders (prisoners under age 21), 4,111 of whom were 17 years of age or younger. Juveniles normally were not housed with adults; however, on occasion they were detained together. There were credible reports that youths from juvenile wards were sold to adult prisoners for sexual exploitation, including rape. Juveniles between the ages of 14 and 18 accused of serious crimes, including murder or rape, sometimes were placed in pretrial detention in prisons with adult offenders. Pretrial detainees were generally held separately from convicted prisoners.

Immigrant children detained in the Lindela Repatriation Center 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.

A Child Justice Section existed within Sexual Offences and Community Affairs (SOCA) to ensure fair and rehabilitative management of child offenders. Between 1999 and 2002, diversion services were provided to approximately 40,994 children through prosecutor's referrals to programs provided by the Department of Social Development and NGOs. Diversion practices were introduced in at least 14 areas throughout the country during the year.

The Government generally permitted independent monitoring of prison conditions, including visits by human rights organizations; however, only those organizations that were able to send lawyers were allowed to visit prisons. Other prisoners' rights organizations routinely were denied access. The Judicial Inspectorate visited all prisons during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Bill of Rights prohibits detention without trial; however, prolonged pretrial detention continued to be a problem.

SAPS is the primary instrument of state policing, with a presence throughout the country. The SAPS, under the Ministry of Safety and Security, 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. There were 102,354 police officers and 20,337 civilians working in SAPS. The majority of police resources remained focused on former white areas and business districts, and police service was unevenly distributed across the provinces, ranging from 313 residents per police officer in the Free State to 669 residents per police officer in Limpopo Province. The civilian to police officer ratio was 461:1 in 2001. Corruption in the police force was a problem, and police were regularly convicted of crimes and prosecuted (see Section 1.a.).

The ICD received 1,002 allegations of criminal offences by police. The majority of these allegations concerned serious assaults (35.2 percent), and attempted murder (12.6 percent). Corruption accounted for 10.5 percent of all allegations reported to the ICD, which was a 253 percent increase from the previous year. The ICD received reports of 2,913 cases of police misconduct; most cases were for neglect of duty. The other cases related to failure or refusal to perform duties, gross discourtesy, ill treatment of a lower-ranking employee, and misappropriation or misuse of public property. For example, on March 17, three accused persons were being escorted from the court to the cells by a SAPS member. One of the detained, who was unarmed at the time, attempted to flee. The SAPS escort shot and killed the detainee. The results of the ICD investigation were unavailable at year's end.

The Government made efforts to address abuses with an official anti-torture policy and training programs for police and SANDF officers that included human rights. Broad efforts to reform police practices continued, and the ICD investigated reports of police misconduct and corruption (see Section 1.a.); however, the number of reported incidents of abuse increased. In particular, the number of corruption cases increased from 30 in 2002 to 106 during the year.

The SAPS continued to create partnerships between local police forces and the communities they served. Municipalities also established metropolitan police forces in major cities with local control; however, SAPS continued to have deficiencies in mid-level leadership and institutional memory that were harmful to its overall performance.

The Bill of Rights provides that every detained person has the right to be informed promptly of the reasons for their 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 continued to be a problem with prison conditions and bringing detainees to trial expeditiously.

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 February, the Department of Justice introduced the Child Justice Bill to Parliament designed to protect the rights of child offenders. The legislation was still pending at year's end.

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.

According to the South African Human Rights Commission (SAHRC), prisoners waited 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 was the result of an understaffed, underfunded, and overburdened judiciary (both magistrates and prosecutors) (see Section 1.e.).

The Court Process Project (CPP), initiated in 2001, was designed to control criminal cases in a more structured way—from the police stations where they originated through the adjudication process until the convicted person was handed over to the appropriate prison or welfare/health authorities. This process included electronically storing the fingerprints and picture of the accused, which assisted authorities in minimizing the incidence of mistaken identity or deliberate identity switching by detainees. The system also was designed to prevent docket thefts and to curtail the activities of corrupt police and court officials. Since its launch, the CPP reduced from 145 to 74 the average number of days to conclude a case. The project was still in the pilot phase at year's end.

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 were held for more than 30 days.

The Constitution does not prohibit forced exile; however, there were no reports of forced exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent and impartial judiciary, and the Government generally respected this provision in practice; however, the judiciary was understaffed, underfunded, and overburdened.

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.

Judges and magistrates hear criminal cases, and determine guilt or innocence. There is a presumption of innocence for criminal defendants. The law requires that a panel of lay assessors, along with a magistrate, hear 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 can use assessors in an advisory capacity in bail applications and sentencing.

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;" however, a general lack of information for accused persons regarding their rights to legal representation and the Government's inability to pay for these services were continuing problems.

The Government has opened 39 justice centers in the country, composed of the Departments of Justice, Correctional Services, Welfare and Health, and the SAPS, to speed up the administration of justice, free up the court rolls, and alleviate overcrowding in prisons. There were serious backlogs in the numbers of cases that have gone to trial.

Saturday Courts and privately contracted Additional Courts, which operated in specific districts where there were significant backlogs and where space was available in existing court buildings, were used to address the backlog of cases in the courts. The Additional Courts used private sector employees or retirees with judicial experience. The Saturday and Additional Courts completed 17,073 cases at the end of July and 61,340 cases since its inception in 2001. From January to September, the regional and district courts finalized 64,011 cases; there were 168,123 cases outstanding and the backlog of cases was 104,112.

The Promotion of Equality and Prevention of Unfair Discrimination Act provides for the establishment of Equality Courts within magistrates' courts and High Courts to adjudicate complaints. All High Courts were Equality Courts for their areas of jurisdiction. There were 47 Equality Courts in the country at year's end.

There was public concern regarding the capacity of the criminal justice system to deal with the high level of crime, and the increasing incidence of vigilante justice reflected this concern (see Section 1.a.).

The National Directorate of Public Prosecutions (NDPP) was preparing cases against persons who were denied amnesty, failed to apply for amnesty, or were implicated in human rights abuses during the TRC process (see Section 4).

There were no reports of political prisoners.

The Land Claims Court settled cases previously screened and evaluated by the Commission on Restitution of Land Rights. Claims only could be filed for land dispossessions that occurred after the promulgation of the Natives Land Act of 1913, not including dispossessions that occurred in 1913, the year of the former Government's most significant land redistribution. Compensation offered to claimants were 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 2001, the Commission began determining which claims were valid, and the process was 95 percent complete by January. At the end of March, 36,940 of 37,838 claims were verified. The Ministry of Land Affairs was authorized to offer settlements without first going to court, which has expedited the resolution process. At the end of June, 37,551 restitution claims, involving 90,543 households and 491,201 beneficiaries had been settled. The Land Claims Commission received a budget increase of \$76,923,076 (R500 million) to \$131,384,615 (R854 million) for the year, but the Chief Land Claims Commissioner reported in August that \$184,615,384 (R1.2 billion) was required to settle outstanding claims for the year.

On September 19, the National Assembly passed the Restitution of Land Rights Amendment Bill, which allows the Minister of Agriculture and Land Affairs to "purchase, acquire in any other manner or expropriate land" to speed up the restitution process. Before land could be expropriated, the Minister would have to give adequate notice of the intention and expropriated land would be compensated fairly. The bill allows landowners recourse through the courts if they feel the compensation amount received is not adequate. There were no expropriations during the year.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions. Violations generally were subject to effective legal sanction.

Unlike in the previous year, there were no reports of police abuses during sweeps and home searches. No action was taken against officers responsible for abuses during home searches and sweeps in 2002.

In November 2002, Parliament passed the Regulations of Interception and Provision of Communication-Related Information Bill, which provides for state monitoring of all telecommunications systems for criminal investigations, including cell phones, the Internet, and e-mail. The Bill requires an order from a judge in most cases; however, in some cases, high-ranking police or army officers were authorized to grant permission. The President signed the legislation into law on December 2002, but it had not been enforced by year's end.

The Promotion of Access to Information Act is to assist authorities in obtaining personal information and is used solely in criminal investigations; however, opposition parties and human rights NGOs objected to its broadly defined provision that enabled the Government to access an individual's personal information.

There were reports that farmers illegally evicted farm residents; however, the Department of Land Affairs could not substantiate some alleged illegal evictions and many evictions apparently were not reported.

There were reports that persons accused of witchcraft were attacked and driven from their villages in rural communities (see Section 1.a.). Some survivors of attacks and their families were living in "witch villages" for safety in Limpopo Province. The villages had no running water or electricity. Although some persons returned to their homes, many persons remained in the villages and requested government assistance for schools and basic infrastructure, some of which was provided. During the year, the homes of persons accused of practicing witchcraft were burned down. For example, on February 19, an estimated 100 youths accused a 74-year-old woman of witchcraft and set her house on fire at Mohodi village in Senwabarwana in Limpopo Province.

In August 2002, three men were charged with arson of the house of a woman they believed to be practicing witchcraft in Ezibeleni in northern KwaZulu-Natal. Two of the accused failed to return for the trial in September 2002, and were still at large. No additional information on the case was available at 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 generally respected these rights in practice; however, these rights can be limited by law in some circumstances. Several apartheid-era laws that remained in force posed a potential threat to media independence.

The Constitution bans the advocacy of hatred based on race, ethnicity, gender, or religion that constitutes incitement to cause harm. In July, the SAHRC ruled on a petition by the Freedom Front that the slogan "Kill the Boer, kill the farmer," chanted by the ANC Youth League on two separate occasions in 2002, was hate speech, and a violation of the law. No action was taken against those responsible.

The media were active and expressed a wide variety of views; however, some journalists expressed concern that the Government wanted to control the media.

All newspapers were owned by conglomerates. One of the prominent companies, New Africa Media, was a black African-owned consortium that controlled the country's largest circulated daily newspaper, The Sowetan, as well as a larger publishing business, Times Media Limited. Print media reached approximately only 20 percent of the population, due to high levels of illiteracy, the lack of newspapers in rural areas, and the cost of newspapers. The majority of the population received the news through radio broadcasts from the national broadcaster (SABC) and community radio stations.

The government-owned SABC continued to own and control the majority of the television and radio outlets. The SABC was managed by black African executives, provided broadcasting in the country's main African languages, and offered news coverage of the Government and the leading opposition parties. The SABC maintained editorial independence from the Government, although the balance between editorial independence and national interest remained a delicate topic with government officials. Critics alleged that the ANC wants greater control over the SABC. On November 19, Parliament approved a new SABC board; however, opposition parties and other critics expressed criticism that the management was chosen for political reasons without regard for media expertise or relevant experience. SABC-TV, which broadcasts in seven languages, captured approximately 85 percent of viewership.

SABC dominated the radio scene with its 11 stations, including 9 broadcasting in African languages and Afrikaans, and several commercial radio stations, although there were a large number of low-power, not-for-profit community radio stations. Many of these stations had talk shows that carried lively debate on government policies and practices. Government broadcast regulators regularly issued community radio licenses.

The only commercial television station, e.tv, reaches 75 percent of the population; however, its share of the viewership was only approximately 10 percent. Most of e.tv's schedule consisted of newscasts and foreign-produced programs; the Government urged e.tv to meet its licensing conditions, which required programming to include at least 30 percent local content. Midi Television, a black-owned consortium composed of a number of associations and syndicates representing workers, women, and persons with disabilities, held majority ownership of e.tv. In addition to e.tv, the SABC competes with two pay-per-view broadcasters, M-NET (encoded UHF transmissions) and MultiChoice (satellite broadcasts). Pay-per-view stations reached approximately 5 percent of viewers.

In October, the Government granted Radio Islam a 4-year license.

There were several government agencies with media-related responsibilities, such as the Independent Communications Authority of South Africa (ICASA). The ICASA is not completely independent from the Ministry of Telecommunications. A bill that included further limits to the power of ICASA and gave greater authority to the Minister of Communications had not been signed into law by year's end.

The Minister of Communications has a direct role in the awarding of telecommunication-service licenses.

The Government and media owners established the Media Development and Diversity Agency (MDDA) in 2002 to encourage ownership and control of, and access to, media by historically disadvantaged communities and historically diminished indigenous language and cultural groups; to channel resources to community and small commercial media; to develop human resources and capacity in the media industry; and to research media development and diversity. The beneficiaries were community media and small commercial media.

High-ranking government officials on occasion reacted sharply to media criticism of government programs and problems and at times accused journalists, particularly black African journalists and editors, of disloyalty and white journalists and editors of racism. A large number of journalists believed that the Government's sensitivity to criticism caused self-censorship in the media.

Several laws remained in effect that permitted the Government to restrict the publication of information about the police, the national defense forces, prisons, and mental institutions. While these laws were not used often, journalists perceived them to be a threat to constitutional rights. These laws were not invoked during the year.

The Foreign Publication Board reviewed and judged written and graphic materials published in or imported into the country. The Board had the power to edit or ban books, magazines, movies, and videos, and it regularly exercised that power, mostly regarding pornographic material.

Internet access was unrestricted for persons with the ability to pay for the service. The number of Internet users continued to expand quickly. All major newspapers maintained Internet sites, most of which were updated daily with the latest news and features. In 2001, Parliament passed a bill that provides for state monitoring of telecommunications, including the Internet and e-mail (see Section 1.f.).

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedoms of assembly and association, and the Government generally respected these rights in practice. Unlike in previous years, there were no reports that police used excessive force to disperse strikes.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected 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.

On August 4, the national and provincial Ministers of Education adopted a policy that calls for Religion Education in public schools; the curriculum includes instruction on the religions of the world with particular attention to the religions of the country, a focus on worldviews, and an emphasis on values and moral education. Religious instruction in one particular religion is no longer permissible at public schools.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol and has a system for implementing such law. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also provided temporary protection to certain individuals who do not qualify as refugees or asylees. The President signed the new Immigration Act into law in May 2002 that regulates general admission of persons to, their residence in, and their departure from the country. The Refugee Act deals specifically and exclusively with refugees and asylum seekers.

The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the first 4 months of the year, the Department of Home Affairs received 7,501 new asylum applications; the Department only decided a few hundred applications during the same period. As of March 31, there were approximately 27,500 persons with refugee status and 71,800 files were pending a decision. 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 UNHCR assisted the Government in processing asylum applications. Human rights groups criticized the Department of Home Affairs for not following the provisions of the Immigration Act. Applicants for asylum and NGOs assisting refugees reported abuse and assaults by immigration authorities and requests for bribes to process applications for permits to remain in the country. Human rights groups also reported asylum seekers being turned away at borders or repatriated immediately upon arrival at airports without benefit of formal asylum processing. At year's end, there was no additional information available on the SAHRC lawsuit against the Department of Home Affairs to compel it to process all applications by asylum seekers.

On August 18, the Constitutional Court heard an application for confirmation of an order of the Pretoria High Court, which declared sections of the Immigration Act unconstitutional. The challenged provisions allowed immigration officers to declare persons at ports of entry illegal foreigners and have them detained. The Constitutional Court upheld the Pretoria High Court's decision and declared that the challenged sections unjustifiably limit the rights contained in the Constitution not to be deprived of freedom arbitrarily or without just cause and not to be detained without trial.

Despite numerous procedural safeguards, efforts to combat a growing illegal immigration problem occasionally resulted in the Government wrongfully deporting aliens who were in the country legally; however, there were no reports of the forced return of persons to countries where they feared persecution.

Xenophobia led to a number of violent attacks on foreigners. In the Eastern Cape, the SAHRC was involved in re-housing Somali refugees after locals looted their shops and assaulted them, alleging that the refugees caused citizens to lose jobs.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. In 1999, 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 to an increased police presence. Complaints primarily concerned posters being removed or defaced, individuals being threatened because of political affiliation, and other incidents of intimidation. A commission appointed to study possible electoral system alternatives for the 2004 general elections recommended significant changes in a majority report. The Cabinet decided to maintain the current system, recommended in a minority report.

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, was mandated to approve legislation that involved shared national and provincial concerns according to a schedule in the Constitution and to concur on other legislation. There was an 18-member Council of Traditional Lead-

ers, which the Constitution accords an advisory role in matters of traditional law and authority.

Four parties—the ANC, the IFP, AZAPO, and the NNP—shared executive power. The ANC dominated the Government and gained in parliamentary strength in the 1999 elections. ANC members occupied 24 of the 27 ministerial positions. In 1999, the ANC leader, Thabo Mbeki, succeeded Nelson Mandela as President and Head of State. In 2001, the NNP reached an agreement to cooperate in government with the ANC at national, provincial, and local levels.

A 2002 Constitutional Court ruling allowed elected officials at the municipal and local levels of government to defect to another party without losing their seats on city or municipal councils. The court also ruled that defections at provincial and national levels satisfied constitutional requirements; however, the court held that a procedural flaw in the legislation necessitated a constitutional amendment to permit defections at the provincial and national levels. A subsequent constitutional amendment allowed for a 15-day period in March during which members of the NA and provincial legislatures were allowed to defect to other parties or establish new parties. As a result, a number of additional parties are represented in Parliament, including the African Independent Movement, Alliance for Democracy and Prosperity, Independent Democrats, National Action, and the Peace and Justice Congress. The ANC increased its seats from 266 to 275 and obtained a two-thirds majority. The official opposition, the Democratic Alliance (DA), increased its seats from 38 to 46. The Afrikaner Unity Movement ceased to exist.

There continued to be reports of inter-party rivalry and violence during the year (see Section 1.a.). Both the ANC and IFP reported incidents of political intimidation in some rural areas of KwaZulu-Natal during several by-elections during the year.

On November 26, the National Council of Provinces approved the Traditional Leadership and Governance Framework Bill. The legislation defines and regulates the role of traditional leadership within the new system of democratic governance, and brings the institution in line with the Constitution. The Bill was pending the President's signature at year's end. Although the relationship between traditional leaders and Government remained strained, there were fewer reports that leaders actively hindered government activities.

There were no legal impediments to women's participation in government or politics. There were 120 women in the 400-seat National Assembly, and there were 21 women among the 54 permanent delegates of the NCOP. Women occupied three of four parliamentary presiding officer positions (speaker and deputy speaker of the National Assembly, and chair of the NCOP). Women held 9 of 27 ministerial positions, as well as 8 of 16 deputy ministerial slots.

There were approximately 136 members of minorities in the National Assembly. There were 8 members of minorities in the cabinet.

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

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Many organizations participated in governmental bodies that gathered public input and tried to fashion policies related to human rights.

The 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 produced publications, organized several public relations events, and trained police officers on the need to protect refugees and to deal properly with foreign nationals.

The government-created SAHRC was responsible for 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. On September 2, the SAHRC released results of its investigation into allegations of abuse of black farm workers, local justice system prejudice against farm workers, and violence against white farm owners (see Section 1.a. and 6.e.). The results indicated that farm attacks were in general criminally and not politically motivated. 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 educational rights.

The Office of the Public Protector investigated abuse and mismanagement by the Government, and acted as an office of last resort to which citizens reported unfair treatment by government entities. Such complaints generally took the form of con-

cerns over lost pension checks or unfair hiring practices. The office handled an increasing number of complaints but was 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. The amnesty committee concluded its proceedings in June 2001. On March 21, the TRC released the last two volumes of the seven-volume report to the President following an out of court settlement reached by TRC and the IFP that allowed for limited changes to its content.

Volume six contained the final reports of the amnesty, reparation and rehabilitation, and human rights violations committees, and volume seven contained the victim findings, with a complete list of victims of human rights violations. On April 15, Parliament debated the TRC report. The President announced a 1-time payment of \$4,600 (R30,000) to 22,000 apartheid victims identified through the TRC. The Department of Justice was finalizing the reparation policy in August to facilitate payment to victims. On November 21, the first reparations were paid from the President's fund at the Department of Justice.

The Khulumani Victims Support Group continued to lobby the Government for additional reparations following the Government's decision in April to grant reparations to approximately 22,000 individuals and families. In October, supporters of the Khulumani group staged a small, peaceful rally in Cape Town, coinciding with its release of its reparations policy document.

The Human Rights Investigative Unit has authority to prosecute persons who failed to ask for amnesty or to whom amnesty had been denied. The unit scrutinized all human rights abuses addressed by the TRC's amnesty committee. In 2001, the TRC's amnesty committee submitted its final report; it was estimated that no more than 20 cases potentially could be prosecuted, which could take up to 5 years. The Amnesty Committee recommended against an additional general amnesty for apartheid perpetrators; however, the President announced that perpetrators who did not apply for amnesty through the TRC were eligible for immunity from criminal prosecution if they provided new information to assist the Human Rights Investigative Unit with investigations. According to the Special National Projects Unit responsible for the TRC-related cases, 30 apartheid perpetrators came forward with new information by May, and the investigations are ongoing.

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

The Constitution prohibits discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, or marital status; however, entrenched attitudes and practices, as well as limited resources, restricted the practical effect of these protections in some cases. The Promotion of Equality and Prevention of Unfair Discrimination Act 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. Although no official discrimination against persons with HIV/AIDS existed, social stigma associated with HIV/AIDS remained a general problem. There were occasional reports of human rights abuse of individuals by their families and communities.

Women.—There was a high rate of domestic violence, including physical, sexual, emotional, and verbal abuse, as well as harassment and stalking of former partners. 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 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 are made.

Societal attitudes and a lack of infrastructure, resources, and training for law enforcement officials hampered the implementation of domestic violence legislation, and it was difficult for women's cases to be prosecuted effectively. It was believed that the number of women who filed complaints represented only a fraction of those who suffered abuse, and doctors, police officers, and judges often treated abused women poorly. Statistics on prosecution and conviction of domestic abusers were not available at year's end.

The Medical Research Council released a study in 2002, based on data collected in 1998, on the prevalence and sources of violence against women by intimate partners in the three provinces of the Eastern Cape, Mpumalanga, and Limpopo. The findings showed that lack of education, alcohol abuse, and exposure to domestic violence as a child played a significant role in the abuse. The study, based on a sample of 1,306 women, showed in the Eastern Cape 33.8 percent experienced violence; in

Mpumalanga 37.9 percent; and in Limpopo Province 28.3 percent. The study stated that as many as five women are estimated to be killed each week by an intimate partner.

Domestic violence and rape was the subject of extensive media coverage, much of which was focused on the need to improve implementation of domestic violence legislation and to impose longer sentences on convicted abusers.

The Government financed 25 shelters for abused women. This number was inadequate, particularly in the rural areas. The SAPS operated 33 Child Protection Units and 45 Family Violence, Child Protection, and Sexual Offenses (FCS) Units, which dealt specifically with these problems. FCS Investigating Officers and other police officers were trained annually, including in gender sensitivity training. The Government conducted domestic violence awareness campaigns, such as the annual 16 Days of Activism.

Rape, including spousal rape, is illegal; however, it remained a very serious problem. The extremely high incidence of rape occurred in part due to a poor general security climate and societal attitudes condoning sexual violence against women. According to ISS, 119 persons per 100,000 of the population were raped in the 2001/2002 fiscal year. Rape, sexual assault, and sexual harassment of black African female farm workers by farm owners, managers, and by other farm workers were common. In the large majority of rape cases, the women knew their attacker and the perpetrator went unpunished. A study by the South African Law Commission during the year reported that only 5 percent of rape cases ended with a conviction. Although judges in rape cases generally followed statutory sentencing guidelines, women's advocacy groups occasionally criticized judges for using questionable criteria, such as the victim's behavior or relationship to the rapist, as a basis for imposing lighter sentences.

The Government established 40 sexual offense courts throughout the country, designated waiting rooms for victims, established counseling, installed more than 2,000 intermediary facilities at courts, and trained judicial officers. According to the SOCA unit within the NDPP, the conviction rate for sexual offences cases managed specifically by the Sexual Offences Courts rose to 65 percent in 2002. The Sexual Offences Courts reduced the average period of cases from 2 years to between 6 and 8 months. The SOCA established four rape-care centers, known as Thuthuzela centers, which specialized in rape care management and streamlined a network of existing investigative, prosecutorial, and medical and psychological services in the hospital where it was located.

On December 13, a group of men raped Lorna Mlosana in Khayelitsha, outside of Cape Town. When Mlosana, an AIDS activist, told them that she had HIV/AIDS, the men beat her to death. A friend of the woman who attempted to intervene was also beaten by the men. Police had detained two men in case, and the investigation was ongoing at year's end.

Female genital mutilation (FGM) was practiced in some rural areas of the Eastern Cape and KwaZulu-Natal; however, it was not considered to be widespread and was confined to isolated cases. The law specifically prohibits FGM as unfair discrimination.

Prostitution is illegal, but it was widespread and practiced rather openly. The Constitutional Court ruled in October 2002 that the sections of the Act prohibiting prostitution were constitutional and confirmed unanimously the High Court's 2001 decision that the prohibition of brothels was constitutional. The provisions of the Sexual Offenses Act were not discriminatory. There were reports of harassment by policemen demanding sexual favors of prostitutes under threat of penalizing them for lewd conduct or public loitering.

There were reports that women were trafficked into the country for prostitution (see Section 6.f.).

Although no official statistics were available, reports indicated that sexual harassment was a widespread problem. An attorney from the Women's Legal Center, an NGO, estimated in 2001 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 were few successful prosecutions.

Discrimination against women remained 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. In July, the South African Law Commission released a report containing recommendations and a proposed draft Bill to recognize Islamic marriages as valid; however, Parliament had not tabled specific legislation by year's end.

On September 28, the Cape High Court found that provisions of the Black Administration Act—that prevents black African women, girls, younger male children, and

illegitimate children from inheriting their parents' estates if there was no legal will—are discriminatory and unconstitutional. The finding came after two Khayelitsha girls were almost forced out of their father's house after he died. In accordance with customary law, the house went to the grandfather, who wanted to sell it, and evict the two girls.

Polygyny continued to be practiced by several ethnic groups. Exacting a bride price ("lobola") also was a traditional practice of some ethnic groups.

Discrimination against women in the workplace was prohibited under the law; however, in practice women experienced economic discrimination in areas such as wages, extension of credit, and access to land. For example, township housing transfer schemes favored existing titleholders who tended to be men. Rural areas are often administered through traditional structures that do not typically grant land tenure to women, which was a precondition for access to housing subsidies. Women, especially black African women, typically had lower incomes and less job security than men. Most women were engaged in poorly paid domestic labor and micro-enterprises, which did not provide job security or benefits (see Section 6.e.).

Female farm workers often experienced discrimination. Female farm workers' access to housing often was dependent on their relationship to male farm workers. Women generally occupied the less well-paid farming jobs or received lower wages than men who performed the same type of work. Many female farm workers were denied maternity leave in violation of the law or were allowed only the minimum time to give birth and return to work.

In 2002, the Department of Labor reported—based on data supplied by employers with 150 or more employees—women currently hold 18 percent, while men hold 82 percent of senior management positions. Women are best represented in the health and welfare sectors with 76 percent and least represented in the mining sector (4 percent). Approximately 19 percent of women who worked were domestic laborers; the majority of these workers were black African women with little or no education.

The Department of Trade and Industry provided incentive grants to promote the development of small and medium businesses and micro-enterprises for women, young persons, and persons with disabilities.

A number of governmental and nongovernmental organizations monitored and promoted women's human rights. Numerous active women's rights groups focused on such areas as violence against women and the economic advancement of women.

Children.—The Government remained committed to providing for children's rights and made some progress toward delivering them, including improvements in the provision of education, a focus on reducing the incidence of fetal alcohol syndrome, and a campaign against child abuse; however, the demand for such services far exceeded the resources available.

The law provides greater educational opportunities for disadvantaged children—traditionally black African children—through a uniform system for the organization, governance, and funding of schools. It mandated compulsory education from ages 7 to 15 and ensured 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 were enrolled in school. While in general, there were comparable attendance numbers for boys and girls, a number of factors, including unplanned pregnancies, domestic responsibilities (particularly in rural areas), and gender stereotypes contributed to high dropout rates and lower secondary school pass rates for girls.

Approximately 60 percent of nonpersonnel resources were devoted to the 40 percent most needy schools. Each of the nine provincial departments of education had responsibility for the schools in their provinces, which resulted in the uneven distribution of educational facilities. The disparity affected the areas of Eastern Cape, the Limpopo Province, and KwaZulu-Natal most severely. The availability and quality of primary schooling still was a problem, especially in rural areas where schools may not be easily accessible or where children worked (see Section 6.d.). Most schools in rural and urban KwaZulu-Natal reportedly faced many problems of inadequate learner support materials, long-vacant teaching posts, overcrowding, late pupil registration, and vacation time vandalism. To address this problem, the Government continued to build new schools and introduced basic skills development and prevocational training into the curriculum.

Although the law prohibits corporal punishment in schools, there were reports that teachers used physical violence to discipline their students. In addition, there continued to be racially motivated violence among students in schools. On November 6, a white mother (Shannon Ferreira), her 16-year-old daughter (Michelle Ferreira), and the daughter's boyfriend (Byron Shaw) were charged with assault and defamation against Nosipho Mkhize, a black African school girl in Cape Town. Mkhize alleged that she was brutally assaulted and defecated on after she confronted the

mother for accosting another pupil. The case was still pending at year's end. On November 28, the case against the three whites was heard by the Goodwood Magistrates Court, but was subsequently postponed and was still pending at year's end. On December 3, Mkhize also formally applied for a separate Equality Court hearing into the incident, as the three accused allegedly shouted racial insults at her. The case had not been heard at an Equality Court by year's end.

There were 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; however, in practice it sometimes was difficult for persons in rural areas to obtain access to health care facilities and other social welfare programs.

HIV/AIDS activists, physicians and opposition parties continued to widely criticize the Government for failing to protect adequately young children from HIV/AIDS transmission through the provision of anti-retroviral (ARV) medication to pregnant and breast-feeding women. Although the Government responded positively to a Constitutional Court finding that they must provide programs to prevent the transmission of HIV from mothers to children by expanding the number of antenatal clinics providing nevirapine to HIV-positive mothers to prevent HIV transmission to their children, it has not been able to implement that program in all provinces in a timely way; however, significant improvements were achieved in three provinces and programs were being developed in other provinces during the year. The Government was unable to provide for the rapidly growing number of children who were affected by HIV/AIDS, including both infected children and AIDS orphans. NGOs pursued legal action to impose the implementation of a public sector comprehensive HIV/AIDS treatment strategy that uses anti-retroviral drugs.

On August 8, the Government announced that it would make ARV medication accessible for the treatment of AIDS in public health facilities. Although an operational plan was developed, its implementation was delayed throughout the country, except in Western Cape Province.

Violence against children, including domestic violence and sexual abuse, remained widespread. While there was increased attention to the problem, a lack of coordinated and comprehensive strategies to deal with violent crimes continued to impede the delivery of needed services to young victims. In August, the Government tabled the Criminal Law (Sexual Offences) Amendment Bill in Parliament. Among other things, the Bill criminalizes committing a sexual act within the view of a child below the age of 16. The crime of incest has been made gender neutral with the introduction of a new definition of sexual penetration. The Bill also places an obligation on a person convicted of a sexual offence to disclose this if he applies for employment that would place him in a position of authority over children. The bill was still pending with Parliament at year's end.

There continued to be numerous reports of child rape during the year. Between January 2000 and June 2001, the police reported 31,780 cases of rape and attempted rape of children; however, observers believed that these figures represented a small percentage of the actual incidents of child rape, because most cases involved family members and were not reported. The country had a low conviction rate for rape and child abuse. The minimum sentence for rape of a child was life in prison, but judges have the discretion to grant more lenient sentences.

There has been a series of rapes of baby girls that continued during the year. In July 2002, a man was arrested and convicted for the 2001 rape of a 9-month-old girl in Upington. He received a life sentence for rape and an additional 18 years for indecent assault. There were reports that the rapes were linked to a belief, which the Government and NGOs tried to correct through education campaigns during the year, that sex with virgins cured diseases such as HIV/AIDS (see Section 6.f.).

There continued to be reports of widespread rape, sexual abuse, sexual harassment, and assaults of girls at school by teachers, students, and other persons in the school community. The Minister of Education reported that in 2002 more than 12 teachers were removed from their positions and determined ineligible to teach for having sex with students. 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 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 introduced initiatives to address school violence, including awareness campaigns and providing police contact information to facilitate the reporting of incidents; however, it does not have a national policy to address sexual violence and harassment in schools. In April, the Minister of Education launched the Girls' Education Movement (GEM) in Parliament to bring about positive changes in girls' lives.

Virginity testing on young girls and traditional male circumcision still were prevalent in various parts of the country. The law prohibits virginity testing; however, the law was not enforced. In June, virginity testing and certification ceremony was held at the Qawukeni Great Place in the Eastern Cape and more than 500 virgins were certified. Masimanyane Women's Organization and the SAHRC severely criticized the practice. KwaZulu-Natal Department of Health, while not encouraging virginity testing, provided test kits to inspectors to use the platform as an entry point for promoting HIV/AIDS awareness.

Several teenage boys died or were mutilated and hospitalized as a result of unsafe practices during traditional circumcision rituals in Eastern Cape and KwaZulu-Natal. In June, at least 23 initiates died following circumcisions. Five persons were arrested in the Eastern Cape after 20 initiates died. During the initiation season between May and July, hospitals treated 105 initiates in hospitals in the Eastern Cape. In Limpopo, authorities closed down 15 illegal initiation schools.

FGM still was performed on young girls in some rural areas of the Eastern Cape and KwaZulu-Natal (see Section 5, Women).

Child prostitution and trafficking was a problem (see Section 6.f.).

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

In May, the Children's Institute of the University of Cape Town released a poverty study. According to the report, an estimated 11 million children younger than 18 were living in poverty in 2002. Between 57 percent and 75 percent of children were living in poverty of varying degrees. Children younger than 8 who were living in poverty had the right to assistance through social grants. In October 2002, only 42 percent were benefiting from the Child Support Grant.

Persons with Disabilities.—The Constitution prohibits discrimination on the basis of disability; however, in practice government and private sector discrimination against persons with disabilities in employment existed. Society increasingly was open to the protection of the rights of persons with disabilities. The law mandates access to buildings for persons with disabilities; however, such regulations rarely were enforced, and public awareness of them remained 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 persons with disabilities as well as service providers, established a presence in all nine provinces to lobby for compliance with the regulations and to sue offending property owners when necessary. A new code provides persons with disabilities with protection from harassment and, in conjunction with the Employment Equity Act, also provides guidelines on the recruitment and selection of persons with disabilities, reasonable accommodation for persons with disabilities, and guidelines on proper handling of employee medical information; however, enforcement of the code was limited. It was estimated that persons with disabilities constituted only 0.02 percent of the public service workforce, compared with 5.9 percent of the general population.

Indigenous People.—The Khoikhoi were the first indigenous people in the country, and lived mainly in the south-western Cape. The Khoikhoi were nomadic herders of cattle and sheep.

The numbers of the Khoikhoi decreased over the years, and they were displaced during the apartheid years. This led to social disintegration, and had a severe impact on their culture and traditions. Only a few thousand Khoikhoi remained, some of whom worked as farmers or as laborers on farms. Although by law the Khoikhoi have similar political and economic rights as other citizens, their participation was limited, due to limited opportunity, minimal access to education, and relative isolation.

In recent years, various initiatives were launched to restore the rights of the Khoikhoi, and revive the culture and language, which is also reflected in the country's new coat of arms. The SABC launched a Khoikhoi radio show during the year.

On October 14, the Constitutional Court returned the land and mineral rights owned by Alexkor, the state diamond mining company, to the Richtersveld Khoikhoi community, ending a 5-year battle with the company. The court confirmed an earlier order by the Supreme Court of Appeal, that the Richtersveld Khoikhoi community had been removed from their land in 1923 under racist laws and practices, and were therefore entitled to have the land, and the mineral rights, returned to their exclusive use and benefit.

National/Racial/Ethnic Minorities.—The law prohibits discrimination on 19 grounds and requires employers with 50 or more employees to ensure that previously disadvantaged groups—defined for legal purposes as blacks (including "Africans," "Colored," and "Asians"), women, and persons with disabilities—are represented adequately at all levels of the workforce. However, these previously dis-

advantaged groups remained underrepresented in the workforce, particularly at the professional and managerial levels. 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. In 2002, the Department of Labor reported that black African employees represent 20 percent of all senior management positions, while whites constitute 80 percent. 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 black Africans into the predominantly white officer corps (see Section 1.a.). Reports of tension and racism among SANDF troops in the DRC continued during the year.

Xenophobia led to attacks on foreigners (see Section 2.d.). Foreigners faced harsh reactions from anti-immigrant 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 African 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 African farm laborers but avoided penalty due to collusion with the authorities (see Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Relations Act (LRA) provide for freedom of association, and workers exercised this right in practice. All workers in the private sector, and workers in the public sector, with the exception of members of the National Intelligence Agency (NIA) and the Secret Service, were entitled to join a union. Members of the SANDF were allowed to join a union, but they were prohibited from striking. Union membership in the private sector continued to decline steadily, as a result of job layoffs and declining formal sector employment. The largest trade union federation, the Congress of South African Trade Unions (COSATU), lost approximately 200,000 members in the past 5 years, bringing its membership down to 1.7 million. Total union membership was approximately 3.9 million persons, which constituted approximately 26 percent of the economically active population, with a total of 485 registered unions.

COSATU was formally aligned with the ANC and the South African Communist Party (SACP). COSATU's largest rival, the Federation of Unions of South Africa (FEDUSA), was a nonpartisan labor federation. A relatively minor labor federation, the National Council of Trade Unions (NACTU), was independent of any political grouping.

In March, a labor federation, the Confederation of Southern African Workers Union (CONSAWU), was established. CONSAWU consisted of 28 unions, claimed membership of 330,000 workers, and was independent of any political grouping. Although its members represent a variety of sectors, its main constituent union is the predominantly Colored teachers' union, the National Professional Teachers Organization of South Africa (NAPTOSA). CONSAWU's objective was to recruit non-affiliated unions across the racial and political spectrum.

No employee may be fired or discriminated against because of membership in or advocacy of a trade union.

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 were considered trespassers on private property. In addition, farm workers or farm residents who attempted to organize were harassed, dismissed, and evicted. The Department of Labor (DOL) and unions have enlisted the cooperation of Agri-SA, the national farmers' organization, to educate farmers about workers' rights and to improve working conditions. The DOL reported that 4.5 percent of the agricultural labor force was unionized. A 2000 DOL survey found that employment conditions in the agricultural sector were deplorable and the majority of farm workers "live in circumstances of absolute and relative poverty;" the majority of farm workers were not unionized; and they were exploited by employers.

The Government did not restrict union affiliation with regional or international labor organizations. COSATU, FEDUSA, and NACTU were 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 of workers to organize and bargain collectively. The Government did not interfere with union organizing and generally has not interfered in the collective bargaining process; however, some COSATU unions claimed that NIA agents have infiltrated their ranks.

The LRA, 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. The LRA also provides for “organizational rights,” such as trade union access to work sites, deductions for trade union dues, and leave for trade union officials, which strengthened the ability of trade unions to organize workers. Essentially, for a strike to proceed, all that was required was that a dispute be referred for conciliation. If conciliation failed to resolve the dispute or lasted more than 30 days, a trade union may advise an employer in writing of its intent to strike as long as it gave 48 hours notice to a private sector employer or 7 days notice if the employer is the Government. 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 were met. Strikes by workers in essential services, such as police and hospital workers, were prohibited. If disputes between workers in essential services and their employers cannot be resolved through collective bargaining or conciliation, they were referred to arbitration.

Organized labor also had the right to engage in “socioeconomic protest,” whereby workers may demonstrate, without fear of losing their jobs, to further broader social objectives.

There was an increase in the number of strikes during the year, primarily because a number of long-term wage agreements were renegotiated in the major sectors such as mining, metal, and engineering. This accounted for the 240,000 person days lost during the first half of the year, compared with 130,000 in the first half of 2002.

At the end of March, ZZZ, one of the country’s largest agro-businesses located in Tzaneen, Limpopo Province, dismissed approximately 2,000 striking farm workers after refusing to comply with the new minimum wages for farm workers, which came into effect on March 1 (see Section 6.e.). The COSATU-affiliated South African Agricultural Plantation and Allied Workers’ Union (SAPAWU) challenged the dismissal and was demanding reinstatement of the dismissed workers. In September, following protracted negotiations, SAAPAWU and the ZZZ reached an out of court settlement under which the company agreed to reinstate the dismissed workers.

On May 26, hundreds of NUMSA members went on a 3-week strike at Iscor, the country’s largest steel producer, over a demand for higher wages and a one-time back-payment to cushion the effect of the restructuring process. The strike was legal, but there were reports of isolated incidents of violence and intimidation by striking workers.

There were two examples of illegal strikes during the year. In February, approximately 400 Metrobus drivers went on a strike for 5 weeks over changes to the conditions of work and the shift allocation system. The strike, which caused a major disruption to municipal services, was the first time members of the Cosatu-affiliated South African Municipal Workers Union (SAMWU) and Fedusa-aligned Independent Municipal and Allied Trade Union (IMATU) worked together against the employer. The strike was not violent and there were no reports of intimidation.

In March, a legally unprotected 10-day strike involving approximately 18,000 National Union of Mineworkers (NUM) members at Impala Platinum Mines on the East Rand in Johannesburg, also contributed to the increase in the number of strikes during the year. The company changed its funeral benefit scheme, and workers demanded access to the provident fund. The issue of micro-lending, which exposed workers to huge debts, also lay behind the strike.

Unlike in the previous year, there were no strike-related killings during the year. There were no developments in the strike-related killings during 2002.

Union participation as an equal partner with business and Government in the National Economic Development and Labor Council (NEDLAC), a tripartite negotiating forum, ensured a direct voice for labor in the formulation of economic, social, and labor policy. Through NEDLAC, organized labor has been able to participate in the formation of the country’s labor legislation.

The Commission for Conciliation, Mediation, and Arbitration (CCMA) successfully resolved many disputes and gradually was playing an interventionist role in disputes before they deteriorated into full-fledged strikes or lockouts. The CCMA improved its settlement rate for conciliation to 73 percent of cases heard, with an average of 212 arbitrations a day. However, some labor groups and employers complained that many CCMA commissioners render inconsistent judgments and need more specialized training. Labor groups also complained about the use of lawyers by some employers, which it states puts workers at a disadvantage.

There is also a labor court, which has jurisdiction to resolve disputes that the CCMA was unable to mediate to the satisfaction of both parties, and a labor appeals court.

Workplace forums may be established to promote broad-based consultation between management and labor. The forums could be established by trade unions only in businesses with more than 100 employees. A few factories reportedly have established workplace forums; however, these forums were rarely used, with the exception of the Amplats Platinum Mine.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that children were forced into prostitution or exploited by their parents to earn money for their families (see Section 6.f.). According to a survey conducted by Statistics South Africa (StatsSA), up to 2,000 children worked to pay off outstanding debts to employers or obligations to their landlords.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remained a problem. The Constitution defines child labor as work by children under 18 years that is exploitative, hazardous, or otherwise inappropriate for their age, or detrimental to their schooling, or social, physical, mental, spiritual, or moral development; it is illegal to employ children under 15 years of age. DOL inspectors enforced this policy effectively in the formal nonagricultural sector and less effectively in other sectors. The violation of the laws regulating child employment was punishable by a maximum prison sentence of 3 years; however, criminal prosecution frequently was reserved for “extreme circumstances,” and there were no prosecutions during the year. Many DOL inspectors were so poorly trained that courts often dismissed investigations of cases involving child labor. The inspectors attempted to resolve most problems by counseling employers, child workers, and parents, and by cooperating with the Departments of Welfare and Education. Inspectors often had difficulty gaining access to farms where children may have been employed.

Many children, especially in the rural areas of the country, were expected to help with household chores and school maintenance. According to a survey conducted by StatsSA, 45 percent of children (4.5 million of the 13.4 million 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. 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.

Child laborers from Zimbabwe and Mozambique worked in the country on commercial farms, for the taxi industry, or as domestic servants.

There were reports that children were forced into prostitution and that some children work in conditions that amount to bondage (see Section.).

The Government prepared a draft Child Labor Action Program (CLAP) after months of consultations with civil society, unions, government departments, and other interested parties, including children. The draft plan identified numerous policy reforms to enhance existing anti-child labor efforts and give direction to Child Labor Intersectoral Groups (interagency child labor groups that function throughout the country at all levels of government). The International Labor Organization supported the consultation and drafting process. The draft plan had not undergone a high-level policy and financial review by year’s end. The Government also prepared child labor training manuals for labor inspectors and conducted courses on enforcing child labor laws.

e. Acceptable Conditions of Work.—There was 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 were sufficient to provide a decent standard of living for a worker and family. In those sectors in which workers were 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 meant that many unskilled or rural workers were unable to provide a decent standard of living for themselves and their families.

In March, the Minister of Labor introduced a minimum wage for farm workers and in November increased the minimum wage from \$123 (R800) to \$132.60 (R861.90) a month in urban areas and from \$100 (R650) to \$ 107.70 (R700.05) a month in rural areas. Minimum hourly rates for domestics came into effect in No-

ember 2002. The hourly rates for domestics depended on the number of hours worked and could range from \$0.55 (R3.59) to \$0.75 (R4.87) an hour. The Government also extended the Unemployment Insurance Fund (UIF) benefits to vulnerable workers such as domestics and farm workers, which increased their security in the workplace. A DOL survey found that an estimated 25 percent of domestic employers complied with the new dispensation on minimum wages and conditions of work. DOL inspectors conducted home visits to check whether employers were complying with the Domestic Worker Sectoral Determination and the UIF Act.

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 were a top priority of trade unions, especially in the mining, construction, and heavy manufacturing industries and the country's industrial and mining processes were dangerous and sometimes deadly. The law provides for the right of mine employees to remove themselves from work deemed dangerous to health or safety. In addition, a tripartite mine health and safety council and an inspectorate of mine health and safety were responsible for enforcing the act and monitoring compliance with its provisions. The law specifically made it an offense for a company to discriminate against an employee who asserted a right granted by the law (for example, to leave a hazardous work site) and required mine owners to file annual reports that provided statistics on health and safety incidents for each mine being worked. DOL reported that 147 persons were killed during the year in mine accidents.

Some white farmers still give the predominantly black farm workers cheap alcohol (a system of payment known as "tot") in lieu of wages, according to a SAHRC report released on September 2. Following a 2-year investigation, the SAHRC found that illegal evictions were still being carried out; farmers were setting their dogs on their employees; there was lack of access to service delivery; lack of compliance with labor legislation; lack of information on HIV/AIDS; and that there was unacceptable levels of violence and crime against farm workers and farm owners.

Working conditions on farms generally were poor. Many farmers did not accurately measure working hours, and they often required 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 farm workers' 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.

In June, an employee died while cleaning an underground tank at a wine farm in the Western Cape. DOL inspectors found that "despite working in a closed environment with no ventilation, workers were not issued with respiratory equipment," and referred the matter to the police. The investigation was ongoing at year's end. In August, DOL inspectors issued a prohibition notice against the company that was responsible for erecting a stage that collapsed during a Women's Day celebration; one person was paralyzed in the incident.

There were no laws or regulations in other industries that permitted 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," disclosed dangerous workplace conditions to the appropriate authorities.

Illegal foreign workers had no protection under the LRA. They often were underpaid and forced to work long hours in very poor, unsanitary, and unsafe conditions. DOL conducted several "blitz" inspections during the year and several businesses, including "sweatshop" type locations, were fined and forced to shut down or improve safety and health conditions. A guilty verdict carries either a \$11,538 (R75,000) fine or a 2-year prison term. In January, DOL inspectors issued 12 prohibition notices and 139 contravention notices during a raid on factories in KwaZulu-Natal. DOL recommended the prosecution of five employers during a raid in Durban factories, and the matter was before the courts at year's end. DOL carried out similar raids in the Free State and Mpumalanga Provinces.

There were no accurate numbers on Zimbabweans entering the country and working on farms; however, the Department of Home Affairs reportedly deported an estimated 30,000 illegal Zimbabweans during the year.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and trafficking in persons was a problem. The country does not have a comprehensive anti-trafficking law; however, the Government inserted an anti-child

trafficking provision into the Child Welfare Act and DOL had a comprehensive plan in its National Child Labor Action Program for dealing with trafficking. The Government was prosecuting a high profile case against a prominent brothel and several child prostitution cases in Cape Town at year's end.

The country has laws that can be applied to prosecute offenses related to trafficking and various entities of the Government investigated trafficking cases on an ad hoc basis. The 2001 criminal case against the owner of brothel in Johannesburg and various civil cases were pending at year's end. The courts generally dealt with trafficking through deportations and fines, rather than exacting criminal penalties; however, with increasing knowledge of trafficking, prosecutors were pursuing different options.

The country was a transit and destination point for the trafficking of persons from other countries in Africa, Asia, Eastern Europe, and the states of the former Soviet Union for prostitution and forced labor. Women and children were trafficked into the country by domestic and international organized crime syndicates for the sex industry. The extent of trafficking operations was not known. In May, the International Organization for Migration (IOM) published a report on the trafficking of women and children in southern Africa and found nine distinct trafficking operations: trafficking of women from refugee-producing countries to the country; trafficking of children from Lesotho to towns in the Eastern Free State; trafficking of women and girls from Mozambique to Gauteng and KwaZulu-Natal; trafficking of women from Malawi to Northern Europe; trafficking of girls and boys from Malawi to Northern Europe; trafficking of women and girls from Malawi to the country overland; trafficking of women from Thailand to the country; trafficking of women from China to the country; and trafficking of Eastern European women to the country.

Domestic and international organized crime syndicates were responsible for trafficking children into the country for the sex industry. Child prostitution increased, primarily in Cape Town, Durban, and Johannesburg. The NGO Molo Songololo estimated that there were 28,000 children working as prostitutes in the country. Along trucking routes, child prostitutes were sought after because of the belief that they were more likely to be disease-free or that, if they were virgins, sex with them cured diseases such as HIV/AIDS. 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. The law prohibits the commercial sexual exploitation of children, sexual intercourse with children under 16, and permitting a female under 16 to stay in a brothel for the purpose of prostitution. The Government established a task force to develop a plan of action to combat the sexual exploitation of children and created training courses for the police force and the judiciary regarding the problem; however, the 33 SAPS Child Protection Units lacked the capacity to deal adequately with the problem of child prostitution.

Although there is considerable variation in the profiles of trafficked women and children and their traffickers, in most cases, traffickers lured women and children with promises of employment or educational opportunities abroad.

According to the IOM, there were four major criminal syndicates in the country that trafficked women: The Chinese Mafia, Bulgarian syndicates, the Russian Mafia, and African criminal groups, mainly from Angola, Nigeria, and the DRC. There were also ad hoc traffickers including white South African men and African refugees.

Trafficked women who worked in the sex industry lived with other trafficked victims in segregated areas; were under constant surveillance; had no money or identifying documents; were indebted to the agents who arranged their travel; worked up to 18 hours each day; worked double shifts, on weekends, and when ill; were fined for infractions of strict rules; and had little communication with other workers. If in transit, they were provided with documentation and accommodation before being moved to final destinations.

The Government established an anti-trafficking unit at Johannesburg International Airport, and border police incorporated protection of women and children into their training curriculum. Police and judicial officials received training on the commercial sexual exploitation of children, and labor inspectors were trained and performed inspections of businesses and agricultural farms throughout 2002. The country cooperated with neighboring countries, but police units handling trafficking problems were understaffed and information sharing with neighbors was sometimes hindered by corruption. The country uses its 40 Sexual Offenses courts to handle trafficking cases, but relied heavily on NGOs to provide witness protection. NGOs provided shelter, medical, and legal assistance for child prostitutes and a hotline for victims of child abuse. The Government donated land and buildings for various shelters for victims of sexual abuse, street children, and orphans.

There were no reported government anti-trafficking awareness campaigns to prevent trafficking. Terre D'Homme, an NGO working in the trafficking field, conducted a media campaign to promote awareness of trafficking in persons in southern Africa. In addition, magazines and local newspapers published several articles on the subject during the year.

SUDAN

Sudan has an authoritarian government in which all effective political power was in the hands of President Omar Hassan al-Bashir. Bashir and his party have controlled the Government since he led a 1989 military coup, with the instigation and support of the fundamentalist National Islamic front (NIF). In 1999, Bashir broke with the ideological leader of the NIF, Hassan al-Turabi, disbanded Parliament, suspended parts of the 1998 presidentially decreed Constitution, and declared a state of national emergency that abrogated basic liberties; in December, the state of emergency was extended for another year. In 2000, Bashir was reelected and his political party, the National Congress/National Islamic Front (NC/NIF), won 340 out of 360 seats in the Parliament in deeply flawed presidential and parliamentary elections that all major opposition parties boycotted. Turabi's popular National Congress Party (PNC) was disestablished and continued to be a proscribed political organization. NC/NIF members and supporters continued to hold key positions in the Government, security forces, judiciary, academic institutions, trade unions, professional associations, and the media. The major opposition political parties for the most part remained marginalized from the political process; however, as the peace negotiations progressed during the year, opposition parties became more vocal in their demand for inclusion, and the Government sought their support to add legitimacy to the agreements. The judiciary was not independent and was subject to government influence.

The Intergovernmental Authority on Development (IGAD), under Kenyan leadership, continued to work towards an end to the country's civil war. After several unsuccessful peace efforts, in July 2002, the Government and the Sudan People's Liberation Movement/Army (SPLM/A) signed the historic Machakos Protocol that resolved two of the most contentious issues in the civil war: The role of religion and the state during an interim period and the right of self-determination for the south. The terms of the Protocol called for a 6½-year interim period and a referendum for southerners in which they could vote to remain unified with the north or vote for secession. In October 2002, the parties signed a Memorandum of Understanding (MOU) that called for a cessation of hostilities and unimpeded humanitarian access to all areas of the country, and which both parties largely have respected; however, at year's end, access to the Darfur region was restricted due to the conflict. Peace talks resumed and continued during the year, and on September 25, First Vice President Ali Osman Taha signed a security agreement with John Garang, the leader of the SPLM/A. Discussions regarding wealth sharing and the three contested areas were ongoing at year's end.

In addition to the regular police and the Sudan People's Armed Forces, the Government maintained an external security force, an internal security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces. The security forces were under the effective control of the Government. Members of the security forces committed numerous, serious human rights abuses.

The country's mostly agricultural economy continued to be crippled by the civil war, destruction of infrastructure, economic mismanagement, and the existence of more than 4 million internally displaced persons (IDPs) and refugees in a country of an estimated 30 million persons. The infusion of Islamic banking and financial assets as well as increased revenue from oil production injected new capital into some sectors of the economy; however, corruption, mismanagement, and increasing military expenditures limited the impact. The country continued taking some steps towards transitioning from a socialist to a market-based economy; however, the Government and NC supporters remained heavily involved in the economy. The Government took important steps to reform its finance and foreign exchange systems. Approximately 86 percent of the labor force was engaged in agriculture.

The Government's human rights record remained extremely poor, and although there were improvements in some areas, numerous, serious abuses remained. Citizens did not have the ability to change their government peacefully. Security forces and associated militias were responsible for extrajudicial killings and disappearances. Security forces regularly beat, harassed, arbitrarily arrested, and detained incommunicado opponents or suspected opponents of the Government, and there were

reports of torture. Security forces and associated militias beat refugees, raped women abducted during raids, and harassed and detained persons. Government security forces and pro-government militias acted with impunity. The Civilian Protection Monitoring Team (CPMT), created by agreement between the two parties subsequent to the Machakos Protocol, and the Joint Military Commission operating in the Nuba Mountains, had some success in monitoring and curbing serious abuses during the year. Government and government-supported militia committed serious abuses in response to rebel attacks in the Darfur region during the year, including razing numerous villages. As a result, as many as 3,000 unarmed civilians were killed, more than 600,000 civilians were internally displaced, and an estimated 100,000 refugees fled to neighboring Chad by year's end.

Prison conditions remained harsh and life threatening, and prolonged detention was a problem. The authorities did not ensure due process in civilian or military courts. The Government continued to infringe on citizens' privacy rights. The Government still did not fully apply the laws of war to the southern insurgency, has taken few prisoners of war (POWs), and did not cooperate with the International Committee of the Red Cross (ICRC) regarding access to or treatment of POWs. Cooperation with U.N.-sponsored relief operations generally was poor, although there was some improvement. Humanitarian relief flights had significantly improved access throughout the south during the year; however, government forces continued to obstruct the flow of humanitarian assistance, particularly to the Darfur region. Restrictions on press freedom under the National Security Emergency decree increased as the Government suspended publications and closed newspapers during the year. The Government frequently arrested editors and journalists who criticized or disagreed with government policy. The Government continued to severely restrict the freedoms of speech, assembly, association, religion, and movement, and arrested and harassed those who exercised these rights. The Government continued the Islamization and Arabization of the country, and there were credible allegations of forced Islamization of non-Muslims. Local human rights nongovernmental organizations (NGOs) were routinely harassed and arrested. Violence and discrimination against women and abuse of children remained problems. Female genital mutilation (FGM) remained widespread. Discrimination and violence against religious and ethnic minorities and government restrictions on worker rights persisted. Security forces and associated militias were responsible for forced labor (including forced child labor), the abduction of women and children, and the forced military conscription of underage young men. Child labor was widespread. Slavery and trafficking in persons remained significant problems.

Antigovernment insurgent groups and associated militia forces also continued to commit numerous, serious abuses. There were reports of SPLM/A violations of citizens' rights. During the year, the SPLM/A was responsible for killings, beatings, rape, arbitrary detention, and forced military conscription of underage young men. The SPLM/A continued to manipulate humanitarian assistance for military advantage.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings during the year; however, there were numerous reports of extrajudicial killings. Government forces and allied militia continued to pursue a scorched earth policy aimed at removing populations from the areas of the oil pipeline and oil production, and violence in Darfur increased significantly. The Government attacked civilian facilities and housing, which resulted in numerous civilian deaths, including of children (see Section 1.g.). Deaths resulted from landmines during the year (see Section 1.g.).

Government-supported militias raided villages in Darfur, driving thousands of refugees from their lands and many over the border into Chad (see Sections 1.g. and 2.d.). However, government-supported militias stopped raiding Dinka villages in Bahr el-Ghazal, killing men, abducting women and children, and destroying and looting property following the February signing of the Addendum to the MOU on Cessation of Hostilities (see Section 1.g.).

Forced conscriptions resulted in the death of at least one person during the year (see Section 5). The CPMT reported that on June 25, South Sudan Democratic Forces (SSDF) militia abducted and severely beat two civilians and two militiamen in Omdurman Souk. Civilian James Ran Kai died as a result of the beating while in the custody of the militia. The other three persons were released at the beginning of August. By year's end, the Government had not taken any action against those responsible in the SSDF.

At least one person died as a result of torture while in the custody of government security forces. In May, according to the World Organization Against Torture (OMCT), security forces arrested Jum'a Omer Alnur, a tailor and political activist in Dongola, in the north. He and five other men, all Nubans, were subjected to torture while in custody. Alnur was reportedly tortured with a water pipe, electric wire, and acid. On June 26, he slipped into a coma after being admitted to Khartoum hospital. Awad Ibrahim Gawar, another of the men, died after 24 hours in custody; no medical assessment was made after his death. By year's end, the Government had not taken any action in response to the incidents.

Police killed persons while forcibly dispersing demonstrations (see Section 2.b.). There was no known action taken, nor was any likely to be taken, in the reported 2001 cases of security force killings.

During the year, there was a decrease in the number of political and other killings reportedly committed by rebel forces in areas of active conflict, such as the Nuba Mountains and northern Bahr el-Ghazal during the year; however, details generally were unavailable. Unlike in the previous year, there were no reports that SPLM/A forces and allied militias summarily executed persons in the southern part of the country. There were no reports that the SPLM/A and allied militias laid landmines following the April ceasefire (see Section 1.g.). There were reports of Sudanese Liberation Army (SLA) and Justice and Equality Movement (JEM) killings in Darfur (see Section 1.g.).

There was no known action taken, nor was any likely to be taken, in the reported 2002 or 2001 killings by rebel forces in the south.

There were reports of interethnic and intraethnic violence that resulted in deaths in Khartoum. On July 22, according to CPMT reports, fighting in the Kalakla area between two government-aligned militias—that of Paulino Matieb and Peter Gadet—resulted in two deaths and nine injuries, including reportedly four civilians. Police intervened, and approximately 22 militia members were arrested and charged with rioting, disturbance of the peace, and causing harm to others.

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, the Nuba Mountains, and in the Darfur region.

There were reports that during raids on civilian settlements, government forces and government-supported militia abducted persons, including women and children, for use as domestic servants, forced labor, or sex slaves (see Sections 1.g. and 6.c.). In the last approximately 15 years, an estimated 15,000 Dinka women and children have been abducted; between 10,000 and 12,000 persons, primarily Dinka, remained abducted or unaccounted for at year's end. Observers believed that some of those abducted were sold into slavery, while others were used as forced labor or drafted into the military. In some cases, the abductees escaped or eventually were released or ransomed; however, in other cases, they were killed.

The Kenya-based Rift Valley Institute documented more than 11,000 persons abducted by government-supported militia in northern Bahr el-Ghazal during the last 20 years, more than 90 percent of whom were still missing at year's end. According to the report, only 528 of those documented were known to have survived and returned home.

There was no known action taken, nor was any likely to be taken, in the reported 2001 cases of disappearances.

The Committee to Eradicate the Abduction of Women and Children (CEAWAC) continued to report a lack of necessary funding to document, rescue, and transport abductees back to their families. During 2002, CEAWAC formed 22 joint-tribal committees, conducted 2 field missions resulting in the documentation of more than 150 cases of abduction, and transported 26 to a facility in Fulla until their families could be located; however, the facility in Fulla was closed during the year. CEAWAC reported that 300 abductees returned during the year. The Government did not publicly identify the abductors or forced labor owners and chose not to prosecute them.

In May 2002, the International Eminent Persons Group completed its investigation into the extent of slavery, abductions, and associated abuses by government and SPLA forces in the conflict. The Group concluded that armed pro-government militias were responsible for committing these crimes and operated with virtual impunity. The Group also concluded that abductions met prescribed definitions of slavery; however, the Group was unable to determine the scale of abduction and enslavement. The group made several suggestions to stem abductions; some of these suggestions were implemented during the year. For example, the rail line from Babanusa, via Aweil, through SPLM/A-held territory, to Wau, which was directly linked to slave trading, was shut down in 2002 and remained suspended at year's end.

There continued to be reports of abductions by SPLA forces and allied militias. The CPMT reported the systemic abuse of civilians, including abductions, along the Eritrean border under National Democratic Alliance (NDA) and SPLA control. For example, the CPMT reported that in March, two civilians were abducted near the village of Deresta, northeast of Kassala, and subsequently released. Follow-up on the reports was hindered by a lack of cooperation by SPLM/A allied groups and general insecurity of the region.

There was at least one report during the year that rebel forces in Darfur abducted persons. On November 13, one government humanitarian aid worker and four others working for an independent relief organization near Geneina town in Western Darfur were reportedly abducted. The four nongovernmental workers were reportedly released by the end of November; however, at year's end, there was no information available on the status of the government employee.

There also were reports of periodic intertribal abductions of women and children in the Eastern Upper Nile (see Section 5).

The LRA kidnapped Ugandan children and took them to the southern part of the country (see Section 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, government security forces continued to torture, beat, and harass suspected opponents and others. Impunity continued to be a serious problem.

In accordance with Shari'a, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and "crucifixion"—the public display of a body after execution. The Government officially exempted the 10 southern states, in which the population was mostly non-Muslim, from parts of the law that permit physical punishments based on Shari'a. There were no reports of court-ordered Shari'a punishments, other than lashings, in government-controlled areas of the south. The law legally can be applied in the south, if the state assemblies approve it.

On May 17, a 14-year-old girl, unmarried and 9 months pregnant, was sentenced to 100 lashes of the whip on charges of adultery. The man charged in connection with this case was acquitted because of lack of evidence. The girl was appealing the sentence at year's end.

In June, a 13-year-old girl in Nyala was sentenced to 30 lashes for not wearing socks, and the sentence was carried out the same day.

On October 14, according to the OMCT-affiliated Sudanese Organization Against Torture, Nyala Special Court in Darfur sentenced Mohamed Hassan Hamdan, a 16-year-old nomad belonging to the Ja'afra tribe, to "cross amputation" (amputation of the right hand and left foot). Mohamed Hassan Hamdan was convicted for armed robbery (hiraba). Five other individuals were also accused of armed robbery in August near the Rehad Albirdi area, southwest of Nyala, but Mohamed Hassan Hamdan was the only one convicted. An appeal was reportedly filed that was pending at year's end.

On December 29, the Nyala criminal court sentenced Sanousi Alhaj Ismaeal to death by hanging without due process. Ismaeal was arrested on August 30 and accused of killing a man. The OMCT reported that police officers allegedly tortured Ismaeal to force him to confess.

At year's end, there was no information available on the status of 14 prisoners charged with armed robbery and sentenced to death by hanging in May 2002.

Amnesty International (AI) and others continued to report on a number of student victims of torture during the year. It was confirmed during the year that security forces beat and otherwise abused students arrested in Khartoum during demonstrations at Khartoum and Bahr el-Ghazal Universities in October 2002. Student leaders and others deemed to be opponents of the Government were singled out for particularly harsh treatment.

There was no further development in the following 2002 cases: the November pro-government Islamic student militia's beating of students at Khartoum University, and the student militia's attack of student hostels in Shambat.

At least one person died as a result of torture while in the custody of government security forces (see Section 1.a.).

There were reports that government security forces tortured and beat persons suspected of supporting the rebels in Darfur, including making detainees stand all night in a crowded room and holding a detainee's head under water.

On August 12, security forces in Kass arrested and severely beat 24 men suspected of supporting the rebels in Darfur. On September 9, security forces released all but two of the men. There was no known action taken against the responsible members of the security forces by year's end. No additional information was available at year's end.

Refugees were subjected to beatings and mistreatment by security forces. Soldiers, PDF members, and pro-government militia forces raped women (see Section 1.g.).

During the year, security forces injured persons while forcibly dispersing demonstrations (see Section 2.b.).

There was no information at year's end in the 2001 cases of Sebit Hassan Ramadan or Osman Robon, and no action was taken against members of security forces who tortured, beat, raped, or otherwise abused persons in 2002 or 2001.

Government forces and allied militias were responsible for injuring many civilians during attacks on rebel forces, during raids on civilian settlements, and during bomb attacks on civilian targets (see Section 1.g.). There were reports that persons abducted during raids were subjected to torture, rape, and forced servitude (see Section 6.c.).

SPLM/A and affiliated forces were responsible for a number of civilian injuries and for raping women (see Section 1.g.).

There was no further information on the SPLA-affiliated forces' attack on IDPs at Mbiya and rape and other abuses in Raga, Western Bahr el-Ghazal.

Conditions in government prisons remained harsh, overcrowded, and life threatening. Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive, and food was inadequate. Prison officials arbitrarily denied family visits to prisoners. High-ranking political prisoners reportedly often enjoyed better conditions than did other prisoners.

The Government routinely mistreated persons in custody. There were reports that security forces held detainees incommunicado, beat detainees, deprived them of food, water, and toilets, and forced them to sleep on cold floors. In May, according to AI, security forces seriously beat detained students from Zalingei University; some of the students were hospitalized.

At year's end, the July 2002 death sentence for the 88 persons from Nyala who were seriously beaten while in custody had not been carried out.

Female prisoners were housed separately from men, and rape in prison reportedly was rare.

Minors often were held with adults. In order to care for their children, many women prisoners were forced to take their children with them into the prison, where the children were unable to receive an education. In December, it was reported that more than 100 women and 50 children were incarcerated at Omdurman prison with some of the women still awaiting trial. Accurate figures were unavailable. At holiday times, the prisons tended to release women and children, although they were subject to re-arrest for continuing criminal activities, such as brewing and selling of homemade alcoholic beverages.

The Government did not permit regular visits to prisons by human rights observers. No independent domestic human rights organizations monitored prison conditions.

During several months during the year, the ICRC was not allowed access to POWs in the south; however, by year's end, they were able to access all POWs.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention without charge; however, in practice, the Government continued to use arbitrary arrest and detention under the state of emergency provisions.

There are a number of police forces, including regular police units, the Popular Police Force (PPF), and Public Order Police (POP). Effectiveness varied depending on the strength of the local militias and security forces. Police corruption was a problem, and police officers supplemented their incomes by bribing the local civilians. The PPF is a parallel pro-government force that received higher pay than the regular police. The POP is a law enforcement entity that enforced Islamic law (Shari'a), including enforcing proper social behavior such as restrictions on alcohol and "immodest dress."

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 amended National Security Act, which supercedes the Criminal Code, when an individual is accused of violating national security, that individual may be detained for 3 months without charge, and the detention is renewable by the Director of Security for another 3 months. Under the state of emergency, the Government is not constrained by the National Security Act and reportedly detained individuals indefinitely without judicial review. Persons arrested by security forces often were held incommunicado for long periods of time in unknown locations without access to their lawyers or family members.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system during the year.

In general, the Government detained persons for a few days before releasing them without charge or trial; however, detentions of persons perceived as political opponents generally were much longer. There were reports that security forces tortured, detained without charge, and held incommunicado political opponents (see Sections 1.a and 1.c.). Security forces arrested numerous persons suspected of supporting the rebels in Darfur (see Section 1.g.), some of whom were tried, convicted, and sentenced to death under Special Courts (see Section 1.e.). 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 weeks.

Authorities continued to detain political opponents of the Government during the year. For example, in November, security forces arrested Osman Fagarai, police general and the Secretary General of the Internal Bija Congress, and detained him for approximately 1 month without charges. Fagarai was arrested after he made a statement (later published in the local press) that the suffering of the Bija's was worse than that of the people of Darfur and he asked the Bijas and Darfurians to join in demanding their participation in power and wealth sharing as negotiated with the South.

In August, President Bashir promised to release all political detainees as part of peace talks with the rebel SPLM/A. By November, a number of political prisoners were released, including Hassan Al-Turabi, former Speaker of the National Assembly and head of the PNC. However, security forces detained a number of persons after Turabi's release, including many from Darfur. An undetermined number of Darfurians remained in detention at year's end (see Section 1.g.).

A number of journalists were arrested and detained during the year (see Section 2.a.).

Members of NGOs and civil society groups were arrested and detained during the year (see Section 4).

Security forces continued to detain persons because of their religious beliefs and activities (see Section 2.c.). Detentions based nominally on religion generally were of limited duration; however, the Government routinely accused persons arrested for religious reasons of common crimes and national security crimes, which resulted in prolonged detention.

Security forces often targeted southern women in IDP camps because they produced and sold a traditional home-brewed alcohol. Such women were arrested and imprisoned for up to 6 months under Shari'a (see Section 1.c.).

Vagrant children who committed crimes were detained for indefinite periods (see Section 5).

It was estimated the SPLM/A retained several hundred POWs in indefinite detention at year's end (see Section 1.c.).

Unlike in the previous year, there were no reports that SPLM/A officials detained local staff members of international humanitarian organizations.

The law prohibits forced exile, and the Government did not use it. Opposition leaders remained in self-imposed exile in Cairo, Asmara, and other locations during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was largely subservient to the Government or the President, especially in cases of crimes against the state. The Chief Justice of the Supreme Court was nominated by a Judiciary Committee and appointed by the President. As the senior judge in the judicial service, the Chief Justice also controlled the judiciary. On occasion, courts displayed a degree of independence. For example, appeals courts on several occasions overturned decisions of lower courts in political cases, particularly decisions from public order courts.

The President appoints the Constitutional Court's seven members. The judicial system includes four types of courts: Regular courts; military courts; special courts; and tribal courts. Tribal courts were in place in rural areas to resolve disputes over land and water rights, and family matters. Within the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Special Security Courts were abolished during the year; however, the Government created Special Courts in Darfur under the state of emergency to try crimes against the state. The Criminal Act governs criminal cases, and the Civil Transactions Act applies in most civil cases. Shari'a is applied in the north. There continued to be reports that non-Muslims were prosecuted and convicted under Shari'a "hudud" laws. Courts did not apply Shari'a formally in the south. Public order cases were heard in criminal courts.

The Constitution provides for fair and prompt trials; however, this was not respected in practice in many cases. Trials in regular courts nominally met international standards of legal protections. The accused normally have the right to an

attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment; however, there were reports that defendants frequently did not receive legal counsel and that counsel in some cases could only advise the defendant and not address the court. Unlike in the previous year, there were no reports that the courts refused to allow certain lawyers, including Ghazi Suleiman, to represent defendants.

Only military personnel were tried in military courts. Unlike in the previous year, there were no known cases of civilians tried in military courts. Military trials, which sometimes were secret and brief, did not provide procedural safeguards. Military trials sometimes have taken place with no attorney permitted and did not provide an effective appeal from a death sentence. Witnesses may be permitted to appear at military trials.

The Special Courts Act created special three-person security courts to deal with 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, composed primarily of civilian judges, handled most security-related cases. Attorneys could advise defendants as “friends of the court” but normally could not address the court. Lawyers complained that they sometimes were granted access to court documents too late to prepare an effective defense. Sentences usually were severe and implemented at once; however, death sentences were referred to the Chief Justice and the Head of State. Defendants could file appellate briefs with the Chief Justice. Special Courts were in operation during the year in Darfur, as allowed under the state of emergency.

Emergency tribunals, composed primarily of military judges, continued to try “banditry” cases in the western part of the country. Defendants were not permitted access to legal representation. The emergency tribunals ordered sentences such as death by stoning and amputations during the year. Sentences 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 ordered executions during the year.

Lawyers who wished to practice must maintain membership in the government-controlled Bar Association. The Government continued to harass and detain members of the legal profession who it viewed as political opponents. For example, in August, a lawyer who protested in a handbill the bombing of civilians in Habilla in west Darfur was arrested and detained in September. He was eventually released in October after the Government released political prisoners.

Civil authorities and institutions did 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/A-held areas followed a penal code roughly based on the 1925 Penal Code. The SPLM has a 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 infrastructure, communications, funding, and an effective police force. Some cases were heard at the magistrate and county levels. The SPLM recognized traditional courts or “Courts of Elders,” which usually heard matters of personal affairs such as marriages and dowries, and based their decisions on traditional and customary law. Local chiefs usually presided over traditional courts. Traditional courts particularly were active in Bahr el-Ghazal. In rural areas outside effective SPLM control, tribal chiefs applied customary laws.

After a presidential announcement in October, the Government freed a number of political detainees, including Turabi; however, security forces continued to detain numerous persons suspected of supporting the rebels in Darfur.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government routinely violated these rights in practice. Security forces frequently conducted night searches without warrants and targeted persons suspected of political crimes. Government forces occupied PNC offices during most of the year; however, the offices were returned to the PNC following the release of Turabi from prison. The Government also occupied the offices of a Nuban women’s group in the north (see Section 2.d.), and security forces searched the residences of persons suspected of making alcoholic beverages, which were illegal under Islamic law (see Section 1.d.).

Security personnel routinely opened and read mail and monitored telephones. The Government continued to officially restrict the ownership of satellite dishes by private citizens through use of its licensing requirement; however, satellite dishes were

widely available. A wide network of government informants conducted pervasive surveillance in schools, universities, markets, workplaces, and neighborhoods.

The Government razed an increased number of squatter and IDP dwellings during the year, many in a purported re-zoning plan, but without any interim plans for the thousands of persons affected. For example, in October, the Government destroyed 500 households in Salaheen, 600 in Zuberu, 418 in Ebet Khitim, and 420 in Omer Mukhtar.

Government forces pursued a scorched earth policy aimed at removing populations from around the oil pipeline and other oil production facilities, which resulted in deaths and serious injuries (see Section 1.g.). The Government also forcibly removed persons during the year around the oil pipeline during the year. For example, in July, the Government forced more than 100 families in Kordofan at gunpoint to leave their land. The Government told the families new plots would be provided in Khartoum; however, the families had received no new land and no compensation by year's end.

Government armed forces and allied militias 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 Section 5).

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 was 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.

The insurgent SPLM/A generally was not known to interfere with privacy, family, home, or correspondence in areas that it controlled; however, rebel factions continued to conscript citizens forcibly, including high school age children.

During the year, there continued to be unconfirmed 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 and External Conflicts.—Since the civil war resumed in 1983, more than 2 million persons have been killed, and more than 4 million persons displaced, including 2 million in Khartoum alone, as a result of fighting between the Government and insurgents in the south, interethnic conflict, and famine. In February, the Sudanese Liberation Army (SLA) emerged in Darfur as the primary armed opposition in a violent conflict with the Government.

In the southern war zone, the SPLA controlled large areas of the states of Equatoria, Bahr el-Ghazal, and Upper Nile and also operated in the southern portions of the states of Darfur, Kordofan, and Blue Nile. The Government controlled a number of the major southern towns and cities, including Juba, Wau, and Malakal. During the year, military activity decreased throughout the south, especially following the signing of the Addendum to the MOU on Cessation of Hostilities in February. All sides in the fighting were responsible for violations of humanitarian human rights abuses and violations. The SPLM/A and its northern allies controlled the border area with Eritrea and continued to occupy the symbolically important town of Hamesh Khoreb. The Government continued efforts to strengthen its control of the oil producing areas in Western Upper Nile.

As part of the Agreement on the Protection of Civilians from intentional military attack, the Government and the SPLA agreed to allow the international community to form the CPMT. Located in Rumbek and Khartoum, the team was staffed with expert personnel experienced in investigating allegations of military attacks against civilians. The team investigated numerous violations, and found that both sides committed human rights abuses during the year.

Government forces routinely killed, injured, and displaced civilians, and destroyed clinics and dwellings intentionally during offensive operations. There were confirmed reports that government-supported militia intentionally attacked noncombatant civilians, looted their possessions, and destroyed their villages. Despite having signed a Cessation of Hostilities Agreement with the SPLM in October, the Government and allied militia launched a series of military actions in December 2002.

In February, the CPMT investigated the deaths, abductions, and displacement of civilians, and looting and destruction of villages in the Western Upper Nile in December 2002 and January; however, the CPMT was unable to determine if government or SPLM/A forces were responsible for initiating the attacks. The CPMT also initiated an investigation into the military attacks that took place in Western Upper Nile at year's end.

The CPMT investigated the May attack on Longochok and nearby villages and reported that evidence strongly suggested it was the SPLM/A and an element of the Fellata, not the Government or government-supported militia forces, that contrib-

uted to an indeterminate number of deaths, displacement of civilians, and destruction and looting of civilian property.

Scorched earth tactics by the Government and government-supported forces along parts of the oil pipeline and around some key oil facilities decreased significantly after the signing of the Addendum to the MOU in February. These forces seriously injured persons, destroyed villages, and drove out inhabitants to create an uninhabited security zone. There was a significant decrease in indiscriminate government bombing of civilian locations in the south throughout the year. Such bombings often were associated with military actions by both sides or continuing government efforts to clear the population from near the oil producing areas in Western Upper Nile and adjacent areas.

Unlike in the previous year, there were no reports that the Government's PDF militia attacked several villages in northern Bahr el-Ghazal.

There was continued violence on the Bentiu-Adok Road. In fighting that began in December 2002 and continued during the year, the CPMT team reported that government soldiers moving south from Bentiu along the road to Leer killed and beat civilians and raped women; thousands of civilians were forcibly displaced. The CPMT also reported that in January, the Government and government-supported militia attacked on multiple occasions the areas of Lara, Tam, Nhialdou, Leel, and the villages south of Mayom and Mankien, including the use of aerial bombings. The attacks resulted in the death and injury of civilians, the destruction and looting of property, and the displacement of persons.

Although the flow of humanitarian assistance to the south increased during the year, there continued to be reports of restrictions, including on aid delivery to Juba and Bahr al-Ghazal (Jabel). Unlike in the previous year, there were no reports that the Government targeted NGOs in bombing raids.

There were no reports that the Government prosecuted or otherwise penalized attacking militias or made efforts to protect civilian victims from attacks; government forces provided logistic and transportation support, and weapons and ammunition to pro-government militias throughout the country.

There was no known action taken in the 2002 and 2001 cases of government aerial bombings, or against the PDF members responsible for abuses by year's end. There was no further action on the government investigation into the February 2002 government helicopter gunship attack on a World Food Program (WFP) distribution compound in Bieh, Western Upper Nile, killing 17 civilians and injuring dozens of other persons.

Government and government-supported forces and SPLM/A affiliated forces raped women and forcibly conscripted men and boys (see Section 5).

Despite an agreement to stop using anti-personnel mines, during the year both sides continued to lay mines. Deaths and injuries continued to occur during the year from landmines previously laid by the Government to protect garrison towns and from landmines left by the SPLM/A and its allies during the war. The International Campaign to Ban Landmines (ICBL) reported that at year's end, both the Government and the SPLM/A had only provided information on the boundaries of minefields and mined routes, without any maps, detailed information or numbers of landmines.

Deaths resulted from landmines during the year. For example, on October 3, eight persons were killed and two injured when a landmine-removal team drove over a landmine in the Nuba Mountains, an area controlled by the SPLA.

Government forces routinely killed rebels from the south captured in battle. Only a small group of prisoners captured before the 1989 coup and a few rebels from the south taken in the east in 1998 reportedly were held as POWs in government-controlled areas. The Government did not admit that it held POWs and did not return any POWs during the year. It has not responded to ICRC inquiries about POWs and has refused the ICRC access to POWs.

Problems with relief flights in the south were caused by the Government's denials of visas or work permits to foreign humanitarian workers as well as aircraft clearances to the U.N.'s Operation Lifeline Sudan (OLS). Humanitarian relief flights enjoyed significantly improved access throughout the south, although there were initial difficulties in opening up humanitarian access to Southern Blue Nile, an area traditionally outside the mandate of the OLS. Such difficulties were resolved through an agreement between the Government and OLS during the year; however, complete unrestricted access, particularly in the areas of Southern Blue Nile and the east, was not granted.

On April 26, the Nile River corridor was re-opened for the transport of humanitarian assistance and in May, WFP used a cross line barge operation to deliver food for the first time since 1998. In April, the first cross-line road delivery of food assistance to the Nuba Mountains started.

In September, the Government announced new travel regulations to make it easier for humanitarian assistance organizations to travel as necessary through the south; however, travel difficulties remained, and some officials reportedly were disregarding the new rules.

The SPLM/A and allied insurgent forces routinely displaced, killed, and injured civilians, raped women, and destroyed clinics and dwellings intentionally. For example, the CPMT reported that on June 6, the SPLM/A participated in the attack and recapture of the town of Akobo, Bieh State, which resulted in an undetermined number of civilian deaths and injuries.

The SPLM/A has taken a number of POWs over the years and often cooperated with the ICRC, allowing them regular visits to the POWs (see Section 1.c.). The SPLM/A released a limited number of POWs for humanitarian reasons during the year.

There were credible reports of SPLM/A taxation and diversion of relief supplies. The SPLM/A leadership repeatedly committed itself to eliminating these problems; however, in practice it appeared unable to consistently impose those commitments on its forces in the field. Unlike during the previous year, there were no reports that SPLA-allied forces attacked international relief organizations.

A Joint Military Commission monitored a ceasefire in the Nuba Mountains. Conditions in the Nuba Mountains region continued to improve and IDPs began to return to the area during the year.

Violence increased in the Darfur region during the year. The conflict stemmed from SLA and JEM allegations of government neglect of the region and ethnic tensions between nomadic pastoralists and sedentary farming communities, which have been exacerbated by scarce resources and the Government's support of the nomad militias. In February, the SLA inaugurated a campaign of attacks against government installations, police barracks, and Khartoum-installed leaders. In parallel, the Government increased its clampdown on local leaders, used military tribunals to try those accused of insurrection, and ramped-up military operations. The SLA and JEM continued an aggressive campaign against the army, and the Government escalated a counterinsurgency campaign utilizing Arab militias—including some from neighboring countries—who then burned, looted, and raped throughout the region. On December 15, a ceasefire agreement signed on September 21 broke down, leading to an escalation of fighting. Reports indicate more than 600,000 civilians had been internally displaced, an estimated 100,000 refugees fled to neighboring Chad, and as many as 3,000 unarmed civilians were killed by year's end. The Government continued to refer to the SLA and JEM as "rebels" and "bandits."

There were numerous reports of government-supported killings in Darfur. For example, in July, a spokesperson for the SLA operating in Darfur claimed that more than 50 civilians had been killed in government attacks on villages during aerial bombings. There were reports that government planes bombed Kornoy and Tina, on the border with Chad, daily. AI reported that hundreds of civilians, mainly from sedentary groups such as the Fur, Zaghawa, Masalit, and Tungur have been killed or injured.

Government-supported militias raided villages in Darfur, driving thousands of refugees from their lands and many over the border into Chad. For example, on July 25, after an attack on Shoba, a Fur village south of Kabkabiya, AI reported that at least 51 villagers, including many elders, were killed. On August 5, according to the SLA, pro-government militias killed approximately 300 civilians in Kuttum, and destroyed and burned houses and shops.

Reports of attacks by government-supported Arab nomad militias (the "janjaweed"), acting in support of its counterinsurgency campaign, point toward a government-sanctioned policy of targeting ethnic groups represented in the SLA and the JEM.

There were reports that the Government and government-supported militia tortured and beat persons suspected of supporting the rebellion in Darfur (see Section 1.c.).

Government forces obstructed the flow of humanitarian assistance to the Darfur region. Many thousands of civilians fled into Chad and were without access to any aid because of continued fighting. Although the Government announced new travel regulations in September for the south, by year's end the humanitarian assistance organizations were routinely denied access to most areas of Darfur. By year's end, there was no access to any area in North Darfur outside of El Fasher, and little in West and South Darfur. In December, WFP planes were denied permission to fly to Darfur.

The rebel groups in Darfur were also responsible for abuses during the year. In February, SLA rebels killed a government agricultural engineer in Jebel Mara.

In March, SLA rebels attacked the city of Tina on the border with Chad, killing a government customs official, injuring others, and looting the customs office. The attack followed the announcement on March 25 that talks had collapsed between the Government and the SLA.

On October 20, nine local humanitarian aid workers were killed in the western Darfur region. Unknown persons attacked while the workers were driving a truck containing food.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedoms of thought, expression, and of the press “as regulated by law;” however, the Government severely restricted these rights in practice. Government detentions, intimidation, and surveillance of journalists and an increased number of suspensions of newspapers continued to inhibit open, public discussion of political issues. Journalists practiced self-censorship, and the Government confiscated entire issues of newspapers if it objected to an article.

There were a large number of daily newspapers, mainly in urban areas, and differing political views were reflected to some extent. Several newspapers also reprinted articles from the international press, some of which were critical of government policies. There was one government-controlled newspaper in Arabic. In July, the Government launched its own English daily, the Sudan Vision. A number of independent publications were under intensive scrutiny during the year and experienced intimidation, interruption, and arrest of their editors.

The Government directly controlled radio and television and required that they reflect government policies. Television has a permanent military censor to ensure that the news reflected official views. There were no privately owned television or radio stations, although the Government and private investors jointly owned one television cable company. The Government often charged that the international, and particularly the Western, media had an anti-Sudan and anti-Islam bias. Some foreign radio stations were available in the country.

In spite of the restrictions on ownership of satellite dishes (see Section 1.f.), citizens had access to foreign electronic media; the Government did not jam foreign radio signals. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored Cable News Network, the British Broadcasting Company, the London-based, Saudi-owned Middle East Broadcasting Corporation, Dubai-TV, Kuwait-TV, and a variety of other foreign programs.

The Government exercised control of news reporting, particularly of political topics, the war, and criticism of the Government, especially over government actions and policies in Darfur, through the National Press Council and security forces. Newspapers were prohibited from publishing articles about the war with the exception of information provided by the Ministry of Defense or official government statements. Nevertheless, the local press did report the findings of the CPMT investigations.

A number of journalists and editors were arrested and detained during the year. For example, on May 6, security forces arrested Nihal Bol, the Khartoum Monitor’s managing editor. Bol was detained for approximately 24 hours for questioning about articles written on the demolition of a church in Khartoum North, the relationship between Christianity and Islam, and the position of Islam on traditional drinks such as Merissa. On May 10, the Government fined Bol \$400 (1 million SD), and ordered that Bol should be jailed for inciting religious discord. Bol was released on May 11, when his family paid the fine.

On May 7, security forces arrested and beat Yusuf al-Beshir Musa, a journalist for Al-Sahafa, for publishing “false reports” on the conflict in Darfur. He was released on May 11 and re-arrested on May 12.

On December 18, police detained the Al-Jazeera director, Islam Salih Belo, and closed the Al-Jazeera office in Khartoum because of reports published on the conflict in Darfur, landmine victims, and tuberculosis issues. Belo was detained incommunicado for 7 days. The National Press Council encouraged the lifting of their license, and the office remained closed and its equipment confiscated at year’s end.

The National Press Council applied the Press law and was directly responsible to the President. It was 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 consisted 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. Observers believed the Journalist’s Union was gov-

ernment-controlled. The National Press Council was active in suspending journalists and newspapers during the year.

During the year, the National Security Offices imposed restrictions on press freedom by suspending publications, confiscating already printed editions, conducting pre-publication censorship, and restricting government advertising to pro-government media only. Numerous newspapers were closed, some repeatedly, during the year, including al-Awan, al-Ayam, Al-Azminha, al-Captain, al-Sahafa, al-Watan, the Khartoum Monitor, and Raai al-Shaab. For example, on May 10, during the trial of Nhial Bol, a court banned the Khartoum Monitor for publishing for 2 months because of "blasphemous" articles. After being allowed to publish once on July 11 and then being closed again the next day, the Khartoum Monitor resumed daily publication on October 15 only to be suspended again on November 24 and charged with "crimes against the state" for publishing articles on slavery, questioning the independence of the judiciary, and reporting on the peace negotiations between the Government and the SPLM/A. The Khartoum Monitor remained closed at year's end.

In September, the Government accused the al-Alwan of publishing material to "arouse sedition and disorder" following the printing of an interview with the spouse and son of Turabi that was critical of President Bashir and his deputy. Later in September, Al-Awan was suspended for publishing "false information" about the release of political detainees, and for "crimes against the state." Al-Alwan resumed publication in October.

On several occasions during the year, security forces seized copies of newspapers. For example, on May 6 and 7, the Government confiscated copies of al-Sahafa for a May 3 article containing reports of the Foreign Minister accusing Chad and Kenya of being involved in the unrest in Darfur, and on July 29, the Government confiscated all copies of al-Sahafa in retaliation against its July 28 report of the killing of 12 conscripts and injury of 31 student conscripts in a car accident, which the PDF spokesperson denied. In September, the NPC suspended Al-Sahafa for 3 days for violation of Islamic law for printing an airline's advertisement that promoted wine in France.

After President's Bashir's announcements in October about easing press restrictions, newspapers were not closed down while a court case was lodged against it; however, the security forces closed newspapers, and delayed investigations and court hearings, which resulted in significant financial losses for the newspapers before a charge was substantiated.

Internet access, which was potentially monitored, was available through two Internet service providers. There were no reported government restrictions on Internet access.

The Government restricted academic freedom. In public universities, the Government appointed the vice-chancellors who were responsible for running the institutions. While many professors lectured and wrote in opposition to the Government, they exercised self-censorship. Private universities were not subject to direct government control; however, professors also exercised self-censorship. The Government continued to determine the curriculum.

Although the Government introduced Student Discipline and Code of Conduct Acts in many universities in January 2002, which required strict Islamic standards of dress and association, and applied to Muslim and non-Muslim students alike (see Section 2.c.), the dress standard was not strictly enforced. In May, the Government announced that it would provide uniforms to female university students that were "modest"; however, the Government had not done so by year's end.

There were no further developments in the following 2002 cases: the February suspension of a student human rights activist from Omdurman College of Technological Science for carrying out human rights activities; and the March arrest and severe beating by security forces of a male student in Khartoum.

In July, student elections were held peacefully at the University of Khartoum, and the anti-government coalition won the elections. Classes at the University of Khartoum re-opened in April and May after being closed in November 2002 following student protests that called for student union elections.

The SPLM/A and the NDA provided few opportunities for journalists to report on their activities. The SPLM/A restricted the freedom of speech among populations under its control.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government continued to severely restrict this freedom. In 2001, the Government declared a ban on all rallies and public demonstrations in the country, and announced that no permits would be authorized or issued. In September, President Bashir announced a lifting of these restrictions; however, the continuing National Security Emergency decree and the Criminal Procedure Act, which requires government approval for gatherings involving more than

five persons, effectively circumscribed the right of assembly. The authorities generally permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they view as politically oriented. In October, a political rally was held on the grounds of the University of Khartoum with no interference.

Islamic orders associated with opposition political parties, particularly the Ansar (the Umma Party) and Khatimia (the DUP) continued to be denied permission to hold large public gatherings during most of the year.

Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations. For example, in March, police killed one student from Al-Nilain University and another from the University for Science and Technology while dispersing demonstrations against war in Iraq.

No action was taken against security forces that forcibly dispersed demonstrations or meetings in 2002 or 2001.

The Constitution provides for freedom of association; however, the Government severely restricted this right in practice. There were 20 officially registered political parties; however, the law includes restrictions that effectively prohibit traditional political parties if they were linked to armed opposition to the Government. The amended Political Parties Act allows some former banned political parties to resume their activities; however, the parties still were unable to participate in elections unless the registrar was notified in writing. In November 2002, security forces arrested Hassan Satti, a loyalist of Hassan al-Turabi, for hosting an "Iftar" dinner, an act the Government stated was a ruse for a political party meeting. Satti was detained for 10 days and released without charges. Observers believed that the Government controlled professional associations.

The Government restricted diplomatic, international, and regional organizations' contact with local political organizations that the Government considered to be waging war against it. In September, security forces arrested and detained six or seven lawyers for discussing the conflict in Darfur and providing "false information" to a foreign official; the lawyers were released following the signing of the ceasefire in Darfur in September.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government severely restricted this right in practice. The Constitution states that "Shari'a and custom are the sources of legislation," and in practice the Government treated Islam as the state religion and declared that Islam must inspire the country's laws, institutions, and policies. Ten southern states, whose population was mostly non-Muslim, were exempted from Shari'a.

There were reports that security forces harassed and at times threatened use of violence against persons on the basis of religious beliefs and activities. There continued to be reports that Christian secondary school students in Khartoum were not allowed to continue their compulsory military service because they attended church. Without this, they were barred from higher education. Codes of dress and association based on strict Islamic standards were introduced to universities in 2002; although not strictly enforced, they reflected an effort by the Government to force religious observance on male and female members of opposition and non-Muslim student groups. During the year, Islamic students harassed, beat, and otherwise abused non-Sudanese African students.

In July, 14 leading Islamic scholars and 2 university professors issued a fatwah declaring communists, socialists, and others adhering to non-Shari'a (non-Islamic) law as apostates who deserved to be killed. More than 400 professionals and intellectuals protested the announcement of the fatwah in a public announcement.

The Government placed the same restrictions on churches as it did on nonreligious corporations. Religious groups must register to be recognized or worship legally. Unregistered religious groups found it impossible to construct a place of worship and were harassed by the Government. Registration reportedly was very difficult to obtain in practice, and the Government did not treat all groups equally in the approval of such registrations and licenses.

The Catholic Church has not registered under the 1994 act requiring religious organizations to register, maintaining that previous registrations in 1905 and 1963 remained valid. As a result, its marriage licenses are not recognized in the country. The Catholic Church has the Vatican authorize the licenses after issuing them locally.

Authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, as well as certain Islamic groups. The Government generally was least restrictive of Christian groups that historically had a presence in the country, including Coptic, Roman Catholics, and Greek Orthodox and was more restrictive of newer Christian groups. Although the Government considered itself an Islamic government, restrictions often were placed on the reli-

gious freedoms of Muslims, particularly on those orders linked to opposition to the Government.

Government approval was required for the use and construction of houses of worship. Applications to build mosques generally were granted in practice; however, the process for applications for non-Muslim churches was 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. While the Government permitted 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 in displaced persons camps to be used for Roman Catholic services.

Under the Criminal Act, non-Muslims may convert to Islam; however, conversion by a Muslim was punishable by death. In practice, authorities usually subjected converts to intense scrutiny, ostracization, intimidation, and torture, and encouraged them to leave the country.

PDF trainees, including non-Muslims, were indoctrinated in the Islamic faith. In prisons and juvenile detention facilities, government officials and government-supported Islamic NGOs pressured and offered inducements to non-Muslim inmates to convert. Some persons in the government-controlled camps for IDPs reportedly at times were pressured to convert to Islam. Children, including non-Muslim children, in camps for vagrant minors were required to study the Koran, and there was pressure on non-Muslims children to convert to Islam. Unlike in previous years, there were no credible reports of forced circumcision during the year. There were credible reports that some children from Christian and other non-Muslim families, captured and sold into slavery, were forcibly converted to Islam.

Muslims could proselytize freely in the government-controlled areas, but non-Muslims were forbidden to proselytize.

Authorities sometimes harassed foreign missionaries and other religiously oriented organizations, and delayed their requests for work permits and residence visas. For example, Catholic priests in the north continued to have problems obtaining visas and internal security agents occasionally subjected them to interrogations.

The Government required instruction in Islam in public schools in the north. In public schools in areas where Muslims were a minority, students had a choice of studying Islam or Christianity. Christian courses were not offered in the majority of public schools, ostensibly due to a lack of teachers or Christian students, which meant that many Christian students attended Islamic courses.

Children who have been abandoned or whose parentage was unknown—regardless of presumed religious origin—were considered Muslims and citizens and could be adopted only by Muslims (see Section 1.f.).

In December, the Inter-Religious Council (SIRC), a government-sponsored NGO created in November 2002 to foster religious dialogue, formed a committee to promote religious freedom and investigate alleged violations. For example, SIRC worked with the Government during the year on compensation to the Catholic Church for property confiscated by the Government. In May, the Government permitted the airing on the state-controlled national television station of a film on the life of Jesus Christ.

Minority religious rights were not protected. 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. Some non-Muslims, and Muslims not in the ruling party, 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. Reports continued that Muslims (particularly supporters of the NIF) received preferential treatment for the limited services provided by the Government, including access to medical care.

Aerial bombings by the government in southern rebel-held areas have struck hospitals, schools, mosques, Christian churches, and interrupted religious services (see Section 1.g.).

In SPLA-controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely; however, many of the region's Muslim residents have departed voluntarily over the years. The SPLM officially favored secular government; however, Christians dominated the SPLM and local SPLM authorities often had a very close relationship with local Christian religious authorities.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government severely restricted these rights in practice.

Movement generally was unhindered for citizens outside the war zones; however, travelers who failed to produce an identity card at checkpoints risked arrest. Foreigners needed permits for domestic travel outside of Khartoum, which often were difficult to obtain and sometimes refused. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and re-register at each new location within 3 days of arrival. Foreign NGO staffs at times had problems obtaining entry visas as well as work or travel permits once they had entered the country.

Foreign diplomats could travel to many locations with a government escort; however, the Government restricted their access to the areas of conflict. In September, the Government eased travel restrictions for diplomats and only required notification, no permits, for some states. For air travel to Damazin, Dongala, Halfa, Kadugli, Juba, Kassala, Malakal, Port Sudan, and Wau only notification is required, while travel by land or outside these towns requires a written travel permit. All other areas require written travel permits, including all regions of Darfur. On November 9, the Humanitarian Assistance Commission prevented a foreign diplomat from boarding a WFP flight to Nyala, Darfur, allegedly for not having filled in the correct forms.

The Government denied exit visas to some categories of persons, including policemen and physicians, and maintained lists of political figures and other citizens who were not permitted to travel abroad. For example, the Government has banned all travel by several outspoken human rights activists in Khartoum. Some former political detainees have been forbidden to travel outside Khartoum. The Government claimed it had canceled the exit visa requirement for its citizens; however, in practice the Government still denied travel privileges to certain individuals when they arrived at exit ports (such as airports). For example, in January, the Government stopped women belonging to the Sudanese Women Empowerment for Peace Program, who were trying to leave for a workshop in Nairobi. None of the eight women were allowed to leave. Similarly, in June, the Government stopped members of the Nuba Women's Ru'ya Association from traveling to a conference in Nuba; the Government later occupied their offices in Khartoum, which remained closed at year's end.

The Government denied exit visas to NDA representatives during the year.

Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly, especially for National Congress members.

The SPLM/A restricted freedom of movement among populations under its control. Citizens from the north or from government-controlled areas reportedly were denied permission to enter SPLM areas and were treated as foreigners. In the early months of the year, the SPLM/A would not allow northern interpreters to accompany the CPMT investigation teams into SPLM/A held area; however, there were no reports of such restrictions after April. Insurgent movements in the south also required foreign NGO personnel to obtain permission before traveling to areas that they controlled; however, they generally granted such permission. NGO workers who have worked in government-held areas encountered problems receiving permission to work or travel in insurgent-held areas.

There were estimates that up to 4 million persons were displaced internally due to the civil war. The U.N. estimated that at least 600,000 persons had been displaced by the conflict in Darfur.

Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums in the Khartoum area. Although the Khartoum state government announced plans in 2002 to upgrade conditions in some camps and a new planned settlement area, the continued forcible displacement of tens of thousands of southerners during the year, without real resettlement options, marked a decline in the Government's treatment of displaced persons. Also, in October, UNDP reported that the Government forced those who were supposed to be relocated to pay large sums of money to move to a home. In October, thousands were left without homes and were forced to forego school and jobs while they waited to be relocated. The Federal Ministry for Humanitarian Affairs (FMHA) was created during the year to guide NGO activities for IDPs although it is not yet clear that the ministry's contribution will be a positive one.

In November, the U.N. High Commissioner for Refugees (UNHCR) reported that there were 572,061 Sudanese refugees in neighboring countries, largely due to the conflict in the south. The largest number was in Uganda, with 223,079. At year's end, there were approximately 100,000 refugees in Chad from Darfur. Refugees

were also present in Central African Republic, Democratic Republic of the Congo (DRC), Eritrea, Ethiopia, and Kenya.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government generally provided protection against refoulement and granted refugee status and asylum; however, there was no standard determination procedure and there were reports of the forced return of refugees to their countries of origin. The Government cooperated with the UNHCR and other humanitarian assistance organizations and accorded refugees generally good treatment. The UNHCR reported that there were approximately 327,000 refugees in the country, primarily from Eritrea, Ethiopia, Chad, Uganda, DRC, and Somalia. Approximately 150,000 refugees were in camps, and the rest were scattered in urban areas throughout the country. The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees; however, no statistics were available for the year.

Fighting between the Government and the NDA along the eastern border with Eritrea delayed the repatriation process of longtime Eritrean refugees; however, most Eritrean refugees that lived near the border voluntarily returned to Eritrea. At year's end, more than 106,000 had been repatriated since the 2000 agreement with the Eritrean government, and there were reportedly more than 300,000 Eritreans still in the country.

There were some reports that government officials mistreated refugees, including beatings and arbitrary arrests. Refugees could not become resident aliens or citizens, regardless of their length of stay. The Government allowed a large number of refugees to work.

In February, the UNHCR reported a number of Ethiopians arrested in citywide sweeps. According to government officials, they had lost their refugee status; however, they were subsequently released from prison and allowed to remain in the country. In 2002, UNHCR reported that security authorities had arrested, fined, and deported many Eritreans in Khartoum for alleged conspiracy with the Government of Eritrea to pass information on the mobilization of government forces. During the year, government authorities claimed the Eritreans were deported because they no longer qualified as refugees.

Improved security in the south due to the ceasefires has increased the return of displaced populations into areas of origin that have been severely affected by the war and lacking basic services. There were reports that a number of refugees and displaced persons voluntarily returned to the country during the year, particularly to the Nuba Mountains region.

Since 2001, more than 12,000 pre-1991 Ethiopian refugees chose to return with UNHCR assistance. There were reports that approximately 600 Ethiopians remained in camps in the East and unconfirmed reports of 12–13,000 refugees in urban areas.

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 citizens had no genuine opportunity to change their government. Presidential and parliamentary elections were held in December 2000, and 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. President Bashir was elected to another 5-year term, and the NC/NIF won 340 out of 360 seats in Parliament in the deeply flawed process.

In 1999, President Bashir disbanded the Parliament, suspended portions of the Constitution, and decreed a state of national emergency, which suspended basic civil liberties. Parliament resumed in February 2001; however, with 98 percent of the Parliament in the ruling National Congress Party, the Parliament did not act independently of the President. The state of emergency remained in effect at year's end, and on December 29, Parliament voted to extend it for another year.

The law allows the existence of political parties; however, 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.).

The federal system of government was developing a structure of 26 states, with governors and senior state officials appointed by the President. The Government considered this strategy as a possible inducement to the rebels for accommodation through a principle of regional autonomy; however, southerners were underrep-

resented in the central Government, and local appointees were not universally viewed as representative of their constituencies.

Women had the right to vote. There were 12 women members in the 360-seat Parliament. There were two female ministers: The Minister of Social Welfare and a member of the Council of Ministers. There also were two female State Ministers.

There were approximately 55 southerners in the 360-seat Parliament, and approximately 30 Christians in the Council of Ministers.

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

Due to government restrictions, there were only two independent domestic human rights group—the Sudan Human Rights Group (SHRG) and the Sudan Human Rights Organization (SHRO). The SHRO operated out of Cairo. There also were two local NGOs that addressed health concerns related to the practice of FGM and other “traditional” practices (see Section 5).

The Government was uncooperative with and unresponsive to human right groups, and did not meet with them during the year. The Government harassed, intimidated, and detained its members.

On June 19, security officers arrested Ghazi Suleiman, chair of the SHRG and leader of the political party National Alliance for the Restoration of Democracy (NARD), and 36 political activists meeting at Suleiman’s home. Although the 36 were released after a few hours, Suleiman was detained for 2 days. On July 2, security forces arrested Suleiman for his involvement in the “Khartoum Document,” a statement by political activists and civil society representatives on the peace process, and in August, Suleiman was again arrested, and detained for 15 days without charges.

Local humanitarian aid workers were killed during the year (see Section 1.g.).

Unlike in the previous year, there were no reports of government attacks on NGOs (see Section 1.g.).

In January, AI visited the country and issued its findings in a report published in July. AI had not been permitted to visit the country in 13 years.

While there were improvements in access to conflict areas in the south, the Government restricted international humanitarian organizations’ access to the Darfur region (see Section 1.g.).

Rebels reportedly abducted NGO workers in Darfur (see Section 1.b.).

In April, Gerhart Baum, the U.N. Special Rapporteur for Human Rights in Sudan, reported to the U.N. Human Rights Commission that “the country remains under the iron-tight grip of the omnipresent security apparatus, which continues to enjoy virtual impunity.” He expressed particular concern about the conflict in Darfur; however, his mandate was not renewed after April.

The Human Rights Advisory Council, a government body whose rapporteur was the Solicitor General for Public Law, continued its role in addressing human rights problems within the Government. The Council was composed of representatives of human rights offices in 22 government ministries and agencies. While the Council was charged with investigating human rights complaints, its effectiveness was hampered by lack of cooperation on the part of some ministry and agency offices.

Section 5. Discrimination Based on Race, Sex, 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, were ineffective.

Women.—Violence against women was a problem; however, since reliable statistics did not exist, its prevalence was unknown. Many women were reluctant to file formal complaints against such abuse, although it was a legal ground for divorce. The police normally did not intervene in domestic disputes.

Displaced women from the south were vulnerable to harassment, rape, and sexual abuse. The Government did not address the problem of violence against women, nor was it discussed publicly. The punishment for rape under the Criminal Act varied from 100 lashes to 10 years imprisonment to death. In most cases, convictions were not publicized; however, observers believed that sentences often were less than the maximum provided for by law. Pregnant unmarried women and young girls were convicted during the year of adultery (see Section 1.c.).

FGM was widespread, particularly 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. Infibulation, the most severe type of FGM, was the most common type. Usually it was performed on girls between the ages of 4 and 7 by traditional practitioners in improvised, unsanitary

conditions, which caused severe pain, trauma, and risk of infection to the child. No form of FGM was illegal under the Criminal Code; however, the health law forbade doctors and midwives from performing infibulation. There were reports that women displaced from the south to the north were imposing FGM on their daughters, even if they themselves have not been subjected to it, especially among IDPs who have acculturated to the north. A small but growing number of urban, educated families were 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 infibulation. The Government neither arrested nor prosecuted any persons for violating the health law against infibulation. The Government does not support FGM, and it has introduced information about FGM in some public education curriculums. One local NGO was working to eradicate FGM.

In August, there was a highly publicized government-sponsored 3-day conference on FGM. The Minister of Health spoke out against the practice, and the media provided extensive coverage of FGM for the first time. President Bashir announced publicly that he supported the "sunna" form; later his spokesperson said he had been misquoted.

Prostitution is illegal but widespread.

Trafficking in women was a problem (see Section 6.f.).

The law prohibits sexual harassment. Although it was reported to have occurred during the year, reliable statistics were not available.

Some aspects of the law discriminated against women, including certain provisions of Shari'a interpreted and applied by the Government, and many traditional law practices. In accordance with Shari'a, a Muslim woman has the right to hold and dispose of her own property without interference. Women were assured an inheritance from their parents; however, a daughter inherited half the share of a son, and a widow inherited a smaller percent than did her children. It was much easier for men to initiate legal divorce proceedings than for women. These rules only applied to Muslims and not to those of other faiths for whom religious or tribal laws applied.

Although a Muslim man may marry a non-Muslim, a Muslim woman cannot marry a non-Muslim unless he converted to Islam; however, this prohibition was not observed or enforced in areas of the south not controlled by the Government or among Nubans. Unofficial, nonregistered 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 was not enforced strictly, especially for National Congress members.

During the year, the law was changed to allow citizen women who were married to foreigners to pass their citizenship to their children if they so chose. In the past, the children were automatically deemed to have the citizenship of their father.

A number of government directives required that women in public places and government offices and female students and teachers conform to what the Government deemed an Islamic dress code (see Section 2.a.). At the least, this necessitated wearing a head covering; however, enforcement of the dress code regulations was inconsistent.

A Khartoum-based NGO reported that female students were threatened with rape while detained at police stations. In February 2002, there were a number of incidents in which young women were detained at police stations and sometimes beaten for alleged improprieties of appearance or behavior.

Women generally were not discriminated against in the pursuit of employment; however, women were not allowed to work after 10:00 pm, in theory limiting their employment opportunities. Nonetheless, many women did work after 10:00 pm, and in official positions such as airport security.

Children.—The Government commitment to children's rights and welfare was uneven throughout the country. Education was compulsory through grade eight; however, according to UNICEF, approximately half of school-age children attended primary school. There were wide disparities among states and some gender disparity especially in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 26 percent in South Darfur State. In the north, boys and girls generally had equal access to education (50 percent and 47 percent respectively), although many families with restricted income choose to send sons and not daughters to school. Although there was little data on enrollment rates, it was estimated that the vast majority of the school age children of IDPs were not receiving an education because of inadequate facilities or because they could not afford the fees. Nomadic groups also were disadvantaged. Although the gender gap

in enrollment between boys and girls was only 3 to 5 percent in favor of the boys, girls were more affected by early withdrawal due to family obligations or early marriage. In the urban areas of the south, primary school age children in basic education were estimated at 68 percent of all boys and 67 percent of all girls. The Government officially required 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 was a requirement for entry into a university. More than 50 percent of university students were women, in part because men were conscripted for war and in part because women in general scored higher on the entrance exams.

The Government operated camps for vagrant children. Police typically send homeless children who have committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam (see Section 2.c.). Male teenagers in the camps often were conscripted into the PDF, including some girls in the south. There were reports that the Government's PDF seized underage recruits from the streets of Khartoum. Conscripts faced significant hardship and abuse in military service, often serving on the frontline. There were reports that abducted, homeless, and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam.

FGM was performed frequently on girls (see Section 5, Women).

A large number of children suffered abuse, including abduction, enslavement, and forced conscription (see Sections 1.b. and 6.c.). The Government forcibly conscripted young men and boys into the military forces to fight in the civil war. For example, on October 8, government-supported militiamen abducted three civilian boys from the El Lafa Souk, Kalakla, in Khartoum. Acting under the orders of Paulino Matieb, leader of the South Sudan Unity Movement (SSUM) and commander of the Government's SSDF, the militia conscripted the boys into the SSUM. The CPMT confirmed these abductions and reported that they were part of a broader campaign of forced conscription and extortion (particularly targeting Nuer boys) that continued in Khartoum. Government authorities frequently carried out conscription by raiding buses and other public places to seize young men. No one was jailed during the year for evading compulsory military service.

Rebel factions have conscripted citizens forcibly, including high school age children. During the year, the SPLM/A engaged in efforts to demobilize child soldiers; however, there were reports that child soldiers were involved in military incidents during December 2002, which raised concerns that the SPLM/A again was using forced recruitment of children. UNICEF reported that an estimated 7,000–8,000 child soldiers remained with the SPLM/A.

The ICRC cooperated with UNICEF to remove child soldiers during the year.

Persons with Disabilities.—The Government did not discriminate against persons with disabilities, but has not enacted any special legislation for persons with disabilities, such as mandating accessibility to public buildings and transportation. The law requires equal educational opportunities for persons with disabilities.

National/Racial/Ethnic Minorities.—The estimated population of 27.5 million was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, who formed 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. The fighting in Darfur has been characterized in racial terms, as Arab Muslims against black African Muslims (see Section 1.g.).

The Muslim majority and the Government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. For university admission, students completing high school were 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 were part of traditional warfare in which the victor took women and children as a bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids.

There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or between Nuer tribes. Intertribal fighting among Nuer tribesmen also continued during the year.

Incitement to Acts of Discrimination.—The Government and government-supported militias actively promoted hatred and discrimination.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association for economic and trade union purposes; however, the Government restricted this right in practice. The Government prescribed severe punishments, including the death penalty, for violations of its labor decrees. The Trade Union Act established a trade union monopoly. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally, and all other unions were banned. The ICFTU continued to recognize the “Legitimate” Sudan Workers Trade Union Federation (SWLTUF), the national trade union center that functioned prior to the ban, which operated in exile.

The Government has not responded to International Labor Organization (ILO) criticism of the Trade Union Act as incompatible with the principles of freedom of association.

During the year, two union leaders were detained: Mahjoub al-Zubair was held for 3 weeks, and Haydar Zain al-Abdin was held for 1 week. Both were former leaders of the SWTUF and were active in the NDA. The former workers’ union leaders arrested in 2002 were released after 3 weeks.

The law does not prohibit anti-union discrimination by employers.

SWTUF was affiliated with international labor bodies, such as the African Workers’ Union and the Arab Workers’ Union.

b. The Right to Organize and Bargain Collectively.—Labor organizing committees have the right to organize and bargain collectively; however, in practice, government control of the steering committees meant that the Government dominated 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. Local union officials have raised some grievances with employers, although few raised them with the Government. There were credible reports that the Government routinely intervened to manipulate professional, trade union, and student union elections (see Section 2.a.).

The Labor Code, which strengthened government control over trade unions and continues to deny trade unions autonomy to exercise their basic right to organize or to bargain collectively. The code provides that unions should be democratic, national, and neutral, defend the welfare of their members, and should raise productivity. There was nothing in the code regarding organizational structure, strikes, or term limits. Union funds were subject to control by the auditor general.

A tripartite committee comprising representatives of the Government, the SWTUF, and business set wages. Specialized labor courts adjudicated standard labor disputes; however, the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. Although the Government agreed to a 15 percent salary increase during the year, the increase was not applied to all workers.

The Government continued to summarily dismiss military personnel as well as civilian government employees whose loyalty it considered suspect.

Strikes were banned and were considered illegal unless the labor office granted approval, which has never been given. In most cases, employees who tried to strike were subject to employment termination. Although there have been no general strikes since 1998, there were a number of local strikes during the year, particularly by teachers who were not receiving their salaries.

There is one export processing zone located in Port Sudan.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices continued (see Section 6.d and 6.f). The enslavement of women and children, particularly in the war zones, and their transport to the central and northern parts of the country continued.

Some NGOs reported that victims of government bombings and of the civil war in general who fled to government-controlled peace camps were subjected to forced labor.

Unlike in the previous year, there were no reports that militia raiders, “murahileen,” with the support of forces directly under the control of government authorities, systematically raided villages and captured women and children as remuneration for their services in Bahr el-Ghazal and Upper Nile. The Government took no action to hold those responsible for the abductions and continued to support tribal militias. Abductees frequently were forced to herd cattle, work in the fields,

fetch water, dig wells, or do housework. They also were subjected to arbitrary punishment, torture, and rape, and at times, killed. These practices had a pronounced racial aspect, as the victims exclusively were black southerners and members of indigenous tribes of the Nuba Mountains. There were reports of the sale and purchase of children, some in alleged slave markets. The Government continued to deny that slavery and forced labor existed but acknowledged that abductions occurred (see Section 1.b.). There were unconfirmed reports of captured women and children during raids by the government-supported “janjaweed” in Darfur during the year.

Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces (see Section 5).

The SPLA/M and affiliated forces continued to force southern men to work as laborers or porters.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution provides that the Government protect children from exploitation; however, the Government did not enforce the provisions and child labor was a serious problem. Although the legal minimum age for workers was 18 years, the law was 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 produced edible oils. In addition, severe poverty has produced widespread child labor in the informal economy. For example, children are commonly seen washing dishes or cleaning tables at restaurants, and collecting money for mini-bus drivers. In rural areas, children traditionally assisted their families with agricultural work from a very young age.

In March, the Government ratified ILO Convention 182 on the Worst Forms of Child Labor and ILO Convention 138 on the Minimum Age for Admission to Employment; however, the Government has not taken any action to investigate abuses or protect child workers.

There were credible reports that children were taken as slaves (see Section 6.c.). There were also reports that children were forcibly conscripted (see Section 5).

Child labor existed in SPLM/SPLA-held areas, particularly in the agricultural sectors. Child labor in such areas was 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 was enforced by the Ministry of Labor, which maintained field offices in most major cities. Employers generally respected the minimum wage. Workers who were denied the minimum wage could file a grievance with the local Ministry of Labor field office, which then was required to investigate and take appropriate action if there was a violation of the law. The Ministry of Finance agreed to raise the minimum wage from \$26 (6,881 SD) to \$28 (7,410 SD) per month; however, it remained an insufficient amount to provide a decent standard of living for a worker and family and the increase was not applied to all workers’ wages. There were reports during the year that some workers were not paid their regular wages.

The workweek was limited by law to an 8-hour day, with a day of rest on Friday, which generally was 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 had the same labor rights as domestic workers. Illegal workers had no such protections and, as a result, typically worked for lower wages in worse conditions than legal workers. Southern IDPs generally occupied the lowest paying occupations and were 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 in persons persisted, particularly affecting women and children (see Sections 1.b. and 6.c.). There continued to be credible reports that government and government supported militias abducted women and children for their use as domestic servants, forced labor, or sex slaves; the majority of abductees were 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. There were also reports of Sudanese boys being trafficked to Qatar as camel jockeys, and to Saudi Arabia to work as domestic servants and menial laborers.

There are credible reports that intertribal abductions of women and children continued in the south; abductees were absorbed into tribes or kept as domestic servants or sex slaves (see Section 5).

There were continuing unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

During the past 15 years, the Lord's Resistance Army (LRA) kidnapped between 3,000 and 10,000 Ugandan children, took them to the southern part of the country, and forced them to become sex slaves or soldiers. In March 2002, the Government signed an agreement to stop supporting the LRA and permit Ugandan army access in the south to pursue the LRA; the agreement remained in force during the year.

The LRA continued to operate in the south and to hold a large number of child abductees during the year.

SWAZILAND

Swaziland is a modified traditional monarchy with executive, legislative, and limited judicial powers ultimately vested in the King (Mswati III). The King ruled according to unwritten law and custom, in conjunction with a partially elected parliament and an accompanying structure of published laws and implementing agencies. The 2001 municipal elections and parliamentary elections during the year increased representative government; however, political power continued to rest largely with the King and his circle of traditional advisors, including the Queen Mother. The judiciary was generally independent; however, the King exerted certain judicial powers, and High Court judges struggled to resist pressure to yield any powers to those outside the judiciary.

Both the Umbutfo Swaziland Defense Force and the Royal Swaziland Police operate under civilian control and are responsible for external and internal security. Some communities questioned the ability of the National Police to operate effectively at the community level and have formed community police. Members of both the National Police and the community police committed human rights abuses.

The country had a free market economy, with relatively little government intervention; its population was approximately 1.1 million. The majority of citizens were engaged in subsistence agriculture and the informal marketing of agricultural goods, although a relatively diversified industrial sector accounted for the largest component of the formal economy. The country depended heavily on South Africa, from which it received almost all of its imports and to which it sent 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, and required partnership with foreign investors and international development agencies.

The Government's human rights record was poor, and it continued to commit serious abuses. Citizens were not able to change their government peacefully. Police used excessive force on some occasions, and there were reports that police tortured and beat some suspects. Impunity was a problem. The Government infringed on citizen's privacy rights. The Government continued to limit freedom of speech and of the press. 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. The police on several occasions harassed political activists. There were some limits on freedom of movement. Legal and cultural discrimination, violence against women, and abuse of children remained problems. Some societal discrimination against mixed race and white citizens persisted. Worker rights remained limited. Trafficking in persons occurred.

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 no developments in the 2001 police killing of a 20-year-old man, or the 2001 death by poisoning in police custody of two 20-year-olds.

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 specifically prohibit such practices, although under the 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. For example, in August, police reportedly beat a

member of the Swaziland Federation of Trade Unions (SFTU) following his arrest during a legal protest action.

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 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.

There was no action taken against members of the security forces responsible for the 2002 beating of a woman accused of theft.

Police also banned and forcibly dispersed demonstrations (see Section 2.b.).

Prison conditions generally met international standards; however, there were reports that torture, lack of basic hygiene, and unsafe sexual practices were spreading HIV/AIDS among the prisoners. Government detention centers remained overcrowded, and conditions were generally poor. The use of non-bailable provisions resulted in the continued overcrowding and other unfavorable conditions in government detention centers where suspects were held during pretrial detention (see Section 1.d.).

Women were held in separate prison facilities; however, at times children (age 3 and under) of female inmates lived with their mothers in the women’s prison. A November press report alleged that male guards forced female prisoners into sex.

The Government routinely permitted prison visits by diplomats, journalists, human rights monitors, and representatives of international organizations. During the year, the local Red Cross visited several prisons.

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

The police force is generally professional and uncorrupt; it suffered from a lack of resources, material and human, as well as bureaucratic inefficiency. There were credible allegations that the force was susceptible to political pressure. The Government generally failed to prosecute or otherwise discipline police officers for abuses. An internal complaints and discipline unit investigated reports of human rights abuses by the police, but no independent body had the authority to investigate police abuses. Courts have invalidated confessions induced through physical abuse and have ruled in favor of citizens assaulted by police.

The law requires warrants for arrests, except when police observed a crime being committed or believed that a suspect might 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 appeared.

The Government continued to limit the provisions for bail for crimes appearing in the Non-Bailable Offenses Order, which listed 11 offenses. The Minister of Justice may amend the list by his own executive act. The mere charge of the underlying offense, without any evidentiary showing that the suspect was involved, was sufficient to employ the non-bailable provision. The non-bailable offense provision exacerbated ongoing judicial problems such as lengthy pretrial detention, the backlog of pending cases, and prison overcrowding. Following a November 2002 Court of Appeals ruling invalidating the Non-Bailable Offenses Order, the courts began granting bail. Despite these court decisions, police continued to detain suspects even though they had paid bail. There reportedly were 124 cases of unlawful detention pending against the Government at year’s end. Suspects often were released for time served after being sentenced.

There were no developments in the detention of a young woman and the grandfather of evicted Chief Mtfuso during the 2002 forced eviction of residents in the kaMkhweli and Macetjeni areas.

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

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the King has certain judicial powers, and government officials, including the King, the Prime Minister, the Minister of Justice and Constitutional Affairs, and the traditional governor of the royal family, challenged the judiciary’s independence by attempting to influence and also to reverse court decisions. High Court judges resisted pressure to yield any powers to those outside the judiciary; however, the Government ignored judgments that did not favor them. For example, the Government refused to release from detention, suspects who had paid their bail, and it also refused to comply with a court order to permit unions to conduct a strike during the August international conference for Commonwealth nations (the SMART Partnership Conference), which was aimed at promoting social dialogue as a means of solving national problems.

In November 2002, the Director of Public Prosecutions (DPP) brought obstruction of justice and sedition charges against the Attorney General (AG) based on his attempted coercion of the High Court judges. The Government blocked the DPP's efforts to prosecute the AG by refusing to serve process in the case, and the DPP was forced to resign in January. The Government has also charged the DPP with obstruction of justice in connection with his involvement in a car accident several years ago. The case was pending at year's end.

In November 2002, the Prime Minister ordered the Clerk of Parliament transferred to the Ministry of Agriculture, stripped him of his administrative powers, and transferred those powers to the Principal Secretary in the Prime Minister's office. The Clerk challenged his transfer and requested the intervention of the Labor Commissioner. The case still was pending at year's end.

In November 2002, the Court of Appeals ruled that King Mswati had no authority to rule by decree until a new constitution was put in place, which invalidated the Non-Bailable Offenses Order (see Section 1.d.). Also in November 2002, the Government declared that it would disregard the court's ruling because it challenged the "legitimate authority of the King." As a result of this statement, every judge on the Court of Appeals resigned. During the year, the Government unsuccessfully tried to recruit replacement judges to staff the Court of Appeals.

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 followed 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 procedures different from those applied in the High Court; however, this power has not been used since 1987.

The Western judiciary consisted of the Court of Appeals (composed entirely of expatriate, usually South African, judges), the High Court, and magistrate courts, all of which were independent of executive and military control. The expatriate judges, frequently distinguished members of their respective bars, served on 2-year renewable contracts. Local judges served indefinitely with good behavior. In magistrate courts, defendants were entitled to counsel at their own expense. Court-appointed counsel was provided in capital cases or when difficult points of law were at issue. There were 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 poor casework management remained problems for the judiciary.

Most citizens who encountered the legal system did so through the traditional courts. The authorities may bring ethnic Swazi citizens to these courts for minor offenses and violations of traditional law and custom. In traditional courts, defendants were not permitted formal legal counsel but could speak on their own behalf and were assisted by informal advisers. Sentences were subject to review by traditional authorities and could 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 made the determination. Accused persons had the right to transfer their cases from the traditional courts. Prolonged delays in trials were common.

An administrative order from the King strengthened the judicial powers of traditional chiefs appointed by him. The order provided for chiefs' courts with limited civil and criminal jurisdiction and authorized the imposition of fines up to approximately \$44 (300 emalangeni), and prison sentences of up to 3 months. Accused persons were required to appear in person without representation by a legal practitioner or advocate. However, chiefs' courts only were 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 chiefs' courts 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 was the court of last resort for civil matters.

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; however, at times police did not respect this requirement in practice. Police officers with the rank of Sub-Inspector or higher had the right to conduct a search without a warrant if they believed that evidence might be lost through the delay in obtaining a warrant. Searches without warrants occurred (see Section 2.a.). For example, on November 30, police stopped and searched the cars and luggage of ten members of the People's United Democratic Movement (PUDEMO) as they traveled from the border with South Africa to Mbabane.

There were instances of physical surveillance by the police on members of labor unions and banned political groups. For example, during the August SMART Partnership International Conference, police closely monitored SFTU Secretary General Jan Sithole and Swaziland Federation of Labor (SFL) Secretary General Vincent Ncongwane. Police also used video cameras to record meetings of union members.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law does not provide for freedom of speech or of the press, and the Government limited these rights through a formal ban on political parties and occasional harassment of journalists. The Government also discouraged critical news coverage of the royal family, and journalists practiced self-censorship in regard to the immediate royal family and national security policy.

There was one daily independent newspaper and one daily newspaper owned by Tibiyi Taka Ngwane, the King's investment company. In general, both newspapers covered a wide variety of sensitive topics and criticized government corruption, inefficiency, and waste, frequently using harsh language; however, the Government used 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 distributed a free weekly circular reporting on government policy and activities.

The Government generally had a monopoly over television and radio programming. There were two government-owned radio stations. There was one independent radio station, which only broadcast religious programs. There is a privately owned television station, which is officially independent; however, the owner's mother is the daughter of the former king, Sobhuza, and its reporting favored the status quo. The government-owned television and radio stations, the most influential media in reaching the public, generally followed official policy positions. Government broadcast facilities retransmitted Voice of America and British Broadcasting Corporation news programs in their entirety.

Private companies and church groups owned several newsletters, magazines, and a radio station that broadcast throughout the region but generally avoided political controversy. The Christian Broadcasting Company radio station was allowed to operate despite the government policy not to permit private broadcasters to operate.

In April, the Minister of Public Information advised media representatives not to write anything controversial about the Government; however, the Minister took no action to enforce this advice.

Unlike in the previous year, police did not beat journalists.

In September, the Government reportedly threatened to confiscate issues of a South African paper, *The Sunday Times*, after it published a story and photographs detailing King Mswati III's fifth wife's, LaMagwaza's, involvement with an ethnic Swazi man living in South Africa. The Government bought almost the entire distribution of the paper in the country on the day the story was published.

In 2002, police entered the only privately owned radio station and confiscated a video of a sermon in which a pastor, Justice Dlamini, severely criticized certain cultural practices, including the Reed Dance and Inewala ceremony.

The Government did not restrict access to the Internet.

The Government restricted academic freedom. The practice of self-censorship and the prohibition on political gatherings limited academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law does not provide for freedoms of assembly and association, and the Government restricted these rights in practice. A 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.

During the year, the police forcibly dispersed several demonstrations and meetings. For example, on April 5, police used tear gas to forcibly disperse a small group of protestors demonstrating against one of King Mswati III's brothers, Prince Maguga, who had ordered residents from their land in Macetjeni and kaMkhweli in 2002.

During the year, police harassed, arrested, and disrupted the meetings of pro-democracy activists and members of banned political parties. For example, on April 12, police prevented 30 members from the banned political party PUDEMO from holding a political rally in the border town of Lavumisa. On May 28, the Operational Support Service Unit of the police used tear gas to prevent PUDEMO and their youth group, the Swaziland Youth Congress, from demonstrating in Mbabane. On September 23, police prevented another planned PUDEMO demonstration in honor of the group's 20th anniversary.

Police also banned and dispersed meetings held by workers' unions. Police generally took such actions when they believed that political discussions were occurring,

or were likely to occur, at these meetings. On August 13, police forcibly dispersed a protest action authorized under the Industrial Relations Act (IRA) by using tear gas, rubber bullets, and an anti-riot vehicle with a water cannon, injuring several persons. On August 14, despite having a court order authorizing a demonstration, police detained SFTU Secretary General Jan Sithole and several SFTU members in Matsapha to prevent them from demonstrating. Another SFTU demonstrator, Roland Rudd, who was charged with possession of gasoline bombs, alleged that police beat him.

There was no action taken against police officers responsible for forcibly dispersing demonstrations in 2002 or 2001.

Former King Sobhuza's 1973 decree prohibits political parties.

c. Freedom of Religion.—There is no formal legal provision for freedom of religion; however, the Government generally respected freedom of religion in practice, although authorities on occasion disrupted or cancelled prayer meetings that were considered to have political implications.

New religious groups or churches were expected to register with the Government upon organizing in the country. There is no law describing the organizational requirements of a religious group or church. All religions were recognized unofficially. Groups were registered routinely, and there were no reports of any groups being denied registration during the year.

On June 10, a teacher was fired and three primary school children were expelled from the Manyandeni Primary School in Hluthi in Shiselweni because they were members of the Jehovah's Witnesses.

Government permission was required for the construction of new religious buildings. Non-Christian groups sometimes experienced minor delays in obtaining permits from the Government.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for these rights, and the Government 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 permits nonethnic Swazis to obtain passports and citizenship documents; however, individuals seeking these documents sometimes experienced lengthy processing delays, in part due to the prejudice that mixed-race and white persons were not real citizens (see Section 5). Political dissenters often had their citizenship questioned and could experience difficulty in obtaining travel documents. The Constitutional Review Commission made a recommendation that effectively could render a child stateless should it be born to a citizen mother and a foreign father; however, it was not included in the final draft of the Constitution.

The Government treated several thousand ethnic Swazis living across the border in South Africa, who were not citizens of the country, as virtually indistinguishable from Swazi citizens and routinely granted them travel and citizenship documents.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement. The Government cooperated fully with the office of the U.N. High Commissioner for Refugees (UNHCR), as well as the various nongovernmental organizations (NGOs) involved in the care of refugees. According to the UNHCR, there were an estimated 1,000 refugees in the country, the majority coming from central Africa and from Angola.

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

Citizens were not able to change their government peacefully. The King retained ultimate executive and legislative authority, and political parties were prohibited. Passage of legislation by Parliament required the King's assent to become law, which he was not obliged to give. When Parliament was not in session, the King could 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 elected most members of the lower house of Parliament. According to law, 55 seats in the 65-seat House of Assembly are popularly contested, and the King appoints the remaining 10 seats. On October 18, parliamentary elections by secret ballot took place. International observers monitored the elections. Commonwealth observers concluded that the elections were not free and fair because the

Parliament has no real authority. Since many former members of Parliament were not reelected, voters apparently felt free to express their dissatisfaction with these former members' performance. Observers also recommended that the Government permit voter registration on an ongoing basis to improve the rate of registration. The continuing ban on political parties and restrictions on political activity prompted some political groups to call for a boycott of the elections by their members. Election officials reported that approximately 228,000 of the 400,000 eligible citizens registered for the parliamentary elections, and that approximately 40,000 citizens voted, although critics questioned that figure. Election procedures generally were carried out in an orderly fashion; however, police arrested several persons for using forged voter registration certificates and for trying to vote more than once. Alleged irregularities led to legal challenges in three constituencies. PUDEMO boycotted the elections; however, members of other organized but banned political groups participated in the elections and three opposition members were elected to Parliament. As required by law, the elected members of the House of Assembly nominated 10 members from the public to serve in the Senate (upper house). The King appointed an additional 20 Senate members.

In May, the Constitutional Drafting Committee released a draft Constitution, and the Government commenced a civic education program in each administrative center (Tinkhundla) to allow citizens to comment on the draft. Discussions on the content of the draft were ongoing at year's end.

Several traditional forums existed for the expression of opinion, including community meetings, national councils, and direct dialogue with area chiefs; however, these local channels were not meant as a vehicle for political change. They often depended on the interests of leaders and were not consistently effective channels for expressing political dissent.

Chiefs were custodians of traditional law and custom and were responsible for the day-to-day running of their chiefdom. Although law and customs were not codified, chiefs essentially were responsible for maintaining law and order in their respective chiefdoms. For example, chiefs had their own community police who could arrest a suspect and bring the suspect before an inner council within the chiefdom for a trial. In addition to the law, chiefs traditionally were empowered by virtue of unwritten customary laws to impose fines and some form of punishment on their subjects. Chiefs were an integral part of society and acted as overseers or guardians of families within the communities and traditionally reported directly to the King. Local custom mandates that chieftaincy is hereditary.

Women generally had full legal rights to participate in the political process; 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. There were 13 women in the 65-member House of Assembly, 10 women in the 30-seat Senate, and 3 female ministers in the Cabinet. A woman served as Secretary to the Cabinet and the head of the civil service. Three women served as principal secretaries, the most senior civil service rank in the ministries.

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

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Human rights groups have spoken out on a number of occasions, criticizing the lack of accountability and transparency in government circles. In April, the U.N. Human Rights Commission Special Rapporteur on Judicial Independence stated that the country needs "a separation of powers between its executive and judicial branches in order to function as a fully democratic nation."

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

The labor law forbids employers to discriminate on the basis of race, sex, or political affiliation. Under the labor law, employees may bring suit against employers for discrimination, and there also were provisions for criminal prosecutions. The labor law reportedly has been used on occasion to bring moral suasion to bear against employers. Mixed race citizens sometimes experienced governmental and societal discrimination. The Government prohibits persons who are HIV positive from joining the military, and testing of military applicants is mandatory. Testing in other sectors of society is voluntary. There is a social stigma associated with being HIV positive, and this apparently discouraged persons from seeking to be tested.

Women.—Domestic violence against women, particularly wife beating, was common, despite traditional restrictions 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 did so, usually in extreme cases when intervention by extended family members failed to end such violence. Rural women often had no relief if family intervention did not succeed, because the traditional courts could be unsympathetic to “unruly” or “disobedient” women and were less likely than the modern courts to convict men for wife beating.

Rape also was common and regarded by many men as a minor offense, while women often were inhibited from reporting such crimes by a sense of shame and helplessness, especially when incest was involved. In the modern courts, sentences frequently resulted in several months in jail, a fine, or both. The incidence of rape increased during the year.

Prostitution is illegal; however, police disregarded it. In addition, to combat the HIV/AIDS pandemic government officials proposed the placement of condoms where prostitutes were known to congregate.

The law provides some protection from sexual harassment, but its provisions were vague and largely ineffective. Several NGOs provided support for victims of abuse or discrimination. Despite the law’s requirement for equal pay for equal work, men’s average wage rates by skill category usually exceeded those of women.

Women occupied a subordinate role in society. In both civil and traditional marriages, wives were legally treated as minors, although those who married under civil law may be accorded the legal status of adults, if stipulated in a signed prenuptial agreement. A woman generally required 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.

The dualistic nature of the legal system complicated the issue of women’s rights. Since unwritten law and custom govern traditional marriage, women’s rights often were unclear and changed according to where and by whom they were interpreted. Couples often married in both civil and traditional ceremonies, creating problems in determining which set of rules applied 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. For example, in October 2002, King Mswati III allegedly instructed his agents to take three additional young women into royal custody while he considered whether or not to take them as wives. During 2002 and this year, the King took two of the three women to be his tenth and eleventh wives. The mother of one of the women sued in court alleging that her daughter’s taking by royal emissaries was a kidnapping but postponed the suit in 2002, and took no further action during the year. The third woman was reportedly living with the Queen Mother, but had not been taken as a wife.

A man who marries a woman under civil law legally may not have more than one wife, although in practice this restriction sometimes was ignored. Traditional marriages considered children to belong to the father and to his family if the couple divorced. Children born out of wedlock were viewed as belonging to the mother. Under the law, a woman did not pass citizenship automatically to her children. Inheritances were passed through male children only.

Changing socioeconomic conditions, urbanization, and the increasing prominence of female leaders in government and civic organizations were breaking down barriers to equality. Women routinely executed contracts and entered into a variety of transactions in their own names. The Government committed itself to various women’s initiatives, and the Ministry of Home Affairs coordinated women’s issues. Although gender sensitization was not part of the formal school curriculum, some schools organized debates and other mechanisms to address gender issues. The University Senate also has a subcommittee that encouraged students and faculty to hold seminars and workshops on gender issues.

Children.—The Government passed a number of laws that directly addressed children’s issues. The Government did not provide free, compulsory education for children; the Government paid teachers’ salaries while the student paid fees for books and contributed to the building fund. Supplemental money sometimes must be raised for building upkeep, including teachers’ housing. The country had a 70 percent primary school enrollment rate. Children were required to start attending school at the age of 6 years. Most students reach grade 7, which was the last year in primary school, and a large percentage of students finish grade 10. The public school system ends at grade 12. A government task force continued to educate the public on children’s issues.

In general medical care for children was inadequate. The wait for medical care was long, nursing care in public hospitals was poor, and hospitals were overcrowded and understaffed. Most prescription drugs were available in urban facilities, but rural clinics had inadequate supplies of certain drugs.

Child abuse was a serious problem, and the Government did not make specific efforts to end such abuse. The incidence of child abuse and rape increased during the year. Of 680 reported cases of rape, one third of the victims were younger than age 10. Children convicted of crimes sometimes were caned as punishment. There were a growing number of street children in Mbabane and Manzini. The law prohibits prostitution and child pornography and provides protection to children less than 16 years of age from sexual exploitation and sets the age of sexual consent at 16 years of age; however, female children sometimes suffered sexual abuse, including by family members. There were reports that Mozambican and Swazi girls worked as prostitutes in the country. There were allegations and a news report that children, including street children, were increasingly vulnerable to sexual exploitation.

Persons with Disabilities.—There were no laws that protect the rights of those with disabilities or that mandate accessibility for persons with disabilities to buildings, transportation, or government services; however, all new government buildings under construction included improvements for those with disabilities, including accessibility ramps.

National/Racial/Ethnic Minorities.—Governmental and societal discrimination was practiced widely against nonethnic Swazis, namely white persons and persons of mixed race. Although there were no official statistics, an estimated two percent of the population were nonethnic Swazis. Nonethnic Swazis have experienced difficulty in obtaining official documents, including passports (see Section 2.d.). Nonethnic Swazis also suffered from minor 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 IRA provides for the right to form associations, including trade unions, and workers exercised this right in practice. However, the Government continued to harass labor unions. For example, in January, the Government harassed members of the Swaziland National Association of Teachers (SNAT) by hiring approximately 3,000 teachers but refusing to pay them for 3 months. SNAT executives charged that the Government's actions weakened the organization because they could not collect dues from the teachers during the 3-month period. During the year, the Government continued to ignore certain foreign direct investors who violated international labor standards and domestic labor laws with impunity leading to a Generalized System of Preferences investigation of the country's alleged violations of international workers' rights.

The main trade union federation was the SFTU. A second trade union federation was the SFL.

Unions were free to draw up their own constitutions within the framework of the IRA, which specifies a number of provisions that must be addressed, including the election of officers by secret ballot. There was no collusion between the Government and business in relation to worker rights. The Labor Commissioner may register unions quickly, once they have met all the legal requirements of the IRA.

The law requires 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. Although many employers resisted union recognition and forced the issue to the Industrial Court, the Court generally ruled in favor of the unions in these cases. In August, business and labor representatives in the garment sector entered into an agreement clarifying the procedures governing union recognition. The agreement clarifies how employers and unions will conduct verifications and what proof of membership unions must show during a verification.

The law forbids anti-union discrimination; however, anti-union discrimination continued to be prevalent, and manufacturers continued to refuse to recognize duly elected unions. In the case of unfair dismissal, the court can order reinstatement and compensation for the employee, as well as fine the employer. Union leaders made credible charges that management in various industries dismissed workers for union activity. The allegations of union discrimination were most common in the garment sector.

Unions were free to associate with international labor bodies and maintained regular contact. The International Labor Organization is active in the country.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, and collective bargaining was widespread. The IRA provides for the collective negotiation of the terms and conditions for employment and dispute resolution mechanisms. In addition, the law also provides for the administration of a court devoted to the adjudication of labor related issues and es-

tablishes a tripartite labor advisory board. Approximately 80 percent of the formal private sector was unionized, and several collective bargaining agreements were reached during the year. For example, collective bargaining agreements were reached between the SFL and banks. 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 may 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. These workers councils were established in practice.

Disputes were referred to the Labor Commissioner and the Industrial Court, if necessary. The IRA also provides for disputes to be referred to the Conciliation, Mediation, and Arbitration Committee, chaired by the Chief Executive Officer.

The 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 and details the steps to be followed when disputes arise, including the definition of a legal or illegal strike. There also were penalties for employers who conduct unauthorized lockouts; however, penalties were not imposed during the year. The IRA shortened the notice that an organization or federation was required to give before it commenced a protest action. The IRA empowers the Government to mediate employment disputes and grievances through the Labor Advisory Board. When disputes arose, the Government often intervened 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 included police and security forces, correctional services, fire fighting, health, and many civil service positions. There were no reports of any lockouts during the year.

In previous years, there were a number of legal strikes, usually over wages and benefits, the dismissal of fellow workers, or socioeconomic issues. In addition, during the year, members of the SFTU and SFL carried out legal strikes in January, February, and August.

The Government had not paid back wages to 32 state television employees who were dismissed in 1999 by year's end.

During the year, the Government maintained that all outstanding labor issues have been addressed; however, the SFTU continued to press for action on 27 demands, 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. The country did not participate in the 2003 ILO Annual Conference.

There were widespread allegations that some garment manufacturers did not comply with the labor laws and that the Government did not enforce the law effectively within this sector. It was reported that the AG did not bring any cases against garment manufacturers for labor law violations, despite government inspectors having identified several manufacturers that were in violation of the law. As a result of the August business and labor agreement in the garment sector clarifying the procedures governing union recognition, relations improved somewhat (see Section 6.a.).

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and the Government generally enforced this prohibition effectively; however, the SFTU cited the 1998 Administrative Order as a form of forced labor, because it reinforced the tradition of residents doing traditional tasks for chiefs without receiving compensation and allowed the chiefs to fine their subjects for failing to carry out the manual labor, which occurred in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The law prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members were employed in the firm, or in technical schools where children were 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 was not common; however, children below the minimum age frequently were employed in the agricultural sector, particularly in the eastern cotton-growing region. Children also were employed as domestic workers, and as herd boys in rural areas. The Ministry of Labor was responsible for enforcement, but its effectiveness was limited by personnel shortages.

The Government had not decided to participate in the ILO's International Program for the Elimination of Child Labor program by year's end; however, the Government did decide to participate in a foreign government-sponsored education program aimed at eliminating child labor.

e. Acceptable Conditions of Work.—There was a legally mandated sliding scale of minimum wages depending on the type of work performed. The minimum monthly wage for a domestic worker was approximately \$44 (300 emalangeni), for an unskilled worker \$61 (420 emalangeni), and for a skilled worker \$88 (600 emalangeni). These minimum wages generally did not provide a worker and family with a decent standard of living.

Labor, management, and government representatives have negotiated a maximum 48-hour workweek in the industrial sector except for security guards, who worked up to six 12-hour shifts per week. The law permits all workers 1 day of rest per week. Most workers received a minimum of 12 days annual leave. The Labor Commissioner enforced standards in the formal sector; however, enforcement was lax or nonexistent especially in the garment sector.

The law protects worker health and safety. The Government set safety standards for industrial operations, and it encouraged private companies to develop accident prevention programs. Growth in industrial production necessitated more government action on safety issues; however, the Labor Commissioner's office conducted few safety inspections because of staffing deficiencies and an alleged desire not to "scare off foreign investors." Workers had no formal statutory rights to remove themselves from dangerous work places without jeopardizing their continued employment; nor did any collective bargaining agreements address the matter. There were extensive provisions allowing workers to seek redress for alleged wrongful dismissal; these provisions frequently were invoked.

There were allegations that working conditions within some garment factories were substandard. In particular, there were allegations that women who tried to take maternity leave were dismissed, that employers paid employees at casual or probationary wage scales regardless of their position or length of service, and that some supervisors were abusive to employees.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports of trafficking. Underaged Mozambican and Swazi girls reportedly worked as prostitutes in the country (see Section 5). There also were reports that Swazi women were trafficked to South Africa for prostitution.

TANZANIA

The United Republic of Tanzania is a multiparty state led by the President of the mainland, Benjamin Mkapa. The Zanzibar archipelago, although integrated into the country's governmental and party structure, has its own President and Parliament and continues to exercise considerable autonomy. In 2000, President Mkapa was elected to a second term and the ruling Chama Cha Mapinduzi (CCM) party made significant gains in elections that were considered free and fair on the mainland, but which were seriously marred by irregularities and politically motivated violence on Zanzibar. Interim by-elections held in May filled the parliamentary seats that were vacated when members of the opposition Civic United Front (CUF) elected in 2000 boycotted the Parliament to protest the irregularities in that election. These interim elections were judged free and fair by diplomatic and domestic observers. The national judiciary was formally independent but was corrupt, inefficient, and subject to executive interference.

The police force has primary responsibility for maintaining law and order. Citizens' patrols known as "Sungusungu" continued to support the police force in rural areas, including refugee camps, and were re-established during the year in urban areas. The military was composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) was a division of, and directly controlled by, the national police force. While civilian authorities maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous human rights abuses.

The country continued to make the transition from a centrally directed economy to a market-based economy. Agriculture provided 82 percent of employment for the population of approximately 37 million, according to 2002 estimates. The GDP growth rate was 5.6 percent. Wages generally kept pace with inflation; however, drought-related increases in food prices reportedly caused hardship in the final weeks of the year. The Government attempted to improve its fiscal management,

encouraged foreign and domestic investment, and dismantled state economic controls; however, mismanagement, poor infrastructure, pervasive corruption, and a large external debt constrained economic progress. In addition, an estimated HIV/AIDS prevalence rate of between 9 and 24 percent continued to place an increasing burden on the country's resources through rising medical expenditures, absenteeism from work, labor shortages resulting from morbidity and mortality, and training of replacement labor.

The Government's human rights record remained poor; although there were improvements in a few areas, serious problems remained. Citizens' right to change their government was severely circumscribed in the 2000 general elections; while they were peaceful and well administered, by-elections held during the year provided this right only to a very limited segment of the population. Security forces committed unlawful killings. Police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Prison conditions remained harsh and life threatening. Arbitrary arrest and prolonged detention remained problems. The judicial system often did not provide expeditious and fair trials. Pervasive corruption continued. The Government limited freedom of privacy, speech, the press, assembly, and association. The Government forcibly expelled refugees and refused persons seeking asylum or refugee status. The Government pressured Burundian refugees to voluntarily repatriate. In the west, anti-refugee resentment and hostility continued. The Commission on Human Rights and Good Governance investigated several cases of abuse during the year. Sexual and gender-based violence and discrimination against women and girls remained problems, including in refugee camps. Female genital mutilation (FGM) remained a serious problem. Workers' rights were limited and child labor persisted. Trafficking of children and child prostitution were problems. Mob justice remained widespread and resulted in several unlawful killings.

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 or extrajudicial killings this year; however, there were reports of unlawful killings, and security forces continued to use excessive, lethal force against citizens.

In remarks published on June 27, Minister of Home Affairs (MHA) Omari Ramadhani Mapuri asked police to kill armed bandits and told them that they should refuse to be harmed first. He was speaking at the completion of the training course, at the inauguration ceremony for the police and assistant officers.

In June, police killed three suspected criminals in Dodoma in connection with the May 25 killing of three policeman by armed bandits in Dar es Salaam.

There was one report of killings in custody during the year (see Section 1.c.).

By year's end, no investigation was launched into the November 2002 case of a man who died in custody of a head injury.

There were no developments in the January 2002 killing of a man caught viewing military aircraft through binoculars; the February 2002 killing of a policeman by a soldier; or the May 2002 killing of a man with mental disabilities.

No action was taken during the year against police officers responsible for the 2001 killings of at least 31 demonstrators on the island of Pemba or the 2001 killing of a CUF member in Stonetown, Zanzibar.

Unlike in the previous year, there were no reports of violent clashes between clans.

There were reports that organized vigilante groups committed unlawful killings during neighborhood patrols. For example, during the year, there were reports that vigilantes mistakenly attacked and killed a night guard while searching for robbers at a primary school in coastal Tanga.

On September 21, four Sungusungu members were arrested and charged with murder of Haridi Hussein, a suspected thief in Lukobe village, Morogoro. Hussein was beaten to death after he was spotted outside of a villager's house, and the Sungusungu suspected he was a robber. Another villager reported the incident to the village council, which arrested the Sungusungu members. There was no further information on the case at year's end.

Mob justice against suspected criminals persisted, despite government warnings against it. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves; the suspects were stoned, lynched, beaten, hacked to death with machetes, or doused with gasoline and set on fire.

On January 18, five young men were killed and three men severely injured in mob justice incidents in the Bugando hills area of Mwanza. The dead were Sylvester Mathayo (age 18), Siwatu Ngereza (age 16), Hassan Yusuph (age 18), Joel Elias (age

18), and Patrick Leonard (age 18). The injured, who were put in remand at Butimba Prison, were Fadhil Omari (age 17), George Lucas (age 18), and Mande Charles (age 17).

The widespread belief in witchcraft in some instances led to the killing of alleged witches by those claiming to be their victims, aggrieved relatives, or mobs. According to the Government, more than 3,072 witch killings have occurred since 1970, most in the western part of the country. One arrest was made during the year for the murder of an alleged witch; however, most perpetrators of witch killings or mob justice eluded arrest, and the Government did not take preventive measures during the year. In addition, there were reports that, to maintain village security, the Sungusungu considered witches to be criminals.

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 continued to be numerous reports that police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Beatings and floggings were the methods most commonly used. The Government seldom prosecuted police for abuses.

For example, on September 9, Dar es Salaam auxiliary police raided and beat with clubs street traders without issuing any warning to disperse.

On November 7, police beat street traders in Dar es Salaam. Several traders sustained injuries, and one trader, Manjira, reported that his leg was broken.

There were reports that torture was used to extract confessions. On September 16, Sasi Marwa accused police officers at the Stakishari Police station in Dar es Salaam of beating him and tying his genitals with a bicycle tube to extract a confession.

Caning and other forms of corporal punishments were used in schools (see Section 5). Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. Overall use of caning in schools and by courts was declining.

For example, on October 2, Village Chairman in Masasi, Abasi Mwira, said a District Commissioner lashed him in public for failing to supervise the implementation of local food shortage prevention program.

On October 6, Mbeya District Commissioner Moshi Chang'a urged the villages not to cut down trees or else they would receive a fine of \$300 (300,000 shillings) and lashes, and be forced to replant trees on the destroyed area. By year's end, there were no reports that such punishment was administered.

Security forces used excessive force to disperse large gatherings (see Sections 2.b. and 2.c.).

There were no reports during the year that police sexually abused or raped detainees.

The investigation of a police officer who allegedly raped a 16-year-old girl in 2001 was pending at year's end.

There were no developments in the case of the January 2002 bomb explosions in Zanzibar Town.

Prison conditions remained harsh and life threatening. In 2002, the Minister of Justice stated that the Government had failed to implement the U.N. standard rules for treatment of prisoners, due to massive overcrowding at prisons nationwide, which prevented the Government from housing serious offenders separately. The prisons, some of which were built during the colonial era, were designed to hold between 2,000 and 2,699 persons; however, in August, the Chief Commissioner of Prisons reported that the prison population was 45,000 on any given day. Three prisons—Maswa, Babati, and Kahama—were overcrowded by over 1,200 percent. A total of 41 percent of all prisoners were remandees awaiting trial. The Chief Commissioner said that the Government was financially incapable of building more prisons and remand houses. The Community Services Act allows persons convicted of minor offenses to be sentenced to community service instead of jail time; however, by year's end the Act had not been used.

The Government created a National Parole Board to identify prisoners eligible for parole. The Board identified 2,098 prisoners who qualified for parole; however, none of them had been paroled by year's end.

Prisoners were subjected to poor living conditions, and the daily amount of food allotted to prisoners was insufficient. Authorities did not allow convicted prisoners to receive food from outside sources and often moved prisoners to different prisons without notifying prisoners' families. In violation of the law, some rural district courts forced remandees who were awaiting trial to pay for their upkeep and transport.

Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medication or the funds with which to purchase it. Diseases, such as dysentery, malaria, and cholera were common and resulted in numerous deaths. There were reports that guards abused prisoners during the year.

The Prisons Act requires prisoners to be separated based on age and gender, and female prisoners were held separately from male prisoners in practice. Women sent to remand prison reported that they were forced to sleep naked and subjected to sexual abuse by wardens. Because there were only two juvenile detention facilities in the country, juveniles were frequently not separated from adults in practice.

Pretrial detainees were held with convicted prisoners but were allowed to receive food from the outside.

On September 16, relatives of deceased prisoner Issa Shabani accused the Ukonga prison guards of beating him to death and covering up their action. Shabani sustained head wounds. The Prisons Department said the death resulted from malaria and injuries from a fall.

By year's end, no trial date was set for five police officers charged in the November 2002 case of 17 prisoners who suffocated to death in an overcrowded jail cell in Mbeya. On January 13, the Regional Commissioner of Mbeya complained that the judiciary had refused to cooperate with the special commission created to investigate the prisoners' deaths. The Government demoted the MHA, the Ministry responsible for oversight of prisons, because of the deaths.

Local nongovernmental organizations (NGOs) were permitted to monitor prison conditions; however, the Government did not grant permission to international NGOs to monitor prison conditions. The ICRC visited prisoners on Zanzibar and provided surgical supplies, financial support, and training to the region's medical facilities. The U.N. High Commissioner for Refugees (UNHCR) monitored conditions in the small prison that held special categories of refugees. The Government permitted UNHCR visits to prisons holding refugees in Dar es Salaam.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

The police force was underfunded and inefficient. The use of excessive force, police corruption, and impunity were serious problems and worsened during the year. Citizens often complained that police were slow to investigate crimes and prosecute criminals. According to NGO reports, police often lost evidence, and suspects with sufficient means successfully avoided prosecution by bribing police officers. Communities perceived a general lack of protection amid an increase in crimes committed by armed criminals. The general lack of trust in the police force and in the court system resulted in a high incidence of mob justice during the year (see Section 1.a.).

During the year, the Government took steps to reform the police force. Approximately 140 National Police personnel were trained in Civil Disorder Management. The internal investigation of a police officer accused of harassing and attempting to bribe a local businessman was ongoing at year's end. Despite these actions, those of the Prevention of Corruption Bureau, and a separate and ineffectual arm of the police force tasked with combating police corruption, there continued to be numerous reports in the press and complaints from civil society groups and citizens about police corruption during the year.

At the beginning of the year, the Commission for Human Rights and Good Governance conducted training for senior level police officers at the training institute in Moshi on respect for human rights, including not using violence to extract confessions.

The People's Militia Laws grant legal status to the traditional Sungusungu neighborhood and village anticrime groups. Local governments appoint the members with the help of individual households who decide which among them will join the Sungusungu watch. The Sungusungu were most commonly found in rural areas such as the Tabora, Shinyanga, and Mwanza regions, and in refugee camps. Members of Sungusungu have rights similar to those given to police, including the right to arrest persons. However, Sungusungu do not have the right to carry firearms; they carry wooden clubs for their protection. In return, they were expected to be held accountable for any abuses. During the year, following the increase in armed crimes and the murder of policeman in Dar es Salaam, local governments have encouraged the resurgence of Sungusungu in urban neighborhoods. Residents of a neighborhood in which Sungusungu operated were required by law and custom to either donate a small sum to the Sungusungu for patrols or, if they did not have money, to provide one person from their household to participate in patrols.

In refugee camps, Sungusungu groups composed of refugees acted as security forces.

The law requires that a person arrested for a crime, other than a national security detainee as defined under the Preventive Detention Act, be charged before a magistrate within 24 hours; however, in practice the police often failed to comply with this provision. In some cases, accused persons were denied the right to contact a lawyer or talk with family members. Prompt access to counsel was limited by the lack of lawyers practicing in rural areas.

The law restricts the right to bail and imposes strict conditions on freedom of movement and association when bail is granted. Judges set bail on a discretionary basis based on the merits of each case; however, there was no provision for bail in cases of murder or armed robbery. Bribes often determined whether bail was granted.

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. The law allows a detainee to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act was not used during the year. The Court of Appeals 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."

The Government arbitrarily arrested persons. On July 24, police officers brought in and questioned CUF Chairman Lipumba for 2 hours concerning remarks he made about Zanzibar President Karume.

Police continued to make arbitrary arrests and use the threat of them to extort money. For example, on August 16, a police officer was arrested for using the threat of arrest to solicit a bribe of \$30 (30,000 shillings) from a motorist.

By year's end, there were no developments in the August 2002 case of opposition leader Christopher Mtikila, who was no longer in prison.

Police arrested refugees for leaving the camps without permits (see Section 2.d.). There were reports that prisoners waited several years for trial, sometimes because they did not have the means to bribe police and court officials. Because of backlogs, serious cases for violent offenses took years to come to trial. Observers estimated that approximately 5 percent of persons held in remand ultimately were convicted, and often those convicted already had served their full sentences before their trials were held. The authorities acknowledged that some cases had been pending for several years.

The cases of 12 inmates in Keko who have been imprisoned for as many as 10 years reportedly continued to progress through the courts, and three cases were in the appeals process by year's end.

At year's end, a civil suit against the Government by 18 CUF members who spent more than 2 years in prison without being convicted remained pending.

Unlike during the previous year, there were no reports that nongovernmental militiamen detained persons.

The Constitution does not permit the forced exile of its citizens, and the Government did not use forced exile in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained under-resourced, corrupt, inefficient, and subject to executive influence.

Independent observers continued to criticize the judiciary, particularly 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, decide appeals, and determine whether cases were judged as civil or criminal matters. In addition, there were few courts available to citizens, and the cost of traveling to the nearest court was often prohibitive. In June, the Minister for Justice and Constitutional Affairs said "the majority of the population has yet to enjoy the right to justice."

The Government made no progress in addressing judicial corruption. Judicial ethics committees failed to offer recommendations to improve the credibility and conduct of the judiciary.

The legal system has five levels of courts combining the jurisdictions of tribal, Islamic, and British common law. Christians and Muslims are governed by criminal law. In family law civil matters, Christians are governed by customary law unless they can prove to a judge that customary law does not apply to them (for example, if they have not been living in a traditional community or are foreigners). In certain

civil matter such as marriage, divorce, child custody, and inheritance, Muslims are governed by Islamic law. Islamic law was applied only to adjudicate civil cases involving Muslims. In family matters, the content and application of some customary and religious laws were discriminatory towards women (see Section 5).

The court system consists of primary courts, district courts, magistrates' courts, a High Court on Zanzibar and one on the mainland, and a Court of Appeal, which serves as the highest court for both the mainland and Zanzibar. Primary courts, which are present in each administrative region, have jurisdiction for civil suits related to customary and Islamic law, and civil and Christian matrimonial suits. Judges were appointed by the Chief Justice, except those for the Court of Appeal and the High Courts, who were appointed by the President. All courts, including Islamic courts, were staffed by civil servants.

Zanzibar and the mainland have separate judicial systems, with the exception of the Court of Appeal, which is used by both systems. Zanzibar's court system, excluding its Kadhi courts, generally parallels that of the mainland. In Zanzibar Kadhi's Courts operate in place of primary courts. The Kadhi courts have jurisdiction in civil cases arising from Islamic law and custom. The Kadhi Court system consists of Kadhi Courts and the Court of the Chief Kadhi. Appeals from the Court of the Chief Kadhi go to the High Court of Zanzibar for final rulings; cases in the Kadhi system cannot be appealed to the Court of Appeal. All other cases can be appealed to the Court of Appeal. Cases concerning Zanzibar constitutional issues were heard only in Zanzibar's courts.

While the majority of judges on Zanzibar were Muslim, there were very few Muslim judges, if any, on the mainland; consequently, some Muslim groups complained that it was inappropriate for Christian judges on the mainland to continue administering Islamic law for Muslims in family matters.

Criminal trials were open to the public and to the press; courts were required to give reasons on record for holding secret proceedings. In November 2002, Parliament passed the Prevention of Terrorism Act, which excludes everyone except the interested parties from trials of terrorist suspects and suppresses information to protect the identity of witnesses in those trials.

There was no trial by jury. The law provides for a right to defense counsel only for serious offenses. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There were only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes did not have legal counsel. The law provides for the presumption of innocence, and provides criminal defendants with the right of appeal.

There was a separate court for young offenders; however, this court was underutilized and many juvenile offenders still were tried in adult courts. Some cases continued to be sent through the traditional court system where they were processed faster due to a less significant backlog than in the regular civil court system. The law provides for military tribunals; however, military tribunals have not been used since independence. Military courts did not try civilians, and there were no security courts. Defendants in civil and military courts could appeal decisions to the High Court and the Court of Appeal.

In refugee camps, Burundian mediation councils, comprised of male refugee elders, often handled domestic abuse cases of Burundian refugees even though the law does not allow these councils to hear criminal matters.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution generally prohibits such actions without a search warrant; however, the Government did not consistently respect these prohibitions in practice. The Prevention of Terrorism Act permits the police to conduct searches without a warrant in certain urgent cases.

Only courts can issue search warrants; however, the law 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, members of security forces rarely requested warrants and often searched private homes and businesses at will. The security forces reportedly monitored telephones and correspondence of some citizens and foreign residents.

The Zanzibar government enforces the Zanzibar Spinsters and Female Divorcees Protection Act, which makes it an incarcerable offense for any woman to become pregnant out of wedlock. In theory, the man is also liable; however, because DNA testing is not available in Zanzibar, only women have been sentenced under the law. From 2000 to year's end, 47 cases were brought to court, and 30 woman have served jail time.

During the year, the Sungusungu in Nkoma forced a widowed woman to remarry by threatening to forcibly relocate her.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, the Government limited these rights in practice. The only private newspaper published on Zanzibar, Dira, was banned in December. The law limits the media's ability to function effectively. The print media were subject to considerable government restrictions, including the enforcement of a voluntary code of ethics under which newspapers have been fined or suspended, and inhibitive libel laws, which resulted in self-censorship by journalists. The Government allowed political opponents unrestricted access to the media on the mainland, but the Zanzibar Government banned the only independent newspaper in the semi-autonomous Isles.

Citizens on the mainland generally enjoyed the right to discuss political alternatives freely; however, there were instances in which freedom of speech was severely restricted. The law requires political parties to support the continuation of the Union. Opposition political party members and others openly criticized the Government and ruling party in public forums; however, persons using "abusive language" against the country's leadership were subject to arrest, and the Government used this provision to detain some opposition figures (see Section 1.d.).

Authorities occasionally restricted political and religious speech by Muslims during the year (see Section 2.c.).

During the year, there were more than 100 newspapers published in English and Kiswahili, including 10 dailies. Many of the mainland's newspapers were privately owned. On Zanzibar, Dira was the only locally produced independent newspaper. In addition, there were a dozen periodicals in the country, some of which were owned or influenced by political parties, including the CCM and the CUF. Mainland publications, including one government-owned newspaper, regularly reported events that portrayed the Government critically.

Approximately 20 radio stations, including privately owned ones such as Radio Uhuru, whose primary owners are Kenyan, and more than 10 television stations, all but one of which on the mainland were privately owned, broadcast in Dar es Salaam and in a few other urban areas; however, the Government occasionally circumscribed their activities. Radio stations could not broadcast in tribal languages. On Zanzibar, the Government controlled radio and television; however, many residents could receive mainland broadcasts. All radio stations are legally required to broadcast the government-produced news program at 8:00 pm.

The Zanzibar News Act circumscribed journalists' freedom by giving authorities greater powers to harass, detain, and interrogate journalists. Under the Act, the Speaker of the Zanzibar House of Representatives announced during the year the suspension of Sarah Mosi, a journalist for the Majira newspaper, from reporting for 1 year for allegedly misreporting on Parliamentary proceedings. Mosi was working on the mainland at year's end.

In March, the Government revoked the citizenship of the editor of Dira, which routinely criticized the Government (see Section 2.d.).

Journalists and the Media Law Reform Project continued to complain that the Government has deliberately limited information to the press through several laws, including the Newspaper Act, the National Security Act, and the Broadcasting Act. For example, journalists who reported arrests could be charged with obstructing police activity under the Police Act. In addition, the law authorizes the Government to prevent television cameramen from filming the swearing-in of an opposition Member of Parliament (M.P.); however, during the year, the media provided coverage of inauguration without interference from the Government. Media groups continued to call for the creation of a Freedom of Information Act to abolish such legislative prohibitions.

Throughout the year, the Government continued to pressure newspapers to suppress or change articles unfavorable to it. The Government reportedly did not censor news reports, but it attempted to influence their content by applying pressure on editors and producers by other means. During the year, there were reports that the Government withheld lucrative government advertising from newspapers deemed too critical of the administration.

On July 20, an editor and reporter from the Kiswahili newspaper Alasiri was sentenced for contempt of court for allegedly misreporting a court proceeding about the disputed deaths of miners in Bulyanhulu in 1996. The court fined the publisher approximately \$950 (1 million Tanzanian shillings) in damages and ordered Alasiri to print an apology to the MHA.

On October 27, Zanzibar's High Court ordered Dira to pay approximately \$646,000 (660 million shillings) in damages for printing "false and malicious state-

ments” about the children of Zanzibar President Amani Abeid Karume. The order followed several disagreements between the Government and Dira, which had published articles about past human rights violations by the Government. On November 23, the Zanzibar Government suspended Dira from publishing for an indefinite period for “lack of professional ethics.” On November 24, the Zanzibar Government banned Dira outright under the Zanzibar Registration of Newsagents, Newspapers, and Books Act. At year’s end, Dira’s management was seeking an injunction while challenging the Act under which it was banned.

At year’s end, two newspapers, reportedly suspended in 2001 because of lewd content, remained closed at year’s end.

Some journalists, particularly those in Zanzibar, exercised self-censorship on sensitive problems.

Government officials continued to be unresponsive to journalist’s requests for information; however, in March, President Mkapa launched an initiative to improve public access to information. President Mkapa asked government leaders to avoid hindering the media’s attempts to disseminate information and appointed communications officers in various government departments. Each ministry was required to establish communications units to increase transparency and provide the public with timely information. In addition, the Government adopted a new Information and Broadcasting Policy on November 14 that recognizes the Media Council as the designated body to act on incidents where the public or Government feels the media acted unprofessionally. The Council played a role in trying to mediate the Dira conflict during the year.

The Media Council operated with limited effectiveness during the year. Although courts handled defamation cases, the Council served as an adjudicating body when journalists infringed upon the voluntary code. The Media Council meditates disputes between complaining parties and the press. The party bringing a complaint may request a compensation amount. Then both parties negotiate with the Media Council on extent of damages and appropriate compensation. During the year, there were no compensation claims mediated by the Media Council.

The Government did not restrict access to Internet or block access to sites for political reasons.

The Government did 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. Security forces interfered with citizens’ rights to assemble peacefully on a few occasions. To hold rallies, organizers are required to obtain police permission in advance. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belonged to an unregistered organization or political party. Authorities arrested citizens for assembling without the appropriate permit.

The Government prevented opposition parties from holding rallies. In July, a permit request to hold a rally for the Tanzanian Labour Party was denied. Unlike in previous years, CUF meetings were not banned.

Authorities forcibly dispersed religious gatherings during the year (see Section 2.c.).

The cases against 41 Muslims arrested during a demonstration in 2001 remained pending at year’s end. It was unknown whether those arrested remained in detention at year’s end.

The Constitution provides for freedom of association; however, the Government limited 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 parties. The Tanzanian People’s Party (TPP) and the Popular National Party (PONA), which were deregistered in 2002 for a lack of compliance with their respective constitutions, remained unregistered at year’s end.

Under the law, citizens may not form new political parties independently, but must comply with certain requirements to register them with the Office of the Registrar. 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 26 regions, including 2 regions in Zanzibar, to secure full registration and to be eligible to field candidates for election. Unregistered parties were prohibited from holding meetings, recruiting members, or fielding candidates.

Under the Societies Ordinance, the MHA must approve any new association. The MHA estimated there were 3,000 registered NGOs. The Government continued a

general suspension of registration of religious NGOs on the grounds that many were being formed for the purpose of evading taxes.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, there were some limits on freedom of religion.

There were two reports that security forces arrested and used violence against members of religious groups. On February 11, riot police on Zanzibar used rubber bullets and tear gas to disperse a group of worshippers from the Answar Sunni group, which was observing the Idd al Hajj holiday 1 day earlier than the date proclaimed by Zanzibar's mufti. The group did not have a permit. Three persons were injured. Answar Sunni had been involved in a long-running dispute with the Zanzibar government over which Muslim leaders had the authority to set annual religious observances.

On September 9, the FFU forcibly dispersed with tear gas and batons a meeting of 62 Muslims gathered for a religious event for which they had obtained a permit in advance. There were some reports of injuries. The Muslim group came into contact with a Christian gathering at the same venue, and some Muslims criticized Christianity. Police arrested six Muslims for sedition against Christianity and the Government during an assembly. At year's end, the case had not been brought to trial, and the six remained in prison.

The Mainland Government required that religious organizations register with the Registrar of Societies at the Ministry of MHA, and there were no reports during the year that the Government refused the registration of any group.

The Government banned religious organizations from involvement in politics, and banned politicians from using language designed to incite one religious group against another or to encourage religious groups to vote for certain political parties. The law imposes fines and jail time on political parties that campaign in houses of worship or educational facilities.

Government policy forbids discrimination against any individual on the basis of religious beliefs or practices; however, individual government officials allegedly favored persons who shared the same religion in the conduct of business.

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order; however, there were no reports of religious materials banned during the year.

Societal violence based on religion occurred on occasion. In October, a Catholic church and church-owned vehicle were bombed on the island of Pemba; there were no arrests by year's end. During Ramadan in Zanzibar, a group of young Muslim men attacked and beat two Christian women for not dressing modestly.

Generally, there were stable relations between the various religious communities; however, tensions continued to increase between Muslims and Christians. The Government failed to respond to these growing tensions.

The Muslim community claimed 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 was broad Muslim resentment of certain advantages that Christians were perceived to enjoy in employment and educational opportunities. Muslim leaders complained that the number of Muslim students invited to enroll in government-run schools still was not equal to the number of Christian students.

Some observers reported signs of increasing tension between secular and fundamentalist Muslims, as the latter felt that the former had joined with the Government for monetary and other benefits. The fundamentalist Muslims accused the Government of being a Christian institution, and Muslims in power as being interested only in safeguarding their positions.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them; however, bureaucratic inefficiency and corruption delayed implementation in practice. Passports for foreign travel at times were difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes.

Mainlanders were required to show identification to travel to Zanzibar, although the requirement largely was ignored in practice. Zanzibaris needed no special identification to travel to the mainland. Mainlanders were not allowed to own land in the islands, except in partnership with foreign investors. There was no prohibition against mainlanders working in the islands; however, in practice few mainlanders were hired.

In March, the Government revoked the citizenship of Ali Nabwa, the managing editor of *Dira*, a popular independent newspaper on Zanzibar that has routinely criticized the Government and was banned. Nabwa's citizenship has not been restored; however, he had not been deported by year's end.

The case of a journalist whose citizenship was also revoked in 2001 was still pending at year's end.

The law includes provisions for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, in practice, the Government frequently did not respect these provisions; on a number of occasions it refused refugees and refused persons seeking asylum or refugee status.

The Government applied ad hoc asylum procedures. The determination of refugee status rests solely with the MHA, who was authorized to grant or reject applications for asylum. The Minister can declare any group of persons to be refugees by notice in the Government Gazette, and the Government determined Burundians and Congolese to be *prima facie* refugees. The Minister may also decide on cases individually. These individuals are required by law to register with the Director for Refugee Services and subsequently appear before a National Eligibility Committee (NEC) in which the UNHCR participates as an observer. In practice, this procedure was not always observed.

Despite the MHA's mandate, the army and regional and district commissioners exercised a great deal of independent control over refugees in their regions. For example, the District Commissioner made the decision to restrict access into and out of the camps and to rescind the 4-kilometer rule, which had allowed refugees to leave camps without a permit if they stayed within a 2.4 mile (4 kilometer) radius of the camps. In addition, the TPDF screened refugees as they arrived at the border and did not allow the UNHCR to be present.

In Kigoma, government officials (immigration, police, and MHA) screened new arrivals at the only official entry point in Kigoma, Kibirizi 1. They often rejected asylum seekers and immediately handed them to Immigration Services for deportation. The majority of these refugees were Congolese and Burundians. Government officials rejected a request by the UNHCR to have access to this screening exercise and to rejected cases.

On June 1, the Kibondo District Commissioner visited the refugee way stations on his regular border monitoring visit and ordered the staff working in the way stations not to continue to receive new refugees arriving from Burundi as of that day. He also allegedly instructed village leaders to ensure that no asylum seekers from Burundi were allowed in the way stations and ordered the immediate removal of an asylum seeker who had arrived at one of the way stations. The MHA in Dar es Salaam reversed the decision.

In July, the Kigoma Regional Commissioner closed all entry points along the lake in Kigoma, for "security reasons." One entry point, Kibirizi 1, was reopened in August.

During the year, there were numerous reports that the Government refused persons seeking asylum or refugee status. For example, On June 16, 29 refugees from the Democratic Republic of the Congo (DRC) were prevented from disembarking. They remained without access to food, medical care, and water for over 12 hours and were returned to the DRC.

In July, 10 Burundian refugees were handed over to the Burundi Consulate in Kigoma with instructions that they should be returned to Burundi. At least three of these refugees did not want to return to Burundi. However, on July 27, they were deported.

In July, the military in Mtanga village returned three boats with Congolese refugees to the DRC.

In early October, 10 Congolese refugees who were registered by the MHA in Dar es Salaam were sent to Kigoma to be referred to a refugee camp; in Kigoma, they were again interviewed and their refugee status was rejected. They were also refused.

The Government's application of Immigration laws to refugees instead of applying the 1998 Refugees Act was a problem. Sentences under Immigration laws are more stringent in comparison to the Refugees Act. After serving their sentences under the Immigration Act, asylum seekers and refugees often were issued with Prohibited Immigrant Notices and deported.

For example, on May 16, four Burundian refugees who had been arrested for being outside of a camp without a permit were deported to Burundi. They were charged, presented before a court, and acquitted; however, the Kasulu Immigration Officer, in collaboration with the police, then re-arrested them and arranged for their deportation.

In early September, approximately 100 refugee prisoners who had benefited from a presidential pardon were immediately handed over to the Immigration Services and refouled to Burundi. Many of these refugees had been held on minor offenses such as leaving a camp without a permit.

On September 15, a National Refugee Policy was issued that states that refugees and asylum seekers are only allowed to stay in the country for 1 year, after which they must return to safe areas in their country of origin. This policy had not been implemented by year's end.

As of December 28, the number of UNHCR-assisted refugees in the country was 479,988. The country hosted 329,768 Burundian refugees and 150,220 Congolese refugees living in 12 UNHCR-assisted camps in the northwest, as well as an estimated 470,000 Burundian refugees who arrived prior to 1994 and were not being assisted by the UNHCR. Many Burundian refugees returned home under the perceived threat of refoulement or diminished food supplies. In addition, the UNHCR, with strong encouragement from the Government, continued to facilitate limited returns to designated areas in Burundi that were considered secure. As of December 28, the UNHCR had assisted in the repatriation of 35,673 refugees since January 1. According to the UNHCR, the Government did not register many refugees from the DRC, and in some areas along the country's border with the DRC, police were informally controlling groups of DRC refugees.

The Government's relations with the UNHCR were strained after the Government increased pressure on Burundian refugees to repatriate. In addition, in January, the Government expelled the head of a UNHCR sub-office in Ngara; he was not allowed back in the country.

During the year, the Government revoked Rwandans' refugee status. The UNHCR announced in December that it was including five additional provinces to the list of provinces in which it would assist in voluntary repatriations. The UNHCR maintained a policy of facilitating returns to designated safe provinces.

Anti-refugee sentiment among the 2 million citizens living in refugee-affected areas of the country was high due to pressure on local resources; the belief that refugees were responsible for an increase in crime, small arms trafficking, HIV/AIDS, and environmental degradation; and the provision of goods and services for refugees that were not available to the local population. However, many services, in particular health care, offered by the UNHCR, NGOs, and international organizations were available to the local population. In September, President Mkapa issued a public statement blaming refugees for the increase in small arms to the country; he also called on the international community to establish safe havens in war-torn countries to prevent refugees from entering neighboring countries. In addition, he asked regional leaders to consider replacing international asylum and refugee protections for victims of conflict with a system of safe havens.

It was illegal for refugees to live outside of the camps or settlements, or to travel outside of their respective camps without permission. However, refugees in the Kasulu region often had to travel more than 5 miles to collect firewood and water because local supplies were inadequate; these refugees, usually women and children, were subject to theft, physical abuse, and rape. There were a number of police positions funded to patrol the camps. Food and water shortages and outbreaks of disease plagued refugee camps in the west during the year. Food shortages resulted in the commercial sexual exploitation of many women and children who struggled to feed themselves and their families. The authorities restricted employment opportunities outside the camps.

There were reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees. There was significant hostility and resentment against Burundian refugees during the year and continuing concern regarding violence allegedly perpetrated by some armed Burundian and Rwandan refugees. Local officials reported incidents of banditry, armed robbery, and violent crime, allegedly perpetrated by refugees in the areas surrounding refugee camps. Sexual and gender-based violence remained a problem in refugee camps. The UNHCR, in coordination with the Government and local NGOs, continued a program to increase awareness about sexual and gender-based violence and deal with abuses in the camps.

The Government did not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There were mediation councils in the refugee camps and police patrols in the camps but most cases were not referred to local authorities.

There were several reports that Burundian rebels conducted training and recruitment in the camps; there were also reports that the rebels recruited children from the country's refugee camps (see Section 6.f.).

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 on Zanzibar.

On May 18, by-elections were conducted on Pemba, one of the islands of the semi-autonomous Zanzibar archipelago. The by-elections filled the 17 seats in Zanzibar's House of Representatives and the 15 seats in the National Parliament that had been declared vacant after the CUF boycotted the 2000 general elections. The CUF won all of the 15 parliamentary seats and 11 of the 17 Zanzibar House of Representative seats. The by-elections, which were judged free and fair by international observers and a local NGO, signified a significant step toward reconciliation between the ruling CCM and opposition CUF following violent disputes and tensions resulting from elections in 2000.

The Zanzibar Electoral Commission (ZEC) disqualified six CUF candidates prior to the elections, after one of the smaller opposition parties, NCCR-Maguezi, filed a legal case arguing that the CUF candidates were expelled for having boycotted the legislature and thus were ineligible to run for these seats within 5 years of being expelled from them, as stated by the Zanzibar Constitution. The CUF countered that the CUF candidates had never occupied their seats and thus could not be expelled for boycotting parliamentary seats they had never held. Voters in those six constituencies marred ballots to protest the disqualifications. On election day, police fired tear gas during a late-night violent confrontation between CCM and CUF supporters in Chake Chake.

The country held general elections in 2000, in which the ruling CCM's candidate Benjamin Mkapa was elected President with 71 percent of the vote. In the parliamentary elections, the CCM won 202 of the 232 elected seats. In the Zanzibar presidential election, Abeid Amani Karume defeated the CUF candidate. 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. In addition, 16 CUF members were expelled from the National Parliament after boycotting the legislature to protest the Zanzibar election results.

As a result of widespread allegations of corruption during the 2000 general elections and post-election violence, the 2001 Muafaka II reconciliation accord provides for the ZEC and the Joint Presidential Supervisory Commission to establish a Permanent Voters' Registry (PRV). Despite the requirement to do so before the May by-elections, a PVR had not been established by year's end.

In November 2002, the Presidential Commission charged with investigating the violent aftermath of the 2000 general election on Zanzibar issued its comprehensive report. The report stated that 31 persons were killed and approximately 581 injured in the 2001 election violence. The Commission made no recommendation for prosecution of the members of security forces responsible for these abuses; however, it recommended for electoral reform, civic education, and improved judicial and police training.

As of July, 16 political parties were registered. SAFINA, a new party, had an interim registration. CCM controlled 295 seats, approximately 93 percent of the seats, in the National Assembly.

Unlike in previous years, police in Zanzibar did not detain, arrest, or harass CUF members and suspected supporters.

The Constitution requires that women occupy 20 percent of seats in Parliament, and women are appointed by their respective political parties to serve in these seats, popularly known as "Special Seats". There were 60 women in the 295-seat legislature; 12 female M.P.s were elected members of the CCM; 47 female M.P. s occupied the Special Seats; and 1 female M.P. was nominated by President Mkapa. Women occupied seven seats in the Zanzibar House of Representatives. There were three women in the cabinet of the national Government, and one in the cabinet of the Zanzibar Government. In addition, one woman served as a justice of the Court of Appeal.

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

Numerous domestic human rights groups generally operated without government interference, investigating and publishing their findings on human rights cases. The Government generally was cooperative and responsive to their views; however, the government-mandated registration process limited some NGOs' work. In addition, there were reports that many parliamentarians harbored mistrust towards NGOs and believed they existed solely to make money.

Active domestic human rights NGOs included the Center for Human Rights and Promotion, the Legal and Human Rights Center, Tanzania Media Women's Association, Tanzania Women Lawyers' Association, the Center for People living with AIDS, and the Inter-Africa Council. There were also many smaller local human rights NGOs based outside of Dar es Salaam. All were independent of the Government. The Government met with domestic human rights NGOs, responded to their inquiries, and in some cases participated in training seminars, such as those concerning police conduct, female genital mutilation, child labor, and women's rights.

International human rights groups included a local chapter of Amnesty International and the International Committee of the Red Cross.

In December 2002, Parliament enacted the NGO Act, which requires all NGOs, including NGOs previously registered under other ordinances, to register with a government-appointed NGO Coordination Board. Failure to register or meet any of the Act's other requirements is a criminal offense. Although the Act had not been implemented by year's end, NGOs widely criticized the law because they feared it would limit their scope of operations and that the Government would use the denial of registration as a political tool.

The November 2002 Prevention of Terrorism Act, which imposes strong sanctions on NGOs suspected of ties to terrorism, had not been implemented by year's end; however, Muslims believed it unfairly targeted their religiously affiliated NGOs.

The Government denied or revoked registration under existing legislation to three NGOs: Lawyers' Environmental Action Team (LEAT), the African Human Rights and Justice Protection Network, and the Zanzibar Human Rights Association. The Government revoked LEAT's registration because it deemed the group's allegations of unsafe working conditions and purported deaths in the mining sector in 1996 lacked credibility. The 2001 cases of seditious intent against Tanzania Labor Party chairman Augustine Mrema and LEAT President Rugemeleza Nshala and LEAT leader Tundu Lissu, which regarded the purported mining deaths, were still pending at year's end. The Government denied registration to the African Human Rights and Justice Protection Network because it considered the NGO "too political."

The International Criminal Tribunal for Rwanda War Crimes (ICTR) continued to be hosted in Arusha. The Government has been supportive of and cooperative with the ICTR.

The Commission for Human Rights and Good Governance accepts outside requests for and initiates investigations into human rights abuses committed by the Government, companies, or individuals, such as police brutality, torture, incidents of mob justice, violations of women's and refugee rights, and labor grievances. The Commission is also mandated to act as a plaintiff in a trial; however, it does not have judicial powers. Furthermore, it has no jurisdiction over matters pending before a court or other tribunal (the Commission can make recommendation for remedies but courts must decide on them), any dispute that involves the Presidents, or relations between the Government and a foreign state or international organization. The Commission also has no legal mandate to operate in Zanzibar but the Government of Zanzibar has agreed to allow the Commission to investigate cases on Zanzibar.

Critics of the Commission 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 used to choose commissioners, in which five commissioners are appointed by the President based on the recommendation of a government selection committee. However, NGOs viewed the Commission's work favorably, and some sent cases to the Commission for investigation.

At year's end, the Commission was under funded, understaffed, and overburdened by the caseload of 2,000 unresolved labor grievances. However, the Commission was more active both in hearing complaints and conducting targeted human rights programming during the year. By June, it had received more than 5,000 cases, 30 percent of which it said it had investigated.

In response to the Mbeya suffocation deaths of 17 prisoners in November 2002, the Commission conducted a country-wide prison inspection during January to assess prison management and overcrowding, and receive complaints from prisoners. Their official findings and recommendations had not been released by year's end. At year's end, the Commission continued hearing testimonies in a case brought by 135 villagers from Nyamuma in the Mara Region who accused the Government of burning their houses and food reservoirs in 2001 to displace them from the Serengeti National Park.

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

The Constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race or religion; however, the Government did not always effectively en-

force these prohibitions. Discrimination based on sex, age, or disability was not prohibited specifically by law but was discouraged publicly in official statements. Discrimination against women, refugees, and ethnic minorities persisted, and societal ethnic tensions continued to be a problem.

The Tanzania Parliamentarians' AIDS Coalition (TAPAC) addressed discrimination against persons infected with HIV/AIDS. However, there were reports that discrimination—including limitations on housing, healthcare, and education—continued to occur against the 2 million persons in the country living with HIV/AIDS. There were isolated reports that private employers fired or did not hire persons based on the perception that they had HIV/AIDS.

Women.—Domestic violence against women remained widespread. The law does not specifically prohibit spousal battery. Action rarely was taken against perpetrators of physical abuse against women. Police often had biases against pursuing domestic abuse cases and demanded bribes to investigate allegations. Traditional customs that subordinate women remained strong in both urban and rural areas, and local magistrates often upheld such practices. It was accepted for a husband to treat his wife as he wished, and wife beating occurred at all levels of society. Women have been punished by their husbands for not bearing children. Cultural, family, and social pressures prevented many women from reporting abuses to authorities. The Tanzania Media Women's Association (TAMWA), reported that as many as 60 percent of women were beaten by their husbands.

The law provides for life imprisonment for persons convicted of rape; however, rape continued to be a serious problem. Several persons were prosecuted and convicted for rape and battery under this law during the year. Sexual and gender-based violence continued to be a problem in the refugee camps (see Section 2.d.).

During the year, there was a reported increase in rape cases in Zanzibar. One official estimated that the majority of rape cases went unreported, and only 5 percent of actual rape cases were filed in a court of law. According to a Zanzibar High Court judge, those cases that were filed were often rejected in court due to a lack of evidence. Some police reportedly advised rape victims to clean themselves before going to hospitals for examinations, which contributed to the removal of important evidence. According to the Vuga Deputy Court Magistrate, between 2000 and June, 118 rape cases were filed at the Vuga Resident Magistrate's Court in Zanzibar; however, by year's end, none of the accused had been convicted, and 74 cases were still pending.

Between 10 and 18 percent of the female population underwent female genital mutilations (FGM). According to a 2002 survey conducted by the LHRC, based on data obtained through recent interviews and past surveys, FGM was performed on females in about half of the country's mainland regions, with the extent of the abuse varying by region. In Arusha and Tarime, FGM was openly and defiantly practiced before local authorities, with a prevalence rate of 85 percent among rural females in each region; in addition, approximately 100 percent of Arusha's Maasai females underwent FGM. Other regions with high FGM prevalence rates included Dodoma (68 percent), Mara (44 percent), and Kilimanjaro (37 percent).

The law prohibits the practice of FGM on any female under the age of 18; however, FGM still was performed at an early age by approximately 20 of the country's 130 main ethnic groups. There was no legal protection for adult women. On October 11, 3 women were sentenced to 30 years in prison for performing an FGM procedure on a 10-year-old girl in Singida, which resulted in the girl's death in July 2002. No action was taken in the October 2002 death of a young girl following an FGM procedure in Dodoma.

Reducing the practice of FGM remained difficult because police did not have adequate resources to protect victims, and some regional government officials favored the practice or feared speaking out against it because of the perceived political consequences of opposing FGM and the power of traditional leaders who supported FGM. Many communities were unaware of the law prohibiting FGM for females under 18, and some communities viewed the law as an unjust threat to societal tradition. A lack of medical information on the harmful and long-term health effects of FGM was also a problem; many communities believed FGM increased fertility, reduced sexual desires leading to prostitution, and reduced infant mortality. Many fathers believed they would receive higher "bride prices" for daughters who had undergone FGM; operators of FGM relied on the practice for income; and even when parents opposed the practice, some girls nonetheless underwent FGM to benefit from the traditional celebrations and gifts given by their communities following the mutilation.

Seminars sponsored by the Government and NGOs were held regularly to educate the public on the dangers of FGM and other traditional practices, such as the tradi-

tion of inherited wives, which critics contended contributed to the spread of HIV/AIDS.

The law prohibits prostitution; however, it remained common, including child prostitution. Poor rural woman, young girls immigrating to urban areas, and refugees were at high risk of engaging in prostitution. Prostitution resulting from sex tourism, particularly in Zanzibar, remained a problem (see Section 6.f.).

The law prohibits sexual harassment against women in the workplace. Male colleagues sometimes harassed women seeking higher education, and the authorities largely ignored the practice.

Although the Government advocated equal rights for women in the workplace, it did not ensure these rights in practice. In the public sector, which employed 80 percent of the salaried labor force, certain statutes restricted women's access to some jobs or hours of employment (see Section 6.e.). While progress on women's rights was more noticeable in urban areas, strong traditional norms still divided labor along gender lines and placed women in a subordinate position. Discrimination against women was most acute in rural areas, where women were relegated to farming and raising children and had almost no opportunity for wage employment. The Land Act overrides customary law if it denies women their right to use, transfer, and own land. Women's rights of co-occupancy are also protected.

The overall situation for women was less favorable in Zanzibar. Although women generally were not discouraged from seeking employment outside the home, women in Zanzibar and on many parts of the mainland faced 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 depended on the lifestyle and stated intentions of the male head of household. The courts have upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibar law, unmarried women under the age of 21 who become pregnant were subject to 2 years' imprisonment (see Section 1.f.).

Several NGOs provided counseling and education programs on women's rights problems, particularly sexual harassment, sexual and gender-based violence, molestation, and woman's legal rights.

Children.—Government funding of programs for children's welfare remained low. The Government 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 neglected children and the country's 2 million orphans.

The law provides for 7 years of compulsory education through the age of 15; however, primary education, while tuition-free on the mainland, was not tuition-free in Zanzibar. Fees were charged on Zanzibar for books, uniforms, and enrollment beyond Form 2, the equivalent of the second year of high school; as a result, some children were denied an education. Parents also paid for uniforms on the mainland. The law provides for free primary school education for all children under the age of 12 on the mainland; 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 was between 30 and 40 percent, and net primary school enrollment/attendance was 47 percent. The literacy rate was approximately 70 percent; for girls it was 57 percent compared with 80 percent for boys. The rate of girls' enrollment in school was lower than that of boys and generally declined 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 continued.

Corporal punishment in schools was a problem. For example, in November, a pupil at Mandangeni Kirua Vunjo Primary School in Moshi Rural District was admitted to the Kilimanjaro Christian Medical Centre (KCMC) after his teacher allegedly beat him with a ruler.

Two thirds of new cases of HIV/AIDS infections occurred among youths. Both UNICEF and World Vision have HIV/AIDS awareness programs for children.

FGM was performed on girls, primarily in the central region (see Section 5, Women).

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 was not effectively enforced in practice because it was customary for girls as young as 14 years of age to be considered adults for the purposes of sexual

intercourse and marriage. Child marriages are sanctioned under the law with parental consent for girls 12 years of age and older. There were reports of child prostitution and other forms of trafficking in children (see Section 6.f.).

There were reports that Burundian rebels recruited children from refugee camps in the country for use in Burundi as child soldiers and domestic servants in rebel camps.

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

There were an estimated 815,000 children orphaned by AIDS. There were significant numbers of street children in both Dar es Salaam and Arusha. In the refugee camps, orphans were generally absorbed into other families. Those who were not absorbed generally qualified as extremely vulnerable individuals and received additional support and counseling.

Persons with Disabilities.—Although there was no official discrimination against persons with disabilities, in practice, persons with physical disabilities effectively were restricted in their access to education, employment, and other state services due to physical barriers. The Government did not mandate access to public buildings, transportation, or government services for persons with disabilities and provided only limited funding for special facilities and programs.

Indigenous People.—Pastoralist tribes experienced discrimination in schools for wearing traditional dress or ornaments. Government policy requires all children attending schools to wear uniforms.

National/Racial/Ethnic Minorities.—The Barabaig and other nomadic persons in the north 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.

The Asian population, which was viewed unfavorably by many African citizens, was approximately 50,000 persons. There were no laws or official policies that discriminated against Asians; however, as the Government placed great emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role increased. This concern led to demands by small, populist opposition parties for policies of "indigenization" to ensure that privatization did not increase the Asian community's economic predominance at the expense of the country's African population.

Section 6. Worker Rights

a. The Right of Association.—The law provides for workers to form and join unions, and the workers exercised this right in practice. The Union and Zanzibar Governments separately enforced worker rights. 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" because it limits their right to strike. The labor law in Zanzibar applies only to private sector workers.

Approximately 350,000 of the country's 2 million persons employed in the private formal sector were organized. An estimated 2 to 4 percent of the workforce was unionized. Registered trade unions nominally represented 50 percent of workers in industry and government. An estimated 5 to 8 percent of the agricultural work force was unionized. Union membership continued to decline during the year primarily due to the growth in the informal sector and the general sentiment that unions remained ineffective. All workers, including those classified broadly as essential service workers, were permitted to join unions.

The Trade Union Act permits workers to form unions voluntarily without requiring membership in an umbrella organization. There were a total of 12 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 Trade Union Congress of Tanzania was the coordinating union umbrella group that 10 of the unions belonged to and was the principal liaison with government on labor matters of a general interest.

The law permits the Registrar of Trade Unions to impose large fines, imprisonment, or both for failing to register a trade union. The Registrar also was permitted to deregister the smaller of two trade unions when more than one existed in an industry and to order the smaller union to rescind memberships. 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.

The Security of Employment Act prohibits discriminatory activities by an employer against union members. Employers found guilty of anti-union activities were required under the law to reinstate workers. The Warioba Commission found that

bribes often determined whether a worker dismissed from his job was actually reinstated. The labor law in Zanzibar does not protect trade union members from anti-union discrimination; however, there were no reports of anti-union discrimination during the year in Zanzibar.

Unions were permitted to affiliate with international bodies. The local transport union was affiliated with the International Federation of Transport Unions, and the teacher's union was affiliated with Educators International.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was protected by law but did not apply to the public sector, and collective bargaining occurred. The Government sets wages for employees of the Government and state-owned organizations administratively, although privatization and reductions in public sector employment reduced the number of such employees to approximately 5 percent of the work force.

Unions negotiated directly 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 International Labor Organization (ILO) observed that these provisions were not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. By 2002, 11 of the 12 unions had collective bargaining agreements.

Workers had the legal right to strike only after complicated and protracted mediation and conciliation procedures leading ultimately to the Industrial Court, which received direction from the Ministry of Labor Youth Development, and Sports. If a union was not satisfied with the decision of the Industrial Court, it then could conduct a legal strike. The mediation and conciliation procedures can prolong a dispute for months without resolving it. There were no laws prohibiting retribution against legal strikers. Frustrated workers staged illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court.

There were no formally sanctioned strikes during the year but there were two wildcat strikes: A 3-day absentee strike by workers at the National Bank of Commerce and one by the association of daladala drivers (local buses) in Zanzibar. Essential workers were not permitted to strike.

The law provides for the establishment of export processing zones (EPZs); there were three EPZs on Zanzibar and three on the mainland. EPZ working conditions were comparable to those in other areas. Labor law protections applied to EPZ workers.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Subsequent laws have limited the prohibition by allowing for unpaid work for community development projects and prison labor. In some rural areas, villagers still were obligated by law to work without pay in the village community gardens or on small construction projects such as repairing roads.

The Prisons Act allows for prisoners to work without pay on projects within the prison, such as on agriculture so the prison could be self-sufficient. In practice, prisoners were used to do forced labor on projects outside of the prison, such as road repair and government construction projects.

There continued to be reports that forced and bonded labor by children occurred (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor continued to be a problem. The Government prohibits children under the age of 14 from working in the formal wage sector in both urban and rural areas; however, the law did not apply to children working on family farms or herding domestic livestock. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, with parental permission, and they must return to the residence of their guardian at night. The law provides that the minimum age for contract work in approved occupations is set at 15 years; however, this was also not respected.

The law prohibits young persons from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. The Ministry of Labor, Youth Development, and Sports is responsible for enforcement; however, the number of inspectors was inadequate to monitor conditions. The effectiveness of government enforcement reportedly declined further with increased privatization.

The ILO estimated that the labor force participation rate of children was 60 percent in rural areas and 28 percent in urban areas. According to a government survey released during the year, of the estimated 12 million children aged 5 to 17 years old, 4.7 million were engaged in economic activities. According to the ILO, up to 25

percent of these children were suspected to be engaged in some kind of exploitative child labor or hazardous industries. 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. Children worked in mines, commercial agriculture, or as domestic laborers, child soldiers, or prostitutes.

Approximately 3,000 to 5,000 children engaged in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally received lower wages than their adult counterparts, even if in comparable jobs. Work on sisal and tobacco plantations was particularly hazardous to children. Between 1,500 and 3,000 children worked in unregulated gemstone mines. Small children, so-called "snake boys," worked in dangerous tanzanite mines where deaths were known to occur. Unlike in previous years, there were no reports of snake boy deaths during the year. Girls often were employed as domestic servants, mostly in urban households and sometimes under abusive and exploitative conditions. In the informal sector, children assisted their parents in unregulated piecework manufacturing.

Several government ministries, including the Ministry of Labor, Youth Development, and Sports, the Bureau of Statistics, and the Department of Information Services, have special child labor units. The Government implemented a program for the elimination of child labor. The Government also worked with the ILO on the "Time Bound Program to Eliminate the Worst Forms of Child Labor." By June, the program had withdrawn and rehabilitated 3,667 children from the worst forms of child labor. The program includes education for withdrawn children and small monetary grants to their families to insure that the children do not re-enter the worst form of child labor.

e. Acceptable Conditions of Work.—The legal minimum wage for employment in the formal sector was \$53 (48,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate was not always sufficient to provide a decent standard of living for a worker and family, and workers depended on their extended family or on a second or third job. Despite the minimum wage, most workers, particularly in the growing informal sector, were paid less.

There was no standard legal work week for private sector workers; however, a 5-day, 40-hour work week was in effect for government workers. Most private employers retained a 6-day, 44- to 48-hour work week. In general, women could not be employed between 10 p.m. and 6 a.m., although this restriction was usually ignored in practice. Several laws regulate safety in the workplace. The Ministry of Labor and Social Welfare and Youth Development managed an Occupational Health and Safety Factory Inspection System; however, its effectiveness was limited. Labor standards were not enforced in the informal sector, and a large percentage of the workforce was employed in the informal sector.

Workers could sue an employer through their union if their working conditions did not comply with the Ministry of Labor's health and environmental standards. A labor complaint must be filed before a Labor Officer, who convenes a hearing where the employer and employee state their cases. The employee or employer can appeal that decision to the Minister of Labor and Social Welfare and Community Development. Some labor officers were corrupt and accepted bribes from employers to not accept or certify these complaints. There were no reports that workers who lodged and won such complaints faced retribution; however, workers did not have the right to remove themselves from dangerous situations without jeopardizing their employment if they lodged a complaint and lost. Legal foreign workers have the same wage and working condition rights as other workers.

f. Trafficking in Persons.—The law prohibits trafficking of persons for sexual purposes, but not other forms of trafficking, and trafficking remained a problem. Trafficking for sexual purposes punishable by 10 to 20 years of imprisonment, or a fine of \$100 (100,000 shillings) to \$300 (300,000 shillings). No one has ever been sentenced under this law. Other laws could be used to prosecute trafficking, such as labor laws against forced and bonded labor.

The Ministry of Labor, Youth Development, and Sport and the Ministry of Community Development, Women's Affairs, and Children, and the police have a shared responsibility for trafficking.

In early October, the police arrested and charged a woman and a man for trafficking five children in the Iringa region; by year's end, there were no further developments. On October 21, Police Spokesperson, Assistant Commissioner of Police, Aden Mwamunyange, issued a warning in Iringa to parents not to hire out their children as domestic workers. He also announced the police were beginning an investigation into the rise of child trafficking in Iringa region. There was no further information at year's end.

The country was a source and destination country for trafficked persons. Children were trafficked from rural to urban areas for work (see Section 6.d.). The ILO and UNICEF reported that children who left home to work as domestic laborers ("housegirls") in other towns or villages often were subjected to commercial sexual exploitation. Some girls were trafficked to Zanzibar from different parts of the mainland and Kenya to work as prostitutes for Zanzibaris and in the tourist industry. There were unconfirmed reports that the women and girls may have been trafficked to South Africa, the Middle East, North Africa, Europe, and the United States. The country was also a destination for trafficked persons from India and Kenya.

There were reports that children in the country's large refugee population were highly vulnerable to being trafficked to work on farms, and some refugees were recruited as child soldiers for participation in armed conflicts in neighboring countries (see Section 5). Children in low-income families were at significant risk of being trafficked, and girls were more vulnerable than boys, as girls were considered more of an economic burden on their families. The country was also experiencing a boom in the number of child-headed households as more adults succumbed to HIV/AIDS-related disease and death, leaving their dependents at very high risk for child labor and trafficking.

Awareness of trafficking in persons in the country remained extremely low, and there were very few estimates or statistics on the extent of trafficking. However, according to KIWOHEDE, a local NGO that provided counseling to abused and exploited women and children, the southern Iringa region was the origin of up to 20 percent of the country's domestic labor or housegirls. Five other regions of the country—Mtwara, Shinyanga, Kagera, Dar es Salaam, and Dodoma—provided approximately 10 percent of the total number of housegirls. Most domestic child laborers were trafficked to Dar es Salaam. Some were sent with assistance from their family; some went on their own to escape life in rural areas; and some were brought by someone who had offered to help them find work in the city, legitimate or otherwise.

Another NGO, the Center for Human Rights Promotion reported that men recruited village girls who had completed primary school but were not entering secondary school. They offered the girls money and employment, and promised a better life if the girls accompanied them to the urban areas. These girls reportedly ended up in prostitution or domestic labor.

One form of trafficking that occurred in the country was the traditional practice of low-income parents entrusting a child to a wealthier relative or respected member of the community who was charged with caring for the child as one of his or her own. Some persons took advantage of this traditional practice and placed the child in a situation where he or she was at risk of being exploited and/or abused. Many parents were unaware of the risk to their children or, because of extreme poverty and lack of education, thought they simply had no other recourse. Most commonly, girls were sent to work as house girls, and boys to work on farms, in mines, and in the large informal sector.

There were reports that government officials employed children as domestic help; on occasion, conditions of domestic employment constituted forced labor, and sometimes placement and transport to households was organized by small scale free-lance agents who recruited children from rural villages. Some police reportedly received bribes from brothel owners for protection from arrest. The Government took no action against government officials engaged in trafficking.

The Government provided short-term medical training and health care supplies to an NGO working with trafficking victims, and in cases where trafficked foreign women were arrested for prostitution, the women were repatriated to their country of origin. However, the Government participated in the ILO's Time Bound Program to Eliminate the Worst Forms of Child Labor to help end child prostitution and child domestic labor. To understand the extent of trafficking and remedies for trafficking, the Child Labor Unit of the Ministry of Labor established in May a working group comprised of representatives from the MHA and the Ministry of Community Development, Women's Affairs, and Children.

Small domestic NGOs worked with trafficking victims, including child prostitutes and domestic laborers to provide them with education, shelter, and legal information. There were no government or NGO media campaigns to inform the public about the dangers of trafficking specifically, but there were media campaigns to educate persons about the worst forms of child labor.

TOGO

Togo is a republic dominated by President Gnassingbe Eyadema, who came to power in 1967 following a military coup. Eyadema and his Rally of the Togolese People party (RPT), strongly backed by the armed forces, continued to dominate political power and maintained firm control over all levels of the country's highly centralized Government. In December 2002, the newly elected National Assembly modified the Constitution, which had limited the President to two 5-year terms, and permitted President Eyadema to seek re-election. Contrary to a public statement that he would not seek re-election, President Eyadema ran against four opposition party leaders and one independent candidate on June 1, and his RPT party declared victory, claiming 57.22 percent of the vote. The election was marred by voter inability to access their registration cards, and the Government failed to investigate allegations of irregularities, including intimidation of opposition party monitors and the stuffing of ballot boxes. The executive branch continued 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. The police and Gendarmerie perform domestic intelligence functions. Approximately 90 percent of the army's officers and 70 percent of its soldiers are from the President's Kabye ethnic minority. President Eyadema effectively controlled all security forces. Members of the security forces committed serious human rights abuses.

Approximately 80 percent of the country's estimated population of 5 million was engaged in subsistence agriculture, but there was also an active commercial sector. Economic growth continued to lag behind population growth. The Government privatized one large hotel during the year. Anti-corruption efforts continued, but the Government's budgetary and fiscal discipline continued to be weak. International and bilateral donors continued to suspend foreign aid because of the Government's weak democratization efforts, poor human rights record, and failure to repay its debts.

The Government's human rights record remained poor, and it continued to commit numerous abuses. Citizens' right to change their government was restricted. Security forces committed unlawful killings and beat civilians. Impunity was a serious problem. The Government jailed and at times tortured political opponents and critics of the Government. Prison conditions remained very harsh. Arbitrary arrest and detention were problems. Several political arrests occurred, and prolonged pretrial detention was common. The judiciary did not ensure fair and expeditious trials. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press and harassed journalists and political opponents. The Government restricted 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 problems. Female genital mutilation (FGM) persisted among some ethnic groups. Discrimination against ethnic minorities remained a problem. The Government limited workers' rights to collective bargaining. Child labor was a problem. Trafficking in women and children 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.—Security forces committed unlawful killings during the year. For example, during the June election, Special Security Force for the Presidential Election (FORSEP) officers killed three civilians, Kokou Akama and Kossi Egbla, a Union of Forces for Change (UFC) representative, at a polling station in Tsevie, and Komi Eklutse Kpoedzou in Kpadape, in two separate clashes. According to press reports, FORSEP officers patrolling the voting stations fired on voters who tried to stop the voting process after asserting that ballot boxes were already filled before the voting started. Voters also alleged that they were not allowed to vote because their voter registration cards could not be found. Angry voters burned tires and blocked roads in an effort to stop the voting. No action was taken against the FORSEP members who killed the civilians by year's end.

One person died during the year when police and demonstrators clashed (see Section 2.b.).

In August, the Togo Civil Society Organization for National Dialogue's (CNCS) Human Rights and Public Freedoms Committee investigated the report that the bodies of seven soldiers reportedly were found in a ravine in the central part of the country. Although no bodies were found, the CNCS asked the Government to allow

the government agency, the National Commission for Human Rights (CNDH), to investigate. There were no results reported at year's end.

There was no action taken, nor was any action likely to be taken, in the cases of unlawful killings from previous years.

b. Disappearance.—There were no reports of politically motivated disappearances. No action was taken, nor is any likely to be taken, on the 2001 U.N./Organization of African Unity Commission of Inquiry report of the disappearance in 1998 of six persons. The Government has denied it had anything to do with their disappearances.

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 credibly claimed to have been beaten, burned, or denied access to food and medical attention. Impunity remained a problem, and the Government did not prosecute publicly any officials for these abuses.

Security forces reportedly detained and tortured opposition members (see Section 1.d.).

Security forces harassed, intimidated, and beat journalists (see Section 2.a.).

Security forces forcibly dispersed demonstrations and injured persons (see Section 2.b.).

There was no action taken, nor was any likely to be taken, against those responsible for the following cases: The June 2002 alleged beating of two opposition Action Committee for Renewal (CAR) party members by security forces; the 2001 alleged torture and incommunicado detention of former Army Chief of Staff Lieutenant Colonel (LTC) Kouma Bitenewe; and the 2001 beating by security forces of two UFC members in the northern city of Kara.

Prison conditions remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. At year's end, Lome's central prison, meant to hold 350 prisoners, held 1,285 inmates, including 39 women prisoners. Medical facilities were inadequate, and disease and drug abuse were widespread. Lawyers and journalists reported that prison guards charged prisoners a small fee to shower, use the toilet, or have a place to sleep. Sick prisoners reportedly had to pay approximately \$2.75 (1,500 CFA francs) to guards before being allowed to visit the infirmary.

The children of convicted women were often incarcerated with their mothers, who were housed separately from the male prisoners. Juvenile prisoners were held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The International Committee of the Red Cross (ICRC) visited prisons during the year; however, other international and local private organizations were denied access to prisons for monitoring purposes. Diplomatic representatives were given access to their detained citizens.

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

Police are generally ineffective and highly corrupt. FORSEP, established to avoid possible clashes during elections, was composed of members of various police units. Impunity was a problem. The Government in general did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for unlawful killings and disappearances.

Judges or senior police officials are authorized to issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignored this right. 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. Family members and attorneys officially had access to a detainee after 48 or 96 hours of detention; however, authorities often delayed, and sometimes denied, access. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees often were held without bail for lengthy periods with or without the approval of a judge.

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.). The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents. For example, in January, military police reportedly photographed and followed five members of a newly formed political party named Republican Opposition Front (FOR) after they met with diplomats. Security forces reportedly arrested and searched the homes of three FOR members while the other two fled to Benin.

On February 9, security forces arrested and detained Marc Palanga, a UFC leader in the North, and three other persons at the Gendarmerie of Kara. The arrestees claimed that on at least two occasions they were taken to Camp Landja and tortured by military personnel. No reason was ever given for their arrest, and they were released without charge on February 17. Shortly after his release Palanga received treatment for injuries sustained while in detention. On February 22, gendarmes from Kara re-arrested Palanga on suspicion of having a gun, and accused him of making false allegations that he was tortured during his earlier detention against LTC Ernest Gnassingbe, the President's son and commander of the Kara Paracommandos military base. At year's end, Palanga was still detained without any formal charges brought against him. One of the men arrested with him, Mazama Katassa, escaped in September and reported that Palanga's wife was arrested and detained for several hours on September in retribution for the escape.

On May 11, Jean-Pierre Fabre, Secretary General of UFC, and four others were arrested and detained in connection with the police investigation of the burning of the TOTAL gas station and the bombing at the restaurant l'Okavango on May 7 following the National Assembly's rejection of opposition leader Gilchrist Olympio's presidential candidacy. The Minister of Interior said that police wanted to verify if there was a link between these crimes and what he alleged was Fabre's call for violence the previous day (see Section 3).

On June 9, Mr. Kodjo Kondo, campaign director for presidential candidate Dahuku Pere in the Plateaux region, was arrested and detained at police headquarters for 3 days without any official charge.

In February, Kokou Avigan and Alabi Sofoiu, members of the CAR political party, arrested in September 2002, were released from jail without being formally charged or tried.

After forcibly dispersing demonstrations during the year, members of the security forces arrested and detained participants, sometimes without charges (see Section 2.b.).

A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. Lawyers estimated that in January 70 percent of the prison population was pretrial detainees (see Section 1.c.).

The Constitution prohibits exile, and the Government did not employ it; however, several opposition and human rights workers remained in self-imposed exile because they feared arrest.

In May, a former Army Chief of Staff, LTC Kouma Bitenewe, fled to Benin after he claimed that members of the Kara Paracommandos Regiment headed by LTC. Gnassingbe attacked him in Kara. An opposition party leader reported that, prior to the attack, Lt. Col Bitenewe had visited several army camps and encouraged military personnel to vote for presidential candidates other than President Eyadema. Bitenewe remained outside the country at year's end.

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.

There were three associations of magistrates in the country: The Union of Magistrates of Togo (SMT), the National Association of Magistrates (ANM), and the Professional Association of Magistrates of Togo (APMT). A majority of the APMT members are supporters of President Eyadema. Judges who belonged to the pro-Eyadema APMT reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the ANM and SMT were marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Court of Sessions, and Appeals Courts. A military tribunal exists for crimes committed by security forces; its proceedings are closed. The court system remained overburdened and understaffed. Magistrates, like most government employees, were 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 were open to the public, and judicial procedures generally were respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses and present evidence on their own behalf.

In rural areas, the village chief or council of elders is authorized to try minor criminal and civil cases. Those who rejected the traditional ruling could take their cases to the regular court system, which was the starting point for cases in urban areas.

There was a report of one political prisoner, Marc Palanga, at year's end. Claude Ameganvi, leader of an opposition labor party and union activist who was convicted in 2002 for defamation of the President, was released in February.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences, and in political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, looking for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints existed throughout the country, and security forces regularly searched vehicles, baggage, and individuals in the name of security (see Section 2.d.).

Security forces entered private residences for the purpose of disrupting meetings among opposition political figures (see Section 2.b.).

Citizens believed that the Government monitored telephones and correspondence, although such surveillance was not confirmed.

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. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Civilian and military police occasionally harassed newspaper vendors and confiscated issues of some opposition newspapers. Advertisers reported being intimidated. Unlike in the previous year, independent newspapers were permitted to circulate outside of the capital. Journalists practiced self-censorship. Pro-opposition newspapers were not permitted to operate in most towns in the central and northern regions.

The Press and Communication Code restricts freedom of expression in the country. The law imposes a 5-year term of imprisonment and a \$7,600 fine for any journalist found guilty of defaming military or government officials. The severest penalties were reserved for offenses to the “honor, dignity . . . and the public functions” of “the President, Prime Minister, National Assembly president, parliamentarians, members of government and public institutions.” The law set standards of professionalism for journalists and required that the licenses of journalists could be revoked if they were convicted more than once of offenses such as defamation or if they violated standards of professional conduct. In addition, the law requires independent newspapers to ensure their reporting staffs are at least one-third “professional journalists,” a status accorded only by the Government. Unlike in the previous year, no one was charged with defamation.

The Constitution established the High Authority of Audiovisual and Communications (HAAC) to provide for the freedom of the press, ensure ethical standards, and allocate frequencies to private television and radio stations. Although nominally independent, in practice HAAC operated as an arm of the Government. In July, the Togolese Council of Editors of Private Press (CTEPP) was formed with a \$1,800 (1 million CFA francs) grant from President Eyadema ostensibly intended to strengthen the professionalism of independent journalists. Media organizations that predate the CTEPP, including the Association of Press Editors (ATEPP) and Union of Editors and Press (UGEP), insisted that the establishment of the CTEPP was an attempt by the Government to guide resources to select publications.

Despite government interference, there was a lively independent press, most of which was heavily politicized, and some of which was highly critical of President Eyadema. More than 15 privately owned newspapers published with some regularity. The only daily newspaper, Togo-Presse, was government-owned and controlled. There were several independent newspapers that published on weekly and biweekly schedules. The official media heavily slanted their content in favor of the President and the Government.

Radio remained the most important medium of mass communication. Some private radio stations broadcast domestic news; however, they offered little of the political commentary and criticism of the Government that was widespread in the print media.

The government-owned Television Togo and the independent TV-2 were the only major television stations in the country. TV-2 carried France-based TV-5's international news programming. Three smaller television stations operated during the year but their broadcasts were limited to certain areas, and their content primarily was of a religious nature.

On March 26, the Government barred the foreign press corps from working in the country. The Committee to Protect Journalists (CPJ) severely criticized the Government's decision and believed it stemmed from foreign reporters' declining to cover

a government-sponsored seminar on elections in Africa. After a few weeks, the Government lifted the March informal ban on foreign reporters.

In December 2002, publication manager of *Le Courrier du Citoyen*, Nikoue Djahlin Sylvestre, was arrested on the premises of HAAC for publishing an article that criticized President Eyadema's decision to seek re-election. While Djahlin was in jail a second article was published and attributed to him: "Rights violation in Togo: kill us all and reign on our bodies." Djahlin was charged with "incitement to rebellion" for the first article and released in May, after a 5-month detention.

In February, Kodjo Saliadin, editor of the private journal *Tribune du Peuple*, was charged with "Outrage to the National Police" for an article that alleged a UFC activist, Anoumou Ekoe, had been arrested for participating in a UFC demonstration in September 2002. Saliadin was released in October. At year's end, he was awaiting trial.

Members of the security forces frequently threatened, arrested, and detained journalists, sometimes without charging them with any offense. For example, on June 14, police arrested two journalists, Dimas Dzikodo and Jean de Dieu Kpakpabia, in a cyber café. Dzikodo had in his possession photographs of alleged victims of security force brutality that he had received anonymously. The two journalists claimed they were subsequently beaten severely around the wrists, legs, and ankles during the detention. The following day a third journalist, Philip Evegnon, was arrested. After 38 days of detention, Evegnon and Kpakpabia were found not guilty and released. Dimas Dzikodo was found guilty of "attempting to publish false information" and fined \$877 (500,000 CFA francs).

The Government interfered with several radio stations during the year. On January 30, police raided Nana FM, a private radio station that often broadcast programs critical of the Government and confiscated the transmitter and amplifier. The equipment was returned 12 hours later, and Nana FM resumed broadcasting. Although Director Peter Dogbe was told by Pitang Tchalla, Minister of Communication, that it was a mistake that his materials were confiscated, security forces subsequently notified the station that it had to vacate its premises. The station had been located in the middle of a Lome market that provided a large, accessible audience. On February 28, the station moved to a new location.

In February, the HAAC ordered Tropik FM, a popular station that frequently featured opposition members, to stop broadcasting until further notice. Tropik resumed broadcasting 1 month later.

There was no pre-publication censorship of print media in law or practice; however, journalists practiced varying degrees of self-censorship, and security forces frequently interfered with the distribution of newspapers.

HAAC was charged with ensuring equal access to state media, as mandated by the Constitution; however, during the month prior to the presidential elections, the President was given an inordinate share of airtime. Opposition candidates were allowed 10 minutes to present their platforms, and, in many cases, their broadcasts were edited extensively. President Eyadema, on the other hand, was given 45 minutes to 1 hour to present his case.

The Togolese Media Observatory (OTM), a nongovernmental organization (NGO) established to protect press freedom and to improve the professionalism of journalists, continued to operate. OTM's board and membership included both government and private journalists. During the year, it met regularly to discuss journalistic ethics and professional standards.

The Government did not restrict access to the approximately 15 Internet service providers in the country. Most Internet users were businesses rather than households. Access to the Internet and fax machines also was available in many small stores and cafes in Lome and other cities.

Unlike in the previous year, the Government did not restrict academic freedom. The University of Lome remained calm during the year. There were no political demonstrations on the campus, but security forces maintained a presence there. A government informer system continued to exist. Reportedly, gendarmes went undercover on campus and registered for classes. Teachers' salaries and students' stipends were rarely paid on time. During the year, tuition was increased to \$90 (50,000 CFA francs). Two pro-Eyadema 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), continued to operate. The independent student organization Student Committee of the University of Lome (CEUL) became inactive after two elected representatives, Kondi Gnandi and Kodjo Gbodzisi, were expelled from the University in 2001 for organizing student rallies that demanded improvement of campus facilities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Op-

position political parties were rarely permitted to hold public meetings in Lome, and authorities systematically interfered with the freedom of political opponents to assemble in the central and northern regions. Government officials prohibited, and security forces forcibly dispersed, public demonstrations critical of the Government.

If a political party wishes to hold a demonstration or rally on public property, it is required to obtain permission from the Minister of the Interior; however, if a political party intended to hold a rally on private property, permission was not required. During the 2 weeks prior to the June presidential election, political parties were allowed to hold public rallies, if traffic and business operations were not disrupted.

In March, 27 UFC party supporters were arrested at the home of a UFC member at the start of a weekly meeting and detained for 2 days. Although they reported that they were not physically abused, their UFC membership cards were confiscated and their homes were searched during their detention.

On September 25, a public demonstration against the Government in the northern city of Mango resulted in the death of one civilian. Government officials went to Mango to discuss relocation of settlers illegally occupying land designated as a nature reserve; however, demonstrators confronted them. Military police from the nearby army camps of Kara and Dapaong fired into the crowd, killing one person and injuring several others. Military personnel were not arrested or charged; however, a member of the opposition UFC party was arrested for inciting the riot and remained detained at year's end.

No known action was taken, nor is any likely to be taken, against security forces that used excessive force when dispersing demonstrations in 2002 and 2001.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties were able to elect officers and register, opposition party offices were not permitted to operate in most towns in the central and northern regions.

There were many NGOs; they were required to register with the Government.

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

The Government has established requirements for recognition of religious organizations outside the country's three main faiths, Roman Catholicism, Protestantism, and Islam, which were officially recognized. Other religions were required to register as associations. The Interior Ministry issues official recognition. From January until October, all 11 associations that had applied were registered. Upon filing with the Ministry, associations were given a receipt allowing them to begin operations. The Civil Security Division also has enforcement responsibilities when there are problems or complaints associated with a religious organization. If an application provided insufficient information for recognition to be granted, the application often remained open indefinitely. Members of groups that were not officially recognized could practice their religion but did not have legal standing.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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. Armed security checkpoints and arbitrary searches of vehicles and individuals were common. Undisciplined acts of some soldiers manning roadblocks, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. During the presidential campaign, opposition party members alleged that the Government prevented them from traveling and campaigning in the North and from entering certain towns.

In August, police detained Jean Pierre Fabre of the UFC for 4 hours while he was trying to cross the Benin border with his family on vacation. He was then taken to the Magistrate's office, where he was ordered to appear before the Magistrate the following Monday. He was escorted home and prevented from leaving for several days. No charges were ever filed and no reasons were provided for the detention.

The Government permitted citizens to use a national identity card instead of a passport for travel to other member countries of the Economic Community of West African States (ECOWAS). Unlike in previous years, the Government did not require that a married woman have her husband's permission to apply for a passport.

Although the law does not include provisions for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government did not always cooperate with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting ref-

ugees during the year. UNHCR reported on January 30 that the Government rejected the U.N.'s request to take approximately 7,000 Liberian refugees endangered in Cote d'Ivoire.

In December 2002, UNHCR estimated there were 11,000 refugees from Ghana living in the North, near the cities of Bassar, Sotouboua, and Dankpen. A total of 508 Ghanaian refugees were in the process of being repatriated at year's end. According to the Government, there were approximately 800 refugees (mostly from Rwanda and the Democratic Republic of the Congo) registered in Lome and an approximate 1,200 additional refugees living in rural villages. According to 2002 UNHCR estimates, approximately 1,600 Togolese refugees lived in Benin and another 800 in Ghana.

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 restricted this right in practice. Presidential elections were held June 1. The election was marred by violence and numerous irregularities (see Sections 1.a. and 1.d.). The President used the military to intimidate and harass citizens and opposition groups (see Sections 1.d. and 2.b.). The presence of often heavily armed security forces produced an intimidating atmosphere prior to election day. President Eyadema's RPT party claimed to have garnered 57.22 percent of the vote in the June 1 presidential election. This official result did not match unofficial counts carried out by opposition monitors in polling stations. Emanuel Bob Akitani of the UFC claimed that he won the election with 70.77 percent of the vote but presented no reliable supporting evidence. The National Council of Election Monitoring (Conseil National de Surveillance des Elections), an electoral committee set up by a network of nongovernmental organizations (NGOs), and the National Consortium of Civil Society (Concertation National de la Societe Civil), an active human rights group, determined the results of the election to be: Emanuel Bob Akitani, 36.31 percent; Maurice Dahuku Pere, 22.96 percent; President Gnassingbe Eyadema, 22.27 percent. However, even these figures were considered by some observers to be unreliable. The international observers for the election were invited and supported by the Government and did not include groups with internationally recognized reputations as objective and neutral observers. The Constitution provides for disputing an election; however, the three complaints filed by opposition parties were all dismissed by the Constitutional Court without a legitimate investigation. Following the June 1 presidential elections, three opposition parties filed complaints with the Independent Electoral Commission (CENI), which referred them to the Constitutional Court. They alleged numerous irregularities in the voting process. Neither the CENI nor the Constitutional Court seriously investigated these irregularities. The entire process, including the decision not to investigate the complaints, lacked transparency.

On May 7, 2 days after the National Assembly rejected the candidacy of opposition leader Gilchrist Olympio, tire burnings occurred and a TOTAL gas station mini-mart (rumored to belong to a leading RPT official) was set on fire in Lome. Four persons were detained for questioning. Two leaders of the popular opposition party UFC, Jean Pierre Fabre and Patrick Lawson, were summoned for questioning. Lawson was detained but Fabre did not respond to the summons. On May 7, a bomb exploded at a popular restaurant in a residential area of Lome. No injuries were sustained and no one was arrested. In response to these two incidents and in anticipation of future possible clashes, on May 15 the Government established the FORSEP.

On June 1, the day of the election, a skirmish in the prefecture of Tsevie turned violent when voters alleged that ballot boxes were already filled when voting started and then they were prevented from casting ballots due to the lack of voter registration cards. Three people were killed by FORSEP officers, two in Tsevie and one in the Kpalime area (see Section 1.a.). One polling station in Tsevie was burned. The voting in that polling station was stopped, but voting continued throughout the rest of the country.

In August 2002, four leading opposition parties joined forces to create The United Opposition Front, known as Le Front, to demonstrate solidarity against the Government. Opposition parties that did not join Le Front included the UFC party of Gilchrist Olympio, the son of the former president who was assassinated in 1963, and the Opposition Pan-African Patriotic Convergence party of former Prime Minister Edem Kodjo. In spite of this show of unity, four opposition parties subsequently ran their own candidates in the June presidential election, once again splitting the opposition vote.

The Government and the State remained highly centralized. President Eyadema's national government appointed the officials and controlled the budgets of all sub-national government entities including prefectures and municipalities, and influenced the selection of traditional chiefs. The National Assembly has little authority or influence over President Eyadema and has limited influence on the executive branch of Government. The National Assembly largely approved the proposals of the President and the executive branch.

Long-delayed legislative elections were held in October 2002, but the opposition parties who were members of the Lome Framework Agreement boycotted the races. President Eyadema's RPT party won 72 out of 81 seats in the National Assembly. Three newly formed opposition parties and one independent candidate shared the remaining nine seats. The Government said voter turnout was 67 percent, a figure contested by the main opposition parties as well as some of the government-sponsored international election observers. There were reports of intimidation and fraud.

In December 2002, the newly elected National Assembly passed 34 modifications to the Constitution. President Eyadema promulgated the law on December 31. Among the changes was a revision of Article 59 eliminating the two-term limit for the Presidency. In addition, the new amendments lowered the age of presidential candidates from 45 to 35; stipulated only one round of voting for all future elections; and created a new legislative body, the Senate, to join the National Assembly in forming a bicameral Parliament. A residency requirement for presidential candidates was added, rendering the principal opposition leader Gilchrist Olympio ineligible to run. Many of the changes restored powers to the Presidency taken away by the Constitution, including new language strengthening the President's authority over national policy, the power to dismiss the Prime Minister, and the power to appoint a greater number of judges, especially to the country's highest bench, the Constitutional Court. The Constitutional Court was also tasked as final arbiter in resolving future election disputes.

In addition to removing the limit on presidential terms, legislation was passed during the year providing for the creation of prefecture, municipal, and regional councils. The legislation empowers members of the regional councils to vote for members of a Senate, which, along with the National Assembly, will comprise a bicameral Parliament. The legislation only provides Senate members the power to review proposed legislation.

There are no legal restrictions on the participation of women and ethnic minorities in government. There were 5 female members in the 81-member National Assembly, and there were 5 female ministers in the President's 20-member Cabinet. Members of southern ethnic groups were underrepresented.

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

The Government generally allowed 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. There were several domestic private human rights groups, including the Togolese Human Rights League (LTDH), the Center of Observation and Promotion of the Rule of Law (COPED), and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). 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 groups to become inactive.

In June, following receipt of the annual Amnesty International (AI) report, senior officials reportedly called AI's local representative, Kwasi Gaglo, to the Presidential Palace to question him aggressively about the validity of the document and the process by which information had been gathered. Former officials of the domestic chapter of AI remained in exile.

On April 4, a foreign NGO, the National Democratic Institute (NDI), halted its program to train political parties in the objectives and practice of democracy and withdrew from the country after the Government made it impossible for NDI to perform its work.

The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President.

Section 5. Discrimination Based on Race, Sex, 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 did not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities remained problems. Members of President Eyadema's Kabye ethnic group and other

northern ethnic groups dominated much of the public sector, especially the military. Individuals with HIV/AIDS faced social discrimination, including rejection by their immediate families. Anti-retroviral medications to treat HIV/AIDS were not widely available in the country.

Women.—Domestic violence against women continued to be a problem. Police were not given any authority to protect women in abusive situations, and women were not made aware of the formal judicial mechanisms that would give them protection. As a result, the police rarely intervened in domestic violence incidents. Wife beating was estimated to affect approximately 10 percent of married women.

FGM continued to be practiced. The most commonly practiced form of FGM was excision, which usually was performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM; however, among the practicing groups rates ranged from 40 to 98 percent. FGM is illegal and penalties for practitioners ranged from 2 months to 5 years in prison as well as substantial fines. The law was rarely applied because most FGM cases occurred in rural areas where neither the victims nor the police understood the law. Traditional customs often superseded the legal system among certain ethnic groups. The Government continued to sponsor seminars to educate and campaign against FGM. Several NGOs, with international assistance, organized educational campaigns to inform women of their rights and how to care for victims of FGM.

There was some trafficking of young women (see Section 6.f.).

The Constitution declares women equal under the law; however, women continued to experience discrimination, especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally could restrict his wife's freedom to work or control her earnings. In urban areas, women and girls dominated market activities and commerce; however, harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. The Labor Code, which regulated labor practices, required equal pay for equal work, regardless of gender; however, this provision generally was observed only in the formal sector. Under traditional law, which applied 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. Polygyny was practiced.

The Ministry of Social Affairs, Promotion of Women, and Protection of Children, along with independent women's groups and related NGOs, continued to campaign actively during the year to inform women of their rights.

Children.—Although the Constitution and family code laws provided for the protection of children's rights, in practice government programs often suffered from a lack of money, materials, and enforcement. Although the law protected children, there were many practices that discriminated against children, especially girls.

The Government provided education in state schools, and school attendance was compulsory for both boys and girls until the age of 15. Approximately 79 percent of children aged 6 to 15 years, mostly boys, attended school. In that age group, approximately 92 percent of boys and 92 percent of girls started primary school; however, only an estimated 43 percent of boys and 23 percent of girls reached secondary school. Approximately 3 percent of boys and 0.6 percent of girls reached the university level. Literacy rates were 57 percent for adult men and 45 percent for adult women. During the year, the General Directorate of Education Planning in the Ministry of Education estimated one-third of the national budget was spent on education.

Orphans and other needy children received some aid from extended families or private organizations but little from the Government. There were social programs to provide free health care for poor children. In rural areas, traditionally the best food was reserved for adults, principally the father.

FGM was performed on approximately 12 percent of girls (see Section 5, Women).

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

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

Persons with Disabilities.—The Government did not mandate accessibility to public or private facilities for persons with disabilities. Although the Constitution nominally obliged the Government to aid persons with disabilities and shelter them from social injustice, the Government provided only limited assistance in practice. There was no overt state discrimination against persons with disabilities and some held government positions. However, persons with disabilities had no meaningful recourse against private sector or societal discrimination, and in practice there was discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The population included members of approximately 40 ethnic groups that generally spoke distinct primary languages and

were concentrated regionally in rural areas. Major ethnic groups included 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 were the largest ethnic groups in the southern region and the Kabye was the largest group in the less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity was practiced routinely by members of all ethnic groups. In particular, discrimination against southerners by northerners and against northerners by southerners was 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 extended into the public sector, where the centralization of the Government allowed 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 prevalence in the public sector and especially the security forces of members of President Eyadema's Kabye group and other northern groups, were sources of political tension. Political parties tended to have readily identifiable ethnic and regional bases: The RPT party was more represented among northern ethnic groups than among southern groups; the reverse was true of the UFC and CAR opposition parties.

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.

Unlike in the previous year, there were no reports of violence involving ethnic Ibos from Nigeria.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to join unions; however, security forces, including firefighters and police, did not have this right.

The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The World Bank estimated that the country's total workforce was approximately 2 million persons, and the formal sector accounted for approximately 20 percent of the economy. Approximately 60 to 70 percent of the formal sector workforce were union members or supporters.

The Labor Code prohibits foreign nationals from performing administrative or management functions in trade unions.

There were several major trade union federations, including the National Confederation of Togolese Workers (CNTT), which was closely associated with the Government; the Labor Federation of Togolese Workers (CSTT); the National Union of Independent Syndicates (UNSIT); and the Union of Free Trade Unions.

The Labor Code prohibits anti-union discrimination, and there were no reports that such discrimination occurred. The Ministry of Labor is charged with resolving labor-related complaints, but it did not always do so effectively.

Federations and unions are free to associate with international labor groups. The CNTT and the UNSIT were affiliates of the International Confederation of Free Trade Unions, and the CSTT was 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 limited collective bargaining to producing a single nationwide agreement that had to be negotiated and endorsed by representatives of the Government, labor unions, and employers. All formal sector employees were covered by the collective bargaining agreement that set nationwide wage standards for all formal sector workers. The Government participated in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolized many sectors of the formal economy. Individual groups in the formal sector could attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option was rarely used.

The Constitution provides most workers the right to strike; however, security forces and government health workers did not have this right. Government health care workers could join unions. There is no specific law prohibiting retribution against strikers by employers. There were no strikes during the year.

The law allowed the establishment of export processing zones (EPZs). Many companies had EPZ status, and more than 30 were in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hir-

ing and firing. Employees of EPZ firms did not enjoy the same protection against anti-union discrimination as did other workers. Workers in the EPZs were prevented from exercising their freedom of association because unions did not have free access to EPZs or the freedom to organize workers.

c. Prohibition of Forced or Bonded Labor.—The law does not specifically prohibit forced or bonded labor, including by children, and children sometimes were subjected to forced labor, primarily as domestic servants (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem, with many children being employed in the agricultural sector, working on family farms. Some children started working as young as 5 years of age. These children routinely missed at least two-thirds of the school year. In some cases, children worked in factories.

The Labor Code prohibits the employment of children under the age of 14 in any enterprise. For some types of industrial and technical employment, the minimum age is 18. Inspectors from the Ministry of Labor enforced these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and small scale trading, very young children traditionally assisted in their families' work. In rural areas, parents sometimes placed 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).

The Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children was responsible for enforcing the prohibition of the worst forms of child labor; however, few resources were allotted for its implementation, and enforcement was weak. In July, the Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children was divided into two ministries, and the new Ministry of Social Affairs, Promotion of Women and Protection of Children was responsible for child labor concerns.

e. Acceptable Conditions of Work.—The Government sets minimum wages for different labor categories, ranging from unskilled through professional positions. In practice less than the official minimum wage often was paid, mostly to unskilled workers. Official monthly minimum wages ranged from approximately \$20 to \$33 (14,700 to 23,100 CFA francs) and did not provide a decent standard of living for a worker and family. Many workers supplemented their incomes through second jobs or subsistence farming. The Ministry of Labor was responsible for enforcement of the minimum wage system but did not enforce the law in practice.

Working hours of all employees in any enterprise, except for the agricultural sector, normally were not to exceed 72 hours per week; at least one 24-hour rest period per week was compulsory, and workers were expected to receive 30 days of paid leave each year. The law requires overtime compensation, and there were restrictions on excessive overtime work; however, the Ministry of Labor's enforcement was weak, and employers often ignored 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 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 was limited. Large enterprises were obliged by law to provide medical services for their employees and usually attempted to respect occupational health and safety rules, but smaller firms often did not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs; however, in practice some could not do so.

Labor laws do not provide protection for legal or illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, although other statutes against kidnapping, procuring, and other crimes linked to trafficking were used to prosecute traffickers, and trafficking was a problem. The country remained a country of origin, transit, and destination for trafficking in persons, primarily children. More young girls than boys were the victims of trafficking. Trafficking in women for the purpose of prostitution or nonconsensual labor as domestic servants occurred.

Local committees were voluntarily set up in every region, and without financial or legal support, these committees investigated reports of trafficking. The Government had little or no funding to investigate traffickers or trafficking rings. The police had limited success in intercepting victims of trafficking, and prosecution of traffickers was rare. In 2001, the Government reported that 297 children had been trafficked from the country. Most persons that security forces arrested or detained for trafficking ultimately were released for lack of evidence. No records were available of the number of individual traffickers who were prosecuted during the year.

Government agencies involved in anti-trafficking efforts included the Ministry of Social Affairs and Protection and Promotion for Family and Children, the Ministry of Health; Ministry of the Interior and Security; the Ministry of Justice; and security forces (especially police, army, and customs units). The Government cooperated with the Governments of Ghana, Benin, and Nigeria under a Quadripartite Law allowing for expedited extradition among those countries.

The majority of the country's trafficking victims were children from the poorest rural areas, particularly those of Kotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicities and mainly from the Maritime, Plateau, and Central regions. Adult victims usually were lured with phony job offers. Children usually were approached by friends or family acquaintances. Children sometimes were trafficked abroad by parents misled by false information. Sometimes parents sold their children to traffickers for bicycles, radios, or clothing.

Children were trafficked into indentured and exploitative servitude, which amounted at times to slavery. Victims were trafficked elsewhere in West Africa and to Central Africa, particularly Cote d'Ivoire, Gabon, Nigeria; Europe, primarily France and Germany; and the Middle East, including Saudi Arabia. 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, clothed crudely, cared for inadequately, and not educated or permitted to learn a trade. There were reports that young girls were trafficked to Nigeria for prostitution.

The country was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. 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.

From February 2001 to February 2002, the Government reported that authorities intercepted 351 children ages 10 to 17 in the process of being trafficked.

Traffickers were believed to be men and women of Togolese, Beninese, and Nigerian nationalities.

The Government provided limited assistance for victims. Terre des Hommes, an NGO, assisted recovered children until their parents or next-of-kin could be notified. Assistance was also available from a government-funded Social Center for Abandoned Children. NGOs have taken the lead in addressing this concern. CARE International-Togo, in collaboration with four local NGOs, developed a trafficking education and awareness program in three different regions of the country. During the year, ILO/International Program for the Elimination of Child Labor (IPEC) worked with other NGOs to increase awareness of the trafficking problem and to encourage the Government to pass and enact a law setting fines and penalties for anyone caught in the process of trafficking children.

The Government did not conduct public awareness campaigns during the year.

UGANDA

Uganda is a republic led by President Yoweri Museveni, who continued to dominate the Government following his reelection to a second 5-year term in March 2001. He has ruled since 1986 through the Movement, an organization that continued to receive state support and function both as a political party and a state institution. Movement supporters remained in firm control of the legislative branch. Election observers believed that the 2001 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities, particularly in the period leading up to the elections, such as severe restrictions on political party activities, incidents of violence, voter intimidation, and fraud. A 2000 national referendum on the role of political parties extended the Movement form of government indefinitely and severely restricted political activities. However, a March 21 court decision ruled that two sections of the law preventing political parties from operating while the "Movement System" remained in place were unconstitutional. Other parties, though active in Parliament, have refused to register in protest of the continuing ban on most political party activities. The judiciary generally was independent but remained understaffed and weak; in addition, the President had extensive powers of judicial appointment.

The Uganda People's Defense Force (UPDF) was the key security force, and a civilian served as Minister of Defense. UPDF soldiers and members of Local Defense Units (LDUs) assisted the police in rural areas. The Internal Security Organization (ISO) remained under the direct authority of the President, and was an intelligence-gathering body; however, its operatives occasionally detained civilians. The

Chieftancy of Military Intelligence (CMI), under UPDF control, detained civilians suspected of rebel and terrorist activity. The police were organized as a national force under the authority of the Ministry of Internal Affairs. The UPDF continued "Operation Iron Fist" against rebels of the Lord's Resistance Army (LRA) in the northern and eastern and conducted operations against LRA sanctuaries in southern Sudan with the permission of the Sudanese government. To reinforce the Government's efforts, local leaders formed armed militia groups to fight the rebels. In June, the Government withdrew the UPDF from the Democratic Republic of the Congo (DRC) and international peacekeepers were deployed in Bunia and other areas. The country provided the use of its airfields and other logistical support for international peacekeepers; however, there continued to be reports that the Government supported militia activities in the DRC. While civilian authorities maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous serious human rights abuses.

The country's population was approximately 25.4 million. The economy grew at a rate of approximately 4.9 percent during the year. Agriculture accounted for approximately 40 percent of the total Gross Domestic Product (GDP), and foreign economic assistance accounted for approximately 48 percent of total government expenditures. Foreign investment was approximately 3 percent of GDP. The privatization of state-owned enterprises continued. The Government continued to take steps against corruption.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Domination by the Movement of the political process limited the right of citizens to change their government. Security forces committed unlawful killings. Security forces were responsible for short-term disappearances. Torture by security forces and beating of suspects to force confessions were serious problems. Security forces were responsible for incommunicado detention, and prison conditions remained harsh and life threatening. The Government punished some security force officials who were guilty of abuses; however, impunity remained a problem. Arbitrary arrests and detention, including those of opposition politicians and their supporters, and prolonged pretrial detention were problems. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays limited due process rights, including the right to a fair trial. Security forces at times infringed on citizens' privacy rights. The Government at times restricted freedom of speech, the press, and association, and severely restricted freedom of assembly. There were some limits on freedom of religion and movement. Domestic violence against women, rape, and abuse of children, particularly sexual abuse, remained serious problems. Discrimination against women and persons with disabilities remained problems. The Government at times recruited and used child soldiers. The Government worked with nongovernmental organizations (NGOs) to combat the practice of female genital mutilation (FGM), which occurred in some parts of the country. There continued to be 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 remained a problem.

The LRA, led by Joseph Kony, committed numerous, serious abuses and atrocities. The LRA increased attacks in the northern and eastern parts of the country, and rebels routinely abducted, tortured, and killed civilians, including children. The LRA used children as soldiers, held children and others in slave-like conditions, and subjected female captives to rape and other forms of severe sexual exploitation during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There continued to be unconfirmed reports of politically motivated killings by government forces, and members of security forces committed unlawful killings during the year.

During the year, the Government executed persons after denying them basic rights of due process. On March 3, the army executed by firing squad three UPDF soldiers. The military court martial found Private Richard Wigiri guilty of murdering Monica Achiro in December 2002, and a military court martial near Kitgum found the other two soldiers, Privates Kambacho Ssenyonjo and Alfred Okech, guilty of the January 4 killing of three civilians. The defendants reportedly did not have access to legal representation, and the execution was carried out approximately an hour after the sentences were passed.

According to Human Rights Watch, in late August, the Joint Anti-Terrorism Task Force (JATF) arrested Ismael Muviru, Mutwabil Walakira, Captain Sewamuwa Daudi, and another man whose name was not known, in Kampala and detained them without charge in Katikamu subcounty, Luwero District. On September 1, the CMI reportedly executed the men in Katikamu subcounty, Luwero District; there were no reports that the men were tried.

During the year, the UPDF conducted an investigation into accusations that the March 2002 execution of two UPDF soldiers was unconstitutional; the two soldiers were convicted in 2002 by a military court-martial for killing a priest, his cook, and his driver. The investigation found that the UPDF's execution of the two soldiers, which occurred 2 hours after the verdict's delivery and without granting the soldiers the right of appeal, was carried out according to the law. The father of one of the soldiers subsequently filed a case with the Uganda Human Rights Commission (UHRC) and claimed the execution was carried out for political reasons; the case remained pending at year's end.

During the year, there were credible reports that persons died as a result of torture by security forces. For example, in February, civilian John Binge died in custody after operatives of the Violent Crimes Crack Unit (VCCU) in Kampala allegedly tortured him. By year's end, no action had been taken in Binge's case.

On June 19, relatives of Nsangi Murisidi of Kampala and Amnesty International (AI) accused the VCCU of killing Murisidi after his arrest in Kampala by VCCU operatives on June 14. Following the arrest, Murisidi's family was denied access to him. On June 18, VCCU officers in Kireka provided a lawyer a death certificate that stated the causes of death were extensive loss of fluid and blood, severe bleeding in the brain, and extensive burns on the buttocks. By year's end, no action had been taken in Murisidi's case.

On August 6, the UHRC Tribunal in Kampala awarded Edward Wesonga, Member of Parliament (M.P.) for Bubulo East County, approximately \$16,500 (33 million shillings) as compensation for the death of his relative, Patrick Pongo, who died under mysterious circumstances while in a Tororo District police cell in 1998.

On September 1, the court in Gulu sentenced to death Kakira Prison warden Absolom Omolo Owiny for the December 2001 murder of Michael Wanok after the court determined that Owiny had tortured Wanok to death.

There were no developments in the case of Patrick Owomigisha Mamenero, who died in CMI custody in July 2002, allegedly due to torture with a blunt instrument or the case of a juvenile who died after inmates beat him in custody in Mbarara District in June 2002.

There were reports that police use of excessive force while dispersing gatherings resulted in deaths (see Section 2.b.).

During the year, members of the security forces continued to commit other unlawful killings. For example, on February 7, members of the Special Revenue Protection Services (SRPS) shot and killed a Congolese citizen, Rose Masika, at Lubiriha Market near the border post of Mpondwe; she was reportedly killed in crossfire between SRPS officers and a robbery suspect. On February 15, Musa Eweru, the Kasese resident district commissioner, apologized for Masika's death and announced that the Government would pay approximately \$500 (1 million shillings) in compensation. At year's end, no payment had been made, and no action had been taken against members of the SRPS responsible for the killing.

On February 14, a UPDF soldier identified only as Lumumba allegedly strangled a civilian to death, reportedly in a personal dispute, at an army detachment at Alwal in Kilak County, Gulu District. M.P. Michael Ochula confirmed the killing, but the Government failed to take action against the soldier by year's end.

On May 1, UPDF soldiers killed Esther Angeyo, reportedly in an accidental shooting, outside the Pabbo Internally Displaced Persons (IDP) camp. In May, the Government announced that it would compensate Angeyo's husband, Mzee Nyero Santo Akol, for the death of his wife. At year's end, no payment had been made, and no action had been taken against the UPDF soldiers responsible for the killing.

On May 8, police in Kanungu District killed Joel Kamanyire, a head prefect of St. Augustine School, while trying to stop a students' riot. At year's end, two police constables reportedly had been arrested and an investigation was pending.

On July 11, police killed a student at Kitgum High School while trying to disperse rioting students. At year's end, there no action had been taken against the police officers responsible for the killing.

On August 4, police in Kiboga District killed a civilian and injured two others during a mission to evict 1,800 persons from disputed land that they were reportedly occupying illegally. During the year, there were no reports of action taken against the police officers responsible for the killing.

According to the Catholic Justice and Peace Commission (CJPC), on October 10, a UPDF soldier in Pader District in Gulu, arrested two mothers, raped one of them, and killed the other when she refused to have sex with him. The Commission also reported that on October 23, a UPDF soldier in Gulu District shot the driver of a vehicle that had just been involved in an accident; three other UPDF soldiers had died in the accident.

Unlike in the previous year, there were no reports that bystanders were killed as a result of "Operation Wembley," a 2002 anti-violent crime operation.

On September 17, the High Court in Kampala sentenced to death a police constable, Martin Oyat, for the murder of Makerere University student George Babigumira in July 2001.

There were no developments in the April 2002 killing of two farm workers in Sembabule District by the bodyguard of Lieutenant General David Tindefuza.

There were no developments in the case of the LDU officer arrested in May 2002, and charged with the murder of a 5-year-old child who was killed in the cross-fire between security personnel and thieves in Mukono District or the 2002 killing case of Peter Oloya, who allegedly tried to disarm a UPDF soldier during a prison transfer.

By year's end, there was no action taken against members of security forces responsible for campaign-related killings in 2001, including during interventions in clashes between supporters of different political candidates in various districts and counties, including Rukungiri District and Pabbo IDP camp in Kilak County, and other locations. There was no further action taken against unknown persons responsible for killings prior to the 2001 presidential election.

There were no developments in the following 2001 cases: The April shooting by LDU members of two persons and the injuring of another in Kabarole District, the August killing of Annet Nakimuli by a police constable during an eviction in Kampala, the killing of a woman and injuring of 14 persons by UPDF soldiers in an IDP camp in Kilak County, Gulu District.

During the year, security forces killed numerous civilians during conflict involving the LRA. For example, in February, UPDF soldiers reportedly shot and killed a Sudanese national in an ambush intended for LRA rebels at the Pabbo IDP Camp. At year's end, no action had been taken against the soldiers responsible for the killing.

On July 24, UPDF helicopter gunships killed 13 civilians in Pader District. In a similar incident on July 22, nine persons were killed in Obalang, Katakwi District. In July, the army mistook five civilians for LRA rebels, killing three and injuring two in Lira District. Although the Government instituted investigations into the three incidents, findings were not released by year's end, and no action had been taken against the UPDF soldiers responsible for the killings.

There was no action taken against UPDF soldiers responsible for the following 2002 killings: The August killing of two civilians by a helicopter gunship in Lira District, the September killing of Emmanuel Onencan who was mistaken for a rebel, the October killing in combat with LRA forces of a village official in Omoro County, Gulu District, and the killing of one person in the crossfire between UPDF troops and Allied Democratic Front (ADF) rebels in May 2002.

There were no reports of further developments in 2001 cases in which security forces were responsible for civilian deaths during confrontations with the LRA.

During the year, there were reports that UPDF members were responsible for killings and other abuses in the DRC. Both before and after the UPDF's withdrawal in June, there were numerous massacres and incidents of extreme violence during the ongoing conflict between various ethnic groups and their associated militias. Some of the worst abuses occurred in parts of northeastern DRC that were under UPDF control or influence. There were credible reports that some of these militias received arms and other support from the UPDF. Militia fighting resulted in the deaths of hundreds of civilians from the DRC. Independent observers often found access difficult due to hazardous security conditions and frequent impediments imposed by authorities.

In early March, approximately 30 civilians were killed in the DRC during a fight for control of Bunia between the UPDF and rebels of the Union of Congolese Patriots.

In July, the International Committee of the Red Cross (ICRC) rejected an August 2002 UPDF report of investigations into the 2001 killings of six relief workers in the Ituri District, DRC. In a communication to the army, ICRC said none of the UPDF responses provided convincing evidence of how the six staff members were killed. The organization demanded another thorough investigation into the killings. ICRC field operations remained suspended in Bunia, but ICRC staff were active in other parts of eastern DRC.

There were no developments in the cases of killings committed by unidentified assailants prior to the 2001 election.

LRA attacks increased significantly during the year, resulting in numerous atrocities. There were numerous LRA attacks on villages, and internally displaced person (IDP) camps in which persons were killed, injured, raped, mutilated, or abducted (see Sections 1.b., 2.d., and 5). During the year, LRA attacks resulted in the deaths of approximately 3,000 persons, including children; numerous injuries; and the destruction of homes and property. For example, on August 23, LRA rebels killed 50 civilians and burned down a primary school in Akeriau village in Katakwi District.

On September 1, LRA rebels killed 25 civilians when they ambushed a bus in Katine Sub-County, Soroti District.

On November 6, LRA rebels killed approximately 60 civilians, reportedly beheading some and burning or hacking to death others, and burned several thatched huts in the villages of Awayopiny, Alanyi, and Omarari, in Lira District.

No action was against LRA rebels who were responsible for numerous killings in 2002 and 2001.

During the year, the LRA increased its use of landmines, and there continued to be deaths and injuries resulting from LRA-laid landmines. For example, on August 1, one woman died and an unspecified number of civilians were injured in a landmine blast near the Amaseniko IDP camp in Katakwi District during an LRA attack. On October 30, 3 persons, including a UPDF soldier, died when a truck carrying 30 passengers in Katakwi District hit a landmine allegedly placed by the LRA. Between January and June, the UPDF disposed of 120 landmines allegedly placed by the LRA.

Armed cattle rustlers of the Karamojong ethnic group, pastoralists with a long tradition of raiding cattle, conducted raids during the year in Katakwi, Kotido, Kumi, Nakapiripirit, Moroto, Kaberamaido, Pader, Lira, and Kapchorwa Districts in the northeast. These raids resulted in more than 1,800 deaths, including the deaths of relief workers, and the displacement of 30,000 persons. For example, on May 30, Karamojong warriors killed World Vision Coordinator Davis Chelangat along Moroto-Nakapiripirit Road. In an effort to stop the killing of civilians by Karamojong warriors, the Government continued its Karamoja disarmament program (see Section 5). UPDF forces killed numerous persons during clashes with armed Karamojong warriors during the year.

There were no developments in the case of an August 2002 bombing incident or the 2001 series of urban bombings.

Incidents of vigilante justice were reported frequently during the year. There were numerous instances in which mobs beat, stoned, or burned to death individuals suspected of petty theft, witchcraft, or infidelity. For example, on June 15, two suspected thieves were burned to death by angry residents of Busoota in Mbale District.

During the year, authorities prosecuted persons who engaged in mob violence. For example, in August, a judge in Masaka sentenced three men to death after convicting them of the May 2001 murder of Benon Mmaali through mob justice in Sembabule District. In August, the Court of Appeal in Kampala sentenced to death two men who killed a robbery suspect in 1999 in Pallisa District.

There were a few reports of ritual killings of children during the year (see Section).

During the year, ethnic Pokot warriors from Kenya killed more than 60 civilians.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances due to action by government forces; however, there continued to be some reported cases of disappearances during the year. In most cases, the person reported as disappeared was found after several days of incommunicado detention in the custody of police or security forces (see Section 1.d.).

Around January 2, former Makerere University guild president Peter Ojur reportedly disappeared while returning to the country from Kenya. In late December 2002, Ojur had left the country with his wife on the way to Nairobi; he supposedly left Nairobi for Uganda on January 2. On March 19, UPC chairman Dr. James Rwanyarare claimed that security services members had detained Ojur and that they might have killed him. However, family members claimed that security operatives had sought Ojur on several occasions to no avail, including after he had already disappeared. Police and army spokespersons denied having arrested or taken him into custody. His whereabouts were unknown at year's end.

There were no developments in the 2001 disappearance of Ahmed Mugere and Richard Mutebi, two supporters of opposition leader Kizza Besigye.

UNICEF reported that as many as 38,000 children and adults have been abducted since 1986 by rebel groups. Approximately 20,000 of the abductees were children taken by the LRA, and 20 percent of the adults were female.

During the year, the LRA significantly increased its abductions of civilians for training as guerrillas and as sex slaves, cooks, and porters; most victims were children and young adults. The LRA abducted an estimated 6,800 children and young girls between January and June (see Section 5). Some of these children escaped, were released, or were rescued during the year.

For example, on May 11, the LRA abducted 44 students from Sacred Heart Seminary in Gulu District. The rebels reportedly killed four students, and the UPDF rescued five. The whereabouts of the remaining students was unknown. On May 20, LRA rebels abducted 30 persons from Alebtong in Moroto and Otuke counties in Lira District. On June 23, LRA rebels abducted 56 students from Lwala Secondary School in Katakwi District. The UPDF rescued 23, and 33 remained missing.

No further information was available on several persons abducted by rebels along with two elderly Italian priests in September 2002.

Unlike in previous years, there were no reports that the ADF abducted civilians.

The UPDF's Child Protection Unit continued to provide special treatment to rescued abductees upon arrival to military facilities. It also escorted them to NGO facilities, which provided physical assistance and counseling to the children and their families. The Government also worked closely with NGOs in the north to facilitate their assistance programs for amnesty seekers and rescued children; however, these programs were primarily financed by donors. The Amnesty Commission provided orientation and training to the country's embassies in Sudan and Kenya to better assist applicants, including former abducted child soldiers, enter into the amnesty program.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were widespread and credible reports throughout the country that security forces tortured and beat suspects in unregistered detention facilities to force confessions. The Uganda Human Rights Commission (UHRC) Tribunal confirmed several such allegations and ordered the Government to compensate the victims. In addition, there were many credible reports of torture committed by security forces, particularly the VCCU, which took over the functions of the 2002 anti-violent crime operation codenamed "Operation Wembley"; on occasion, the practice of torture resulted in death (see Section 1.a.). In March, the Reform Agenda (RA), an opposition political pressure group, called for a commission of inquiry into the alleged torture of political detainees. A commission appointed during the year found that security forces had not committed torture.

On May 28, the police reportedly tortured Bumali Mubiru. In June, a local human rights organization petitioned the Inspector General of Police, Major General Katumba Wamala, to order VCCU to stop torturing suspects in Mbale District and cited the case of Mubiru. By year's end, no action had been taken.

In September, the RA accused the VCCU of torturing Sam Okiring, the group's coordinator in Pallisa District. Okiring was allegedly beaten and denied food for several days following his arrest on August 15. By year's end, there was no investigation by the authorities.

Several persons claimed to have been tortured or beaten while in custody. There continued to be reports during the year that members of the LDUs, who frequently lacked training, mistreated prisoners and detainees; however, there were fewer reports than in the previous year.

In February, inmates in Kigo Prison complained to M.P.s that security forces were torturing them through the use of snakes and crocodiles. An inspection tour of the prison by foreign officials found that several prisoners showed a variety of scars. The prisoners bearing scars claimed they had been severely beaten by the Internal Security Organization in unregistered detention facilities known as "safe-houses." Following widespread public outcry and an exchange of accusations, the Parliamentary Subcommittee on Defense and Internal Affairs presented a report exonerating security forces of torture charges; however, several members of the subcommittee disputed the validity of the report. On July 16, the UHRC acting chairperson Joel Omara testified before the Legal and Parliamentary Affairs Committee that several persons in Kigo Prison had been tortured by security organizations and that CMI personnel were being used to illegally arrest and torture persons to encourage them to pay their financial debts.

Police and security forces at times harassed and detained opposition activists and journalists (see Sections 1.d. and 2.a.).

Unlike in the previous year, there were no reports that UPDF soldiers tortured persons in protected villages, IDP camps, and refugee camps.

There were reports that UPDF soldiers raped persons in protected villages and IDP camps. In addition, in districts affected by the LRA, there were allegations that security forces failed to provide adequate protection for "night commuter" women and girls traveling nightly from outlying camps and villages to seek safety from the

LRA in urban centers. There were several reported rapes and assaults by unidentified assailants committed against these young girls. According to one NGO, rapes committed against the night commuters had become so common that some parents sought cash payments from the perpetrators, thereby making the assault public knowledge.

The Government investigated some cases of abuse by security forces, and tried and punished some offenders (see Section 1.a.).

The UHRC Tribunal awarded compensation to several persons who had been abused by police. For example, on February 26, the UHRC Tribunal awarded approximately \$28,500 (59 million shillings) to Stephen Gidudu as compensation for 3 months of torture following his wrongful arrest by UPDF soldiers in Mbale District in 1997.

On April 3, the UHRC Tribunal ordered the Government to pay approximately \$11,000 (22 million shillings) to Bell Otto Opira for violation of his personal liberty and torture over a 43-day period following his arrest by UPDF soldiers in Gulu in April 2001.

On April 11, the UHRC Tribunal awarded approximately \$15,000 (30 million shillings) to Christopher Sajjabbi Nsereko after finding that torture by police caused him hearing loss and impotence following his arrest for unknown reasons in 1997.

On June 25, the UHRC Tribunal ordered the Government to pay approximately \$9,500 (19 million shilling) to British citizen Mahmood Hassouna after security agents wrongfully arrested and beat him on several occasions in 2002.

However, the Government failed to prosecute some persons who had allegedly committed abuses. There were no further developments in the March 2002 beating of civilians by UPDF soldiers in Achowa sub-country, the May 2002 assault of Esther Angela and Grace Aleper in Karamoja; and the August 2002 torture of a student by Lieutenant Julius Mwali.

There was no action taken against the UPDF soldiers and unidentified persons responsible for campaign-related abuses committed in 2001.

During the year, reports that security forces committed violations of humanitarian law decreased in the west, but remained a problem in the north due to the upsurge in LRA activity and government efforts to disarm the Karamojong in the northeast. The number of reported abuses against civilians by the Government increased during the year as a result of increased activities and abductions by the LRA. Civilians were frequently injured during fights between UPDF forces and rebels (see Section 1.a.).

LRA attacks on private homes, schools, churches, and IDP camps increased during the year, as did the LRA's use of landmines, and the LRA committed numerous atrocities. The LRA continued to abduct children and force them into virtual slavery (see Section 5).

There were numerous instances in which mobs attacked suspected thieves and other persons known or suspected to have committed crimes (see Section 1.a.). Motivated in part by distrust or misunderstanding of the formal judicial system, these mobs engaged in stonings, beatings, and other forms of mistreatment. Such mistreatment included tying suspects' wrists and ankles together behind their backs, stripping suspects of their clothes and parading them through the streets, and other forms of torture and inhuman or degrading treatment.

Prison conditions remained harsh and life threatening, primarily as a result of the Government's severely inadequate funding of prison facilities. In addition, there were several reports that security forces and guards tortured inmates. Prison conditions came closest to meeting international standards in Kampala, where prisons provided medical care, running water, and sanitation; however, these prisons also were among the most overcrowded. There were an estimated 18,100 inmates in the country's prisons and police cells. By one estimate, the country's prisons held approximately three times their planned capacity. The central prison system continued to work with NGOs and the donor community to improve prison buildings, water and sanitation systems, food, and the provision of uniforms; however, progress was minimal during the year. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limited family visits. Prisoners held on charges of treason complained that security officers kept files on and harassed their visitors. The UHRC reported that it received allegations that officers in charge of police cells sometimes demanded bribes to allow visits.

In January, over 150 prisoners rioted in Butuntumala Prison in Luweero, complaining of poor diet and harsh punishments. In March, inmates of Kirinya Prison in Jinja rioted, complaining that they had been held for too long on remand. The prisoners demanded to be charged or released. In April, prisoners rioted in Mbale prison complaining that their one daily ration of corn meal was insufficient.

Inmates at most prisons grew maize, millet, and vegetables; however, the UHRC accused prison farms of overworking inmates (see Section 6.c.).

The Community Service Act reduces prison congestion by allowing minor offenders to do community service instead of being imprisoned. Since November 2001, 1,435 offenders have been sentenced to community service in the pilot districts of Mukono, Mpigi, Masaka, and Masindi.

Female prisoners were held in segregated wings with female staff in most prisons. According to human rights advocates, rape generally was not a problem, although female prisoners also suffered from severely substandard conditions. A project funded by a foreign government constructed 10 new prison houses for females this year. Due to lack of space in juvenile facilities, juveniles often were held in prisons with adults. The central prison system maintained one juvenile prison and four remand homes. School facilities and health clinics in all five juvenile institutions were defunct; prisoners as young as age 12 performed manual labor from dawn until dusk. Severe overcrowding also was a problem at juvenile detention facilities and in women's wings. The remand home in Kampala, designed for 45 inmates, held more than 80 children. In Kampala jails, pretrial detainees were kept separate from convicted prisoners; however, in the rest of the country, due to financial constraints, pretrial detainees and convicted prisoners sometimes were held together.

There were a number of deaths in custody, some due to torture (see Section 1.a.). Both civilian and military prisons were believed to have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, HIV/AIDS, and lack of medical care; however, accurate estimates were unavailable. According to the Prisons Department, 286 inmates died in custody between January and October. Approximately 60 percent of these deaths were due to HIV/AIDS-related diseases. During the year, government agencies sponsored or participated in several conferences on the judicial system and prison conditions, and worked closely with international and domestic human rights organizations on prison reform efforts.

During the year, the Government permitted access to prisons by foreign diplomats, the ICRC, and local NGOs, principally the Foundation for Human Rights Initiative (FHRI) and the Uganda Prisoners' Aid Foundation. The UHRC visited numerous prisons and reported on its findings publicly; however, during the year, the UHRC complained that it was not given access to UPDF detention facilities. Prison authorities required advance notification of visits, a process that often was subject to administrative delays.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits such practices; however, members of the security forces arrested and detained citizens arbitrarily.

The police force is widely perceived to be ineffective both in urban and rural areas. Major constraints included lack of vehicles, equipment, and training, and low pay. Police committed numerous abuses, and impunity was a problem. During the year, Government and international donors provided a variety of different training programs to the police. There were also significant anti-corruption efforts, resulting in the dismissal of some local police officials.

LDUs operated principally in rural areas. Such forces consisted entirely of volunteers and were authorized to carry arms. Their principal purpose was to provide defense to populations affected by rebellions. However, in some cases, they also participated in offensive military operations and carried out police functions. The structure and legal mandate of LDUs were often unclear. Some LDUs committed abuses during the year, including killings and the recruitment and use of child soldiers.

By September, the Police Human Rights Desk had received 368 complaints concerning abuses allegedly committed during the year; 276 had been resolved but resulted in no prosecutions, and 92 were pending investigations.

In conjunction with the UHRC, the police continued a training program to educate officers on internationally recognized human rights standards. The UHRC and NGOs conducted similar programs with UPDF officials during the year. In addition, the police, UPDF, and the Prisons Department used a human rights manual in their training programs. The UPDF made attempts to improve relations between soldiers and civilians.

Under the Constitution, search warrants issued by competent judges or prosecutors are required to make an arrest; however, in practice, suspects often were taken into custody without warrants. 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). Suspects must have access to a lawyer; however, there was no provision for family visitation. The Constitution provides for bail in all but capital cases and cases of treason. If the case is presented to the court before the expiration of this period, there is no limit pretrial detention. Detainees must be informed immediately of the reasons for their detention; however, in practice the authorities sometimes did

not enforce these procedural protections. The Anti-Terrorism Act permits suspects to be held for more than 48 hours without charge, repeals section 28 of the Penal Code that limits the definition of terrorism to illegal possession of firearms, and requires the death penalty for all convicted terrorists.

Several persons were detained under the Anti-Terrorism Act during the year. For example, in March, the General Court Martial charged policeman Benson Ikonyat with terrorism. He was allegedly found with army uniforms and guns at Amusu village in Kumi District in December 2002. The suspect denied the charge and was remanded to custody. It was not known whether he remained in detention at year's end.

On May 29, the General Court Martial charged a UPDF soldier, Corporal Patrick Olupot, and three civilians, Okello Luka, Hussein Emuut Alias Odong, and Umaru Okello, with terrorism. They were allegedly found with bullets, hand grenades, and five machine guns in Mulera, Kumi District, in August 2002. They were remanded after they denied the charge. It was not known whether they remained in detention at year's end.

Arbitrary arrest, including mass arrests known as "panda gari," remained a problem, and police at times harassed and detained opposition activists (see Section 2.b.). During the year, there were many reports of arbitrary detention; however, few were reported to human rights groups or verified independently.

On January 8, security forces arrested RA supporter Dan Magarura without a warrant at his home in Kampala. He remained missing for 12 days and was reportedly held in incommunicado detention. On January 21, he was charged in court with treason. It was not known if he had been released by year's end.

On January 12, security officials arrested Pascal Gakyaro, a supporter of the RA and former supporter of exiled former presidential candidate Besigye. On January 20, after the intervention of M.P. Issa Kikungwe and a High Court order to produce the civil servant, Gakyaro was presented by the Inspector General of Police before the High Court. At year's end, he was being held in Kigo Prison outside Kampala while the State considered charges of treason against him.

On May 2, security agents in Kabale arrested Patrick Biryomumaisho Kirasha and four others accused of recruiting persons for the People's Redemption Army (PRA) rebel group. They were taken to an unknown location in Kampala. At year's end, they remained in detention.

On July 4, UPDF soldiers arrested Gulu State's Attorney Sydney Asubo for having allowed the release of a suspected LRA collaborator. Asubo was later released after being detained at UPDF barracks in Gulu. The Director of Public Prosecution petitioned the UPDF to take action against the UPDF officer who ordered the illegal arrest; however, no action had been taken at year's end.

According to Human Rights Watch (HRW), in August, the JATF in Kampala detained 14 men, and 4 of the men were executed (see Section 1.a.). At year's end, the other 10 men reportedly continued to be held without charge at unofficial detention centers in Kampala.

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

Mass arrests remained a problem. For example, in early March, VCCU operatives arrested 270 suspected criminals in raids throughout Kampala; it was not clear on what evidence the persons were arrested. Half of them were released after a 2-day screening while more than 100 continued to be held without charge at year's end. On March 9, security agents arrested 120 persons in Mbale to screen them for criminal charges and free those against whom no charges could be filed; it was not known how many, if any, remained in detention at year's end. On March 31, UPDF soldiers arrested 100 civilians and 96 UPDF soldiers in Gulu in a sweep that targeted tax defaulters, suspected thugs, and UPDF soldiers engaged in illegal or unauthorized activities; it was not known how many, if any, remained in detention at year's end.

There were fewer reports during the year that LDU members arbitrarily arrested citizens.

On January 13, a Kampala court acquitted Winnie Byanyima, M.P for Mbarara Municipality and wife of opposition leader Besigye, of the 2001 charges of unlawful possession of a firearm.

On February 14, the High Court ordered the Attorney General to pay approximately \$115,000 (230 million shillings) to 21 persons arbitrarily arrested in September 2002, and detained by UPDF soldiers in the northern part of the country.

On March 17, Frank Byaruhanga was released from prison following a recommendation from the Amnesty Commission, a government body; he had been arrested on charges of treason in 2001.

There were no developments in the April 2002 civil lawsuit against the Attorney General for the illegal detention of former Besigye campaign manager Bob Kabushoga in January 2002; the September 2002 case of the 14 opposition youths

charged with treason in Gulu; the September 2002 case of Francis Malinga Egosot, a former Presidential Task Force secretary for Besigye, who filed harassment charges against the police following his arrest and short detention; or in the civil lawsuit filed against the Government for the wrongful detention and assault of Hajji Ramathan Muwonge in 2001.

Steven Mukama, Vincent Kasozi, and Henry Subi, who were reported missing in September 2002 and were later found in police custody, were awaiting resolution of the charges of terrorism, aggravated robbery, and illegal possession of arms at year's end.

Legal and human rights groups criticized the excessive length of detention prior to trial, which in many cases amounted to several years; such lengthy pretrial detentions both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding (see Section 1.c.). Pretrial detainees comprised 60 percent of the prison population. The average time in pretrial detention was between 2 and 3 years. During the year, the UHRC heard several cases brought by prisoners challenging the length of their detention.

During the year, there were reports that civilians were detained in military barracks and unregistered detention facilities. There were credible allegations that the CMI ordered detainees held incommunicado at police stations or in so-called safe houses.

During the year, there were reports of political detainees. The RA alleged that more than 280 of its members had been arrested in 2002 and during the year due to their political opinions. The Government maintained that the arrests were lawful and that some of the individuals would be prosecuted for treason.

The Constitution does not prohibit forced exile; however, the Government did not use exile as a means of political control. During the year, some UPDF officers and Besigye supporters left the country. For example, in February and March, UPDF Colonel Edson Muzoora, Lieutenant Kashillingi, Major Tom Mugizi, and Captain Mohammed Kiwanuka allegedly fled the country to join anti-Museveni groups in Rwanda. In July, Justus Ssemakadde Katambari, a member of Uganda Young Democrats, a political organization, and key agent for Besigye in the Buganda region during the 2001 presidential elections allegedly fled the country for Rwanda due to harassment by security operatives.

Former presidential candidate Besigye and a number of persons on his national task force remained in self-imposed exile during the year.

Some former rebels returned to the country during the year under the 2000 amnesty program.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary. While the judiciary generally was independent, the President had extensive legal powers of judicial appointment. The President appoints Supreme Court, High Court, and Court of Appeal judges with the approval of Parliament. The President also nominates, for the approval of Parliament, members of the Judicial Service Commission, who make recommendations on appointments to the High Court, the Court of Appeal, and the Supreme Court. The lower courts remained understaffed, weak, and inefficient, and.

The highest court was the Supreme Court, followed by the Court of Appeal, which also functioned as the Constitutional Court for cases of first instance, the High Court, the Chief Magistrate's Court, local council (LC) level three (sub-county) courts, LC level two (parish) courts, and LC level one (village) courts. A minimum of six justices could sit on the Supreme Court and the Court of Appeal.

There were unconfirmed reports of bribery and discrimination against women in some LC courts in rural areas, particularly in cases related to land ownership rights. The LC courts had the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases, including murder and rape. LC court decisions could be appealed to magistrate's courts; however, there often were no records made at the village level, and some defendants were not aware of their right to appeal.

The civilian judicial system contained procedural safeguards, including bail and the right of appeal; however, an inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, circumscribed the right to a fair trial. The High Court made little progress in hearing and disposing of backlog cases. Of the 87-case backlog remaining from 2002 and the 115 cases that arose during the year, the High Court had disposed of 112 by year's end. All non-military trials were public.

Many defendants could not afford legal representation. The Constitution requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there rarely was enough money to retain adequate counsel. The Ugan-

da Law Society (ULS) operated legal aid clinics in four regional offices, although services remained limited due to funding constraints. The ULS also assisted defendants in military courts. The local chapter of Uganda Women Lawyers Association (FIDA-U) and the FHRI practiced public interest law from offices in Kampala. The Law Development Center operated a legal aid clinic to address cases involving children and those accused of petty crimes. A public defense service also operated; however, it lacked government funding and relied solely on donor support.

Specialized courts also existed. The Industrial Court (IC) arbitrated labor disputes. Commercial courts resolved commercial disputes, improved commercial justice, and reduced case backlogs.

The military court system often did not assure the right to a fair trial. Although the accused had the right to legal counsel, some military defense attorneys were untrained and could be assigned by the military command, which also appointed the prosecutor and the adjudicating officer. The law establishes a court-martial appeals process; however, a sentence passed by a military court, which could include the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime; however, the law does not permit an appeal under this provision.

In January, Operation Wembley, under which security forces could arrest and try by court martial civilians found in possession of military property, was phased out and replaced by the VCCU, which also used military courts to try suspects. The VCCU arrested and detained at least 500 suspects on various counts including terrorism, aggravated robbery, murder, illegal possession of firearms and desertion.

According to Human Rights Watch, the Government continued to arrest and charge persons for treason, especially captured rebel fighters, including children, and opposition supporters (see Section 1.d.). During the year, numerous human rights abuses continued to be committed in connection with treason cases, including political detention, detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture. At year's end, prison officials reported that there were an estimated 160 persons detained on charges of treason. Detainees included members of the Islamic Tabliq group, some of whom were released and then rearrested (see Section 2.c.).

In 2000, President Museveni signed an amnesty law, which applies to all persons involved in insurgencies since the Movement came into power in 1986. During the year, some political detainees were released under the amnesty law, but exact figures were not available. The amnesty law was extended through April 2004.

There was at least one political prisoner. Bright Gabula Africa who was sentenced to death for treason, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, there were some exceptions. Although the law requires that police obtain search warrants before entering private homes or offices, at times police did not obtain warrants prior to searches.

The Anti-Terrorism Act authorizes certain law enforcement officials to intercept communication to detect and prevent terrorist activities.

There continued to be reports that prison officials routinely censored prisoners' mail.

The Government at times punished family members of suspected criminals and political opposition members. For example, on July 26, George Mugisha, father of RA activist Anne Mugisha, was arrested and temporarily detained for alleged links with a rebel group. He was released after 2 hours due to the lack of evidence, but he claimed the arrest was a form of mistreatment due to his daughter's political activities.

Some family members of perceived political opponents to the Government had difficulties at border crossings while leaving the country (see Section 2.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 at times restricted these rights in practice. In addition, the law criminalizes offenses committed by the media and limited the media's ability to function effectively. The Government at times intimidated journalists, and this may have resulted in the practice of self-censorship by journalists.

On occasion, persons were arrested and detained for criticizing the Government. For example, in March, the Criminal Investigation Division (CID) RA arrested, detained, and interrogated vice-chairperson Winnie Byanyima for statements she al-

legedly made in February concerning alleged government willingness to arm a Rwandan rebel group. She was released after questioning, although the Department of Public Prosecutions reportedly was deciding whether to file charges at year's end.

On August 22, the Uganda Law Council prohibited lawyers from participating in radio talk shows or making public statements on legal matters without permission from the council. The council directive provided for disciplinary action to be taken against any lawyer in breach of a 1977 council regulation on professional conduct. The ban remained in effect during the reporting period but was widely disregarded. Lawyers continued to make public statements and appeared on radio talk shows without penalty.

Public media were generally free and outspoken. There were many privately-owned publications and broadcasters. The New Vision, a government-owned daily newspaper with a circulation of 35,000, sometimes included reporting that was critical of the Government. The Monitor, the country's largest independent daily newspaper, consistently was critical of the Government. The East African, a Kenya-based weekly publication that provided extensive reporting on the country, continued to circulate without government hindrance.

The Government continued to operate Radio Uganda, the only national radio station, and one television station (UTV), whose reporting was not considered to be independent. At year's end, there were at least 50 radio stations, mostly private, operating throughout the country; however, on August 31, the Government announced that it would stop registering FM radio stations to prevent too many stations from overburdening the airwaves and adversely affecting the quality of broadcasting; however, by year's end, the Government continued registering stations. Several independent media outlets in Kampala broadcast daily or weekly political talk shows, including live off-site radio public debates called "bimeeza," which were often very critical of the Government.

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.

Police at times arrested, detained, interrogated, and otherwise harassed journalists during the year. For example, on January 6, police arrested Vincent Matovu, editor of the news pamphlet *Mazima*, and charged him with two counts of sedition for the publication of articles in October and November 2002 about LRA activity in Pader and Kapchorwa Districts. In February, Matovu was released on bail from Luzira Prison; at year's end, his trial, which began in November, was ongoing.

In March, radio talk show host Karim Zziwa was arrested and held overnight on charges of criminal trespass after he brought a recording device into the Movement National Conference.

On June 17, the Government banned radio stations in the northeastern town of Soroti from broadcasting any news about LRA rebel activity and accused radio station Kyoga Veritaas FM of inciting panic and promoting the LRA's cause after it broadcast interviews with persons who had been abducted and released by the LRA. On June 22, police in Soroti raided the offices of Kyoga Veritas FM and detained the station's staff for allegedly broadcasting "false news" stories about LRA rebel attacks in the area and messages from LRA leaders; the Government subsequently closed the station. On July 2, security operatives again raided the station and seized documents and computers. The Government allowed the radio station to reopen on August 31, but directed the station not to broadcast security-related information.

On October 23, police arrested three journalists for the newspaper *New Vision* and allegedly physically assaulted them while they attempted to report on a strike at a textile firm. The three were released the same day.

There were a few reports that citizens harassed journalists. For example, on February 23, followers of Imelda Namutebi, a pastor in the suburbs of Kampala, attacked, severely beat, and robbed Nicholas Kajoba, a journalist for the state-owned daily *New Vision* who was assigned to write a story about Namutebi. The newspaper had published letters criticizing Namutebi for marrying a man who was already married. By year's end, police had conducted no investigation into the incident.

On December 7, 15 persons reportedly belonging to the ruling party attacked and beat Hadija Nakitende, a reporter for CBS radio and vice-president of the Association of Ugandan Journalists, in Kampala. The attack occurred while Nakitende was covering a meeting of the youth wing of the opposition Democratic Party. By year's end, police had conducted no investigation into the incident.

Media laws require journalists to be licensed, to meet certain standards, such as possessing a university degree in journalism or the equivalent. The law also provides for a Media Council with the power to suspend newspapers and deny access

to state information. The Media Council was staffed but not operational during the year.

The Government at times criticized journalists. For example, in late February, State House protested the Monitor newspaper's publication of unflattering pictures of President Museveni, and sharply criticized the newspaper for trying to "demean" the President.

In June, the Government prohibited Monitor reporter Frank Nyakairu from covering functions involving the Presidency; the prohibition, which remained in effect until year's end, was reportedly a result of his contribution to a story about an alleged UPDF helicopter crash in October 2002.

On November 10, the Attorney General banned the media from reporting the declarations of assets and liabilities made by the country's political leaders.

Unlike in the previous year, the Government did not order stations to stop interviewing "exiled political dissidents" accused of terrorism and subversive activity.

During the year, the Government cited national security as grounds to suppress media reporting of the Government's efforts to fight the LRA, particularly reports that the LRA had killed UPDF soldiers. By year's end, the Government continued its attempts to restrict conflict-related coverage, which reportedly resulted in the practice of self-censorship by journalists.

In March, UPDF spokesperson Major Shaban Bantariza warned media houses and journalists not to publish or broadcast military information that was restricted, confidential, or classified. He warned that media outlets who abetted soldiers in leaking information would be subject to punishment, including the possibility of court-martial.

The court case against two editors and a journalist for the Monitor on charges of publishing false information that threatened national security after publishing a story about an alleged UPDF helicopter crash in October 2002 was ongoing at year's end.

By year's end, the Supreme Court had not ruled on the Monitor's appeal that challenged the legality of the law prohibiting the "publication of false news."

The Government did not limit access to the Internet and did not censor websites during the year.

The Government did not restrict academic freedom. Students and faculty sponsored wide-ranging political debates in open forums; however, there were reports that police blocked and forcibly dispersed some university political debates. For example, on October 9, anti-riot police at Makerere University used water cannons and tear gas to disrupt a public debate sponsored by the political pressure group Popular Resistance Against Life Presidency on the issue of eliminating the presidential term limit from the Constitution. Students responded to police action by throwing rocks, and the debate turned into a riot, which lasted several hours.

Political education and military science courses known as "Chaka Mchaka" continued during the year on a national level; however, the courses were not mandatory.

b. Freedom of Peaceful Assembly and Association.—The law restricts freedom of assembly, particularly for political groups, by prohibiting any activities that interfere with the Movement system of governance; in practice, security forces often enforced these restrictions. For groups legally authorized to operate, permits were not required for public meetings; however, groups were required to notify the police prior to such gatherings. Police denied permission to hold public rallies to several opposition political groups during the year and on several occasions, disrupted or intervened and dispersed opposition meetings and other events.

During the year, there continued to be credible reports that security personnel, including UPDF soldiers, intimidated members of the opposition and disrupted numerous rallies and political events. For example, in January, riot police prevented a planned Democratic Party (DP) rally in Rakai District when they prevented DP president Paul Ssemogerere and other DP officials from addressing a crowd at a local football match. DP officials claimed that riot police used tear gas on DP supporters to stop the rally. Also in January, district officials prevented opposition politician James Garuga Musinguzi from holding political meetings in Kanungu District.

In May, police arrested several DP youth activists and representatives of the Norwegian Labour Youth during a workshop held in Bushenyi District. The DP members and their foreign guests were released after 6 hours of questioning.

In May, police blocked a Conservative Party political rally in Kampala and prevented the party's Secretary General Ken Lukyamuzi from addressing the crowd. There were no reports that the police or LDUs used force.

In July, security operatives blocked the convocation of a RA consultative meeting in Ntugamo District. RA officials claim that police used unwarranted force against some of the participants. RA spokespersons threatened to sue the Government if it

blocked another such meeting, and asserted that the meetings were authorized under the POA.

On December 7, pro-Movement youth reportedly disrupted a meeting of the Democratic Party's youth wing, Uganda Young Democrats, in Kabale District. According to reports, a group of 10 Movement supporters beat participants of the meeting and said multiparty politicians were not welcome in Kabale District. About 70 UYD members, including MP Michael Mabikke, were injured. On December 10, Kabale Resident District Commissioner Lt. James Mwesigye denied that he had ordered the attack and condemned it. He reportedly ordered the police to arrest the culprits; however, by year's end, no arrests had been made.

During the year, several local government officials threatened to arrest opposition party members who held rallies; however, the officials made no arrests by year's end.

Police blocked nonpolitical demonstrations during the year. On May 14, riot police blocked more than 200 ethnic Banyoro demonstrators from Hoima District from entering Kampala to protest stalled road works in their home area.

There were reports that local government officials dispersed meetings of religious groups and sometimes denied groups the right to assemble for security reasons (see Section 2.c.).

The High Court scheduled a hearing for January 2004 in the case of a policeman who allegedly killed freelance journalist Jimmy Higenyi during a Ugandan Peoples Congress (UPC) political rally in January 2002.

No further action was taken against the members of the police who forcibly dispersed demonstrations in 2002 and 2001.

The Constitution provides for freedom of association; however, the Government restricted this right in practice, particularly for political parties and organizations. NGOs were required to register with the NGO Board, which included representation from the Ministry of Internal Affairs as well as other ministries.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, in practice, the Government imposed some restrictions.

The law requires religious groups and foreign missionaries to register with the Government; failure to register is a criminal offense. The Government continued to refuse registration to the World Last Message Warning Church due to continuing suspicions arising from the killings of more than 1,000 citizens in Kanungu in 2000. There were no reports that the Government refused to grant such registration to any other religious organization.

Several religious groups, which had been shut down by police as suspected "cults" in previous years, remained closed at year's end. In addition, bans against nighttime prayer meetings by evangelical churches, reportedly for security reasons were still in effect in residential areas of several districts.

On May 27, police in Sembabule District closed Prophetess Nabaasa Gwajwa's center of worship in Ntuusi village and evicted her followers for not registering. By year's end, 55 Gwajwa followers who police had arrested during a protest at district police headquarters remained in custody; the ban on the group's activities remained in effect.

There were some reports that security officials harassed and detained Muslims. On December 15, 17 of the 15 Tabliq Muslims who were acquitted of treason by the High Court and then rearrested in 2002 by the JATF on allegations that they had made contact with ADF rebels were released on bond.

Muslims occupied positions of authority in local and central government; however, some Muslim leaders claimed that the number of positions did not reflect their percentage of the population.

Unlike in previous years, there were no reports of societal violence against traditional African religious institutions.

The LRA was responsible for several attacks against religious institutions during the year. On April 25, LRA rebels abducted Father Gabriel Durigon, an Italian parish priest, during a raid on Gulu Cathedral. On June 6, LRA rebels abducted and later released Father Alex Ojera, a parish priest in Apac. On June 12, a statement attributed to LRA leader Joseph Kony ordered the LRA to "destroy all church missions and kill all priests in Northern Uganda"; Kony reportedly gave the order out of anger over the successful efforts of the Acholi Religious Leader's Peace Initiative (ARLPI) to entice some senior LRA commanders to leave the LRA and rejoin society. On June 17, the LRA killed a Catholic priest and one other civilian and injured several nuns during an attack on Oditel Camp in Katakwi District.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times limited them in practice. 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.

On July 28, security forces arrested Edith Byanyima, sister of RA vice-chairperson Winnie Byanyima and denied her passage into Rwanda. She was charged with destroying property at the immigration booth; however, she claims the Government harassed her due to her sister's political views. Security forces also denied passage to Anselm Besigye, the 3-year-old son of Byanyima, and former presidential candidate Besigye. The immigration authorities claimed that Anselm did not have proper travel documents. During the second week of August, Anselm Besigye was allowed to leave the country for Rwanda.

Opposition presidential candidate Besigye's 2001 petition to the UHRC Tribunal, which alleged wrongful restrictions on the movement of RA members, remained pending at year's end.

Under the 2000 Amnesty Act, government assistance was provided to former rebels to assist their return to the country. As a result of a December 2002 peace agreement, the Uganda National Rescue Front II (UNRF-II) was successfully demobilized as a rebel force. Several former rebels were integrated into the UPDF and UNRF II leader Major General Ali Bamuze was promoted. Several former rebels received reintegration packages to help them reenter civilian life. However, others in the group complained that the Government had not delivered assistance that had been promised.

A significant increase in attacks by the LRA and Karamojong warriors caused many ethnic Acholis and Iteso to leave their homes for urban centers, IDP camps, and villages guarded by the UPDF and LDUs. According to the U.N. Office of the Coordinator for Humanitarian Affairs, there were over 1.2 million IDPs as a result of this violence. At year's end, the number of IDPs per affected district were: Gulu, 416,254; Kitgum, 233,883; Pader, 229,115; Lira, 48,963; Katakwi, 159,533; Soroti, 92,321; Kumi, 19,006; and Kaberamaido, 35,039.

During the year, the LRA conducted several attacks on IDP camps in Katakwi District. In early July, LRA rebels attacked Oditel IDP camp in Katakwi and stole food, drugs, and other supplies meant for IDPs. On July 27, LRA rebels abducted 169 civilians and burned 580 grass-thatched huts during an attack on Achowa IDP camp. At the end of July, LRA rebels abducted an unspecified number of civilians while attacking an IDP camp in Obalanga Subcounty in Katakwi District.

In the north, security 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. Despite substantial NGO and donor community assistance, conditions continued to worsen due to increased LRA activity. The Government failed to provide adequate security to the protected villages or IDP camps, which were the targets of large-scale rebel attacks (see Section 1.a.).

Approximately 25,000 persons were refugees in the DRC, Sudan, and Kenya during the year.

The law does not include provisions for the granting of refugee status or asylum to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. However, in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government did not always cooperate with the Office of the U.N. High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. There were serious disagreements between UNHCR representative Saihu Saihou and the Government over the modalities of the proposed relocation of Sudanese refugees from Masindi District to Yumbe District. As a result Mr. Saihou left the country 5 months before the end of his contract. The Government continued to provide temporary protection to certain persons who did not qualify as refugees or asylees and provide land for temporary resettlement to citizens from neighboring countries. This practice was extended to significant numbers of refugees during the year. More than 85 percent of the approximately 206,000 refugees in the country were from southern Sudan; there also were refugees from the DRC, Rwanda, and other countries.

During September, the Government utilized police and army forces to relocate forcibly approximately 16,000 Sudanese refugees from the Kiryandongo Refugee Camp in Masindi District to locations in the West Nile Region. There were reports that between six and nine persons were killed during a riot to protest the unpopular transfer; however, police claim that no persons were killed. The UNHCR protested the relocation and the Government's refusal to allow the UNHCR access to the

camp. Several M.P.s claimed that the Sudanese refugees who were forcibly relocated would be forcibly recruited by the Sudanese Peoples Liberation Army (SPLA) to fight the LRA; however, the Minister for Disaster Preparedness and Refugees denied these claims, and there were no reports of such forcible recruitment by year's end.

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

The Constitution provides citizens with the right to change their government; however, Movement domination of the Government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right. The law bans most political party activities, including the sponsoring of candidates for election, the issuing of platforms, and the staging of political rallies.

The Constitution provides for an autonomous, independently elected President and a 305-member unicameral Parliament whose members are elected to 5-year terms. The President dominated the Government, and Movement supporters remained in control of the Parliament. However, members of the Movement disagreed on several critical issues, including the question of whether the constitutional presidential term limit should be lifted. Supporters of President Museveni retained a majority in Parliament, but not necessarily in sufficient numbers to pass constitutional amendments.

In March 2001, 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; Besigye received 27.3 percent of the vote. The presidential election generally reflected the will of the population; however, there were many complaints of irregularities prior to and on election day, particularly regarding the voting process. There also were reports that soldiers intimidated voters. There were numerous reports of election-related violence and intimidation by both the Government and the opposition prior to and on election day.

In June 2001, elections were held for the 214 directly elected parliamentary seats. Observers stated that the elections generally reflected the will of the population; however, there were numerous instances of election-related intimidation and violence. The number of opposition M.P.s increased to 35 from 12, including 9 UPC M.P.s and at least 6 M.P.s from the DP. Others were affiliated loosely with the DP; however, the affiliation of several other M.P.'s was unclear. There were 230 M.P.s elected from the Movement party, giving it a clear majority; however, a number of moderate Movement M.P.s kept their seats in spite of President Museveni's active campaigning for their opponents.

In September 2002, the findings of a parliamentary committee investigating violence and irregularities in the 2001 presidential, parliamentary, and LC elections were made public and revealed that Movement supporters accounted for 29 percent of all cases of violence during the elections. The UPDF accounted for 17 percent and EC officials for 16.5 percent. The committee recommended that the Government desist from using the army and other security organs to advance partisan interests during elections, and that the army should register at civilian polling stations to avoid the appearance of malfeasance. It also recommended that acting Army Commander Major General James Kazini, Presidential Advisor on Political Affairs Major Kakooza Mutale, Brigadier Julius Oketa, and other security personnel be investigated further and prosecuted for alleged crimes related to election violence; however, by year's end, no action had been taken.

The Government maintained, at government expense, the Movement Secretariat, an organization that functioned as a government institution and whose membership was limited to those who supported the Movement. In September, the Parliament passed amendments to the Movement Act that extended the term in office for Movement officials and created Movement chairpersons and councils at the district and sub-county levels. Opponents criticized the bill as an attempt to strengthen the Movement before its transformation into a political party.

The Government prohibited non-Movement political gatherings, required employees in the President's office to register their political affiliation in writing, and dispersed numerous political meetings not sanctioned by the Movement (see Section 2.b.). The 2000 referendum on the role of political parties resulted in the indefinite extension of the Movement form of government and the indefinite continuation of restrictions on political parties. The 2002 Political Organizations Act (POA) regulates political parties' activities, including requiring parties to submit a list of names and addresses of at least 50 members from at least one third of all districts in the country. On March 22, the Supreme Court declared unconstitutional Sections 18 and 19 of the POA, which prohibited political parties from holding rallies, taking part in election campaigning, and holding offices outside Kampala. The implication

of the court ruling was that political parties that registered under the POA would be allowed to mobilize at the district level. However, several political parties refused to register under the POA, and district officials, under instructions from the Attorney General, continued to disperse party activities at the district level during the year (see Section 2.b.).

Election candidates were required by law to prove that they met certain educational requirements. Several by-elections were held during the year to fill the seats of those disqualified in 2002 for submitting false certification of educational qualifications.

During the year, the EC organized three parliamentary by-elections in Bubulo East County, Busiki County, and Nakasongola. These elections were reported to have been free and fair. However, several district by-election processes were marred by violence. For example, in Mayuge District, a district official was charged with murder for killing his election opponent. A campaign rally turned violent in Mukono District and riot police were deployed to restore order. During the year, the EC also organized local elections on several occasions, which were peaceful and reportedly free and fair.

There were some developments in legal challenges to the 2001 parliamentary election results. On May 8, former RDC Ngoma Ngime, who belonged to the ruling party, lost his September 2002 High Court appeal challenging the election of opposition candidate Winnie Byanyima as M.P. for Mbarara Municipality.

A December 2002 Court of Appeal ruling invalidated the 2001 parliamentary election results for Kinkizi West County, in which Minister of Defense Amama Mbabazi of the ruling party defeated James Musinguzi of the opposition. In January, Musinguzi withdrew from a scheduled run-off election, citing an unfair playing field, and Mbabazi won the seat uncontested.

The Constitutional Review Commission's (CRC) recommendations on constitutional changes were delivered to the Cabinet in December but have not been made public; however, the Cabinet presented a list of its suggestions for constitutional change to the CRC in September that included the introduction of a multiparty system, increasing executive authority over the legislature, and the lifting of presidential term limits.

Corruption continued to be a major problem; however, the Government took positive steps to combat it during the year. For example, Parliament's Local Government Account Committee (LGAC) investigated local officials over financial irregularities raised in government audits. In July, the LGAC referred Owoi Achiel, Gulu Chief Administrative Officer, to the police for prosecution over his failure to account for \$19,000 (39 million shillings) meant for construction of classrooms. The Committee recommended in October that the police investigate Emmanuel Opilla Lemasu, Principal Internal Auditor of Lira District, over corruption and incompetence. In November, the Committee asked CID to probe the loss of more than \$250,000 (500 million shillings) at Uganda Railways Corporation.

Legislation requires the declaration of wealth by government officials and their family members, and government officials made declarations of wealth in accordance with the law during the year. The Inspector General of Government's (IGG) regional offices increased from seven to nine, increasing the IGG's visibility and capacity to investigate corruption complaints. In March, the Ministry of Ethics and Integrity set up a hotline for policemen to call to report corruption cases.

The Constitution requires elections through electoral colleges for the 81 seats reserved for special interest group in Parliament. These seats are reserved for women (56), organized labor (5), persons with disabilities (5), youth (5), and the army (10). The UPDF High Command, chaired by President Museveni, selected the 10 army representatives.

The Government used quotas in an aggressive effort to place women in positions of authority. Women won 12 non-reserved seats for the 295-member Parliament in the 2001 election. In total, there were 72 female M.P.s in the seventh Parliament. The woman Vice-President resigned during the year and was replaced by a man, but there were 4 women ministers and 12 women junior ministers in the President's 66-member Cabinet. One woman served as Deputy Chief Justice of the Supreme Court, and another woman headed the police force's CID.

The Government also took action against several high-ranking military officers suspected of maintaining under-strength units and pocketing salary payments for so-called "ghost soldiers." Many of the officials, including a former army commander, faced courts-martial that were ongoing at year's end.

Section 4. Governmental Attitudes 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 responsive to their views; however, President Museveni issued a statement in August calling on civil society organizations to avoid involvement in partisan politics.

Active domestic groups included the FHRI; FIDA-U; Human Rights Focus; the National Association of Women's Organizations of Uganda (NAWOU); the International Federation of Human Rights; and the Human Rights and Peace Center of Makerere University. Government officials frequently attended conferences and seminars hosted by NGOs on social problems and continued to cooperate with NGOs on legal and prison reforms.

On March 13, the Government called for a code of conduct for NGOs to minimize the misuse of funds and prevent actions that undermine the credibility of the NGOs. The code had not been enforced by year's end.

The Government allowed visits by the ICRC, the UNHCR, and international human rights NGOs, including Amnesty International (AI). The ICRC continued its suspension of all field activities in the country because of the killings of six ICRC workers in 2001, and it continued to criticize the results of a government investigation into the killings (see Section 1.a.). The ICRC maintained only local staff at branches in Kasese, Bundibugyo, Fort Portal, Gulu, and Kitgum during the year. The ICRC also suspended visits to military detention facilities.

During the year, the U.N. released a report that accused various foreign armies in the DRC, including the UPDF and the armed groups it has reportedly continued to support, of exploiting the DRC's minerals and other resources, and perpetrating violence and human rights abuses to facilitate that exploitation.

The Constitution establishes the UHRC as a permanent independent body with quasi-judicial powers. The President appointed the UHRC's eight-member board. Under the Constitution, the UHRC may subpoena information and order the release of detainees and the payment of compensation for abuses. In several cases during the year, the UHRC Tribunal awarded compensation to complainants who had proven their allegations against government organs (see Section 1.c.). The UHRC continued to pursue suspected human rights abusers, including high-level officials in the Government and military, and had branches countrywide, including in Mbarara, Fort Portal, and Jinja. The UHRC Tribunal headquarters received 1,029 new cases during the year, including some against senior government leaders and military and police officials; the Soroti office received 582 complaints, the Gulu office received 108, and the Mbarara office received 281. In September, the Government submitted a package of proposed constitutional changes, including a proposal to abolish the UHRC. Local and international human rights groups objected to the proposed abolition of the UHRC; there was no action by year's end.

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

The Constitution prohibits discrimination based on these factors; however, the Government did not enforce the law effectively in matters of locally or culturally accepted discrimination against women, children, persons with disabilities, or certain ethnic groups. 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. A Johns Hopkins University study released in January indicated that one in three women living in rural areas experienced verbal or physical threats from their partners, and 55 percent received physical injury as a result of domestic abuse. The law prohibits general assault; however, there were no laws that specifically protected women from battery or spousal rape. 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.

The law requires that bride-prices be nonrefundable gifts to the parents of the bride. In March, women representatives from civil society organizations asked the CRC to abolish the bride-price; however, it had not been abolished by year's end.

In August, Human Rights Watch (HRW) issued a report investigating the correlation between domestic violence and women's vulnerability to HIV/AIDS infection in the country. The report concluded that married women were particularly vulnerable to HIV/AIDS infection as a result of forced sex in marriage by husbands with multiple partners or wives. HRW's report identified numerous social and legal obstacles

to women's ability to protect themselves against HIV/AIDS infection in abusive relationships.

Thousands of women and girls were victims of abduction and rape by rebel forces. There were also reports that women were raped by the UPDF (see Section 1.c.).

FGM was practiced by the Sabinu ethnic group, located in the rural Kapchorwa District, and the Pokot ethnic group (also known as the Upe), which inhabited the northeastern border with Kenya. There were approximately 10,000 Sabinu and approximately 20,000 Pokot in the country. Among the Sabinu, initiation ceremonies involving FGM were carried out every 2 years. Because the ceremony took place in 2002, there were no recorded cases of FGM among the Sabinu during the year. However, FGM cases were recorded in the Karamoja region. In September, an official in Moroto District confirmed more than 30 cases of FGM in his sub-county.

There was no law against FGM, 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 received strong government support and some support from local leaders. The programs emphasized close cooperation with traditional authority figures and peer counseling. Significant press attention to these ongoing efforts brought public attention to the problem during the year.

Prostitution was illegal; however, it was common. There were no credible statistics available on the occurrence of prostitution during the year.

There were reports of trafficking in women during the year (see Section 6.f.).

Sexual harassment also was common. For example, in March, the Association of Uganda Women Medical Doctors protested at their annual conference against male doctors who threaten to withhold promotion from female doctors and nurses who did not yield to sexual advances.

Traditional and widespread societal discrimination against women continued, especially in rural areas. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In many areas, women could not own or inherit property, or retain custody of their children under local customary law. Divorce law requires women to meet stricter evidentiary standards than men to prove adultery. Polygyny was legal under both customary and Islamic law, and a wife had no legal ability to prevent her husband from marrying another woman. In some ethnic groups, men also could "inherit" the widows of their deceased brothers. Women did most of the agricultural work but owned only 7 percent of the agricultural land. There were limits on a married woman's ability to travel abroad with her children (see Section 2.d.).

Numerous women's rights NGOs sponsored conferences, empowerment sessions, and training programs on women's rights throughout the country. There were 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 promoted greater awareness of the rights of women and children. Women as Partners for Peace sponsored a forum to discuss democracy and conflict resolution. FIDA continued with its program on proposed reforms of outdated and discriminatory laws.

Children.—The Government demonstrated a commitment to improving children's welfare. Education received the largest percentage of the national budget. During the year, the Government did not enforce effectively the Children's Statute, which outlines broad protections for children. Government efforts to enforce the statute's provisions were hampered by the large proportion of children in the population (50 percent of the country's population was under 15), staffing 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. The law also prohibits children from taking part in any activity that was likely to injure the child's health, education, mental, physical, or moral development; however, the Government often did not enforce these prohibitions.

The Government continued the Universal Primary Education (UPE) program, which provided free education through the seventh grade; however, education was not compulsory. According to UNICEF, the country's primary school enrollment rate was 87 percent for both boys and girls.

Key components of the UPE program included eliminating compulsory uniform requirements, providing free textbooks, and eliminating school and Private Learning Examination (PLE) fees. UPE increased funding for education, provided additional skills training for teachers, and reduced the textbook to student ratio; however, some provisions had not been implemented fully by year's end. Strained finances, corruption, instability in some areas, infrastructure problems, and inadequate teacher training prevented full implementation. The UPE program made education more

accessible financially; however, parents still had to pay for school supplies and some school costs.

Girls and boys theoretically had equal access to education in the lower grades; however, the proportion of girls in higher school grades remained low because families traditionally favored boys when making educational decisions. Boys also were 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. However, according to UNICEF, only 57 percent of adult women were literate compared with 78 percent of adult men.

Child abuse remained a serious problem, particularly rape and other sexual abuse of young girls, offenses known as "defilement". Defilement applied 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 perpetrators of rape often were family members, neighbors, or teachers. In the first 3 months of the year, there were 3,337 reported cases of defilement. At year's end, 1,684 defilement suspects were found guilty of the crime, with 1,653 still awaiting trial. Defilement carried a maximum sentence of death; however, no court sentenced rapists to death during the year. In practice, defilement cases were often settled by a payment to the girl's parents.

There was an increase in the number of teachers and headmasters arrested for defilement. For example, in March, the headmaster of Town View Secondary School in Kapchorwa was arrested and charged with two counts of defilement. Also in March, Sembabule police arrested two headteachers on charges of defiling school-girls. In July, the headmaster of Home Affairs Secondary School in Kapchorwa was arrested for defiling students.

Corporal punishment is banned; however, many schools used it. For example, primary school teacher Carolyne Bako allegedly caned a 13-year-old student who fell into a coma during the beating. There were no reports of legal action against the accused teacher. In July, the Education Standards Agency threatened to deregister any teacher or headmaster administering corporal punishment. In August, five government primary school teachers in Kampala were investigated by the City Education Officer over allegations of caning.

There were several allegations and some confirmed reports of ritual killings of children during the year. For example, in January, a man in Lyatonde, identified only as Mugisha, allegedly beheaded a 10-year-old girl and drank her blood. He was later beaten to death by an angry mob. In February, five suspects were arrested in Kapchorwa for allegedly killing and mutilating the body of a child as part of a ritual sacrifice. At year's end, there were no developments in the cases against the suspects. In May, a Luwero man was arrested for allegedly killing his 4-year-old daughter and drinking her blood on the advice of a witchdoctor in a ritual to acquire wealth. By year's end, there were no developments in his case.

There were no developments in the June 2002 ritual killing of a girl in Luwero, the September 2002 case of a Mukono man arrested for allegedly trying to sell his 6-year-old son to a traditional healer, or in the 2001 cases of ritual killings.

The marriage of young girls by parental arrangements was common, particularly in rural areas.

FGM was performed on girls in the Sabinu and Pokot tribes (see Section 5, Women).

Child prostitution and trafficking was a problem (see Section 6.f.).

The legal recruitment age for military service was 18 years; however, in practice some recruiters allowed 17-year-olds to enlist. The LDUs were allowed to recruit children under the age of 18 with parental consent. There were reports that the military detained and used former LRA child soldiers on reconnaissance and intelligence missions.

A November U.N. Report on Children and Armed Conflict reported that the Government continued to recruit children into the UPDF, including children who had previously served as combatants for the LRA. UNICEF estimated that there were 300–400 underage soldiers in Uganda's 60,000 person army. Other children were reported to have been recruited into LDUs. The UPDF denied that it had actively recruited child soldiers, but said some might have been allowed to join through deception or oversight. Other reports, however, accused the UPDF of detaining ex-LRA child combatants for unacceptably long periods and in some cases using them on intelligence and reconnaissance missions. In June, the UNICEF screened UPDF recruits at the Lugore military training camp in Gulu District and demobilized children found to be underage.

There were an estimated 2 million children who had lost one or both parents. This large number of orphans resulted from wars and other instability, population displacement, and HIV/AIDS.

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

The LRA continued to abduct thousands of children and, at clandestine bases, forced them into virtual slavery as laborers, soldiers, guards, and sex slaves (see Section 1.b.). 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. More than 85 percent of LRA forces were made up of children whom the LRA abducted and forced to fight as rebels; most LRA rebels were between the ages of 11 and 16.

Thousands of children in the north sought refuge in Gulu and other urban centers to avoid abduction by the LRA. Some children slept in churches and hospitals, while others slept under balconies or on the street if necessary. By year's end, several NGOs had begun providing more organized shelter for these night commuters. However, even at the shelters, conditions were harsh.

Persons with Disabilities.—The Constitution provides persons with disabilities with “a right to respect and human dignity”; however, widespread discrimination by society and employers limited job and educational opportunities for such persons. There was no statutory requirement for the accessibility of buildings for persons with disabilities. Most buildings had one floor; however, taller buildings in larger cities rarely had elevators and those that operated seldom were reliable. There was a Minister of State for Disabled Persons, and five seats in Parliament were reserved for representatives of persons with disabilities. There was also a Department for Disabled Persons within the Ministry of Gender, Labor, and Social Development; however, this institution lacked sufficient funding to undertake or support any initiatives.

The Children's Statute also requires children with disabilities to be treated and given necessary special facilities; however, in practice inadequate funding hampered its enforcement.

National/Racial/Ethnic Minorities.—Civil strife in the north led to the violation of the rights of members of the Acholi ethnic group, who primarily resided in the districts of Gulu, Kitgum, and Pader. Both government forces and the LRA terrorists, who themselves largely were Acholi, committed abuses. The LRA in particular was implicated in the killing and kidnapping of Acholi tribe members (see Section 1.a.). There continued to be allegations that the UPDF targeted Acholi during combat operations against the LRA.

During the year, raids by armed Karamojong warriors in Katakwi, Kotido, and Kapchorwa Districts in the Northeast resulted in more than 1,800 deaths. The raids reportedly exacerbated ethnic tensions in the northeast (see Section 1.a.). The Government's mandatory disarmament program for Karamoja, which has caused confrontations between the UPDF and the Karamojong, continued. However, negotiations began for a Karamojong-led solution involving UPDF officers and politicians from the Karamoja region. Under a new security initiative for Karamoja, the UPDF and police concentrated on improving security conditions by arresting cattle rustlers and preventing cross-border incursions.

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; however, the Government at times did not respect this right in practice. Employers often did not observe the requirement to recognize a union. After a long process, the Government granted registration to the Uganda Allied Teachers' Union during the year. The right to form unions extended to civil servants; however, many “essential” government employees were not permitted to form unions, including police, army, permanent secretaries in the ministries, heads of departments and state-owned enterprises, school principals, and other management-level officials. The Government failed to enforce the rights of some employees to join unions in newly privatized industries and factories.

The law allows unionization if 51 percent or more of the work force supported it, and if the proposed union represented at least 1,000 employees. These requirements effectively prevented workers in important parts of the private sector from forming unions, especially in the textile, hotel, and construction sectors. Both the International Labor Organization (ILO)'s Committee of Experts (COE) and Committee on Freedom of Association (CFA) requested that this dual requirement be amended.

The National Organization of Trade Unions (NOTU), the largest labor federation, included 19 unions with a membership of 145,000, out of an estimated 2 million persons working in the formal sector. NOTU was independent of the Government and political parties and included medical workers and the civil service union. NOTU's influence on the overall economy remained minimal, since approximately 90 percent of the labor force worked as peasant farmers. Even in areas in which cash crops were significant, unionization remained practically nonexistent. NOTU's influence

may be further diminished due to controversy over the election of NOTU's second ranking officer, the chairman general, in October. The losing candidate and his supporters complained that the polling was unfair and announced the formation of a rival union federation, the Central Organization of Free Trade Unions (COFTU). At year's end, 5 of NOTU's 19 unions defected to COFTU; however, COFTU's legal status had not yet been recognized by the Ministry of Gender, Labor, and Social Development.

On April 10, the Ministry of Gender, Labor, and Social Development lifted the 2001 ban on meetings and elections within the labor movement.

The law does not prohibit anti-union discrimination by employers, and union activists were not protected sufficiently from retribution for union activities; however, there were no reported incidents of government harassment of union officials during the year. There were allegations that local government officials urged workers at a prominent textile firm not to take part in unionization efforts.

Labor unions freely exercised the right to affiliate with and participate in regional and international labor organizations. NOTU was 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; however, the right to organize was rarely defended by the Government, and true collective bargaining occurred only in the small private sector of the modern economy. In 1999, the International Textile, Garment, and Leather Workers Federation (ITGLWF) formally complained to the ILO about the denial of the right to organize, which affected members in all but 1 of 16 factories. The case was pending at year's end.

There were examples of collective bargaining in the private sector during the year. For example, in March, members of the staff union at Uganda Clays received an 80 percent increase in wages and allowances following the signing of an agreement on benefits between the union and company management. With technical assistance from an ILO project, workers in the hotel management, transport, and security sectors signed collective-bargaining agreements with their employers to clarify terms and conditions of employment. The Government adopted a cooperative tripartite approach involving the Government, employers, and labor to setting wages and resolving labor disputes. Both the Government and employers could refer disputes to the Industrial Court (IC); however, the IC lacked funds and rarely convened.

The Constitution provides the right to strike; however, the Government seldom defended this right and government policy required labor and management to make "every effort" to reconcile labor disputes before resorting to strike action. This directive presented unions with a complicated set of restrictions. If reconciliation did not appear to be possible, labor had to submit its grievances and give notification of the strike to the Minister of Labor, who usually delegated the dispute to the IC. In principle, IC rulings were final, but in practice, they could be appealed to the High Court, an option often taken by employers. The Minister of Gender, Labor, and Social Development generally did not permit strikes in the absence of a determination from the IC that "every effort" had not been exhausted. The Government only took limited action on organized labor complaints; however, frustrated laborers often went on strike anyway.

There were several strikes during the year. For example, in January, workers at the Uganda Electricity Generation Company went on a 3-day strike after the Uganda Electricity Board (UEB) promised to guarantee employee terminal benefits. Employees went back to work after the chairman of the union received confirmation of benefits from UEB. In August, police arrested 6 workers at the Toro Kahuna Tea Estates on charges of destruction of property during a strike protesting low pay; management fired 65 workers 2 weeks after the strike.

On October 21, the workforce at Tri-Star Apparels, a leading textile firm, went on strike alleging poor working conditions, management threats to fire union organizers, and the purported physical beating of a female employee by her supervisor. High level negotiations involving representatives of workers, management, and the Government failed to end the dispute. The work stoppage ended when management fired 265 workers and brought in replacements. The dismissed workers then camped out in front of Parliament to protest management's action, which they claimed violated employment legislation. On October 30, the Cabinet directed Tri-Star management to pay the fired workers approximately \$30,000 (60 million Uganda shillings) in severance settlements; it was not known whether management paid the workers by year's end.

There are no export processing zones (EPZs).

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports such practices occurred

(see Sections 6.d. and 6.f.). A lack of resources prevented the Government from enforcing this prohibition effectively in practice. There was strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where they often were overworked. Throughout the country, prison officials routinely supplemented their meager wages with cash crops grown by prisoners on the prison grounds (see Section 1.c.). Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners performed manual labor, often for 12 hours per day. Compensation, when paid, generally was very low; skilled prisoners earned approximately \$0.25 (500 shillings) per day, and unskilled prisoners earned approximately \$0.05 (100 shillings). However, the law requires that pretrial detainees receive back pay for all work that they performed once they are released.

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 was common, especially in the informal sector. Demographics contributed to the problem of child labor; half of the population was under 15 years of age. Many children left school and went into agricultural or domestic work to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country (see Section 5). The problem was acute, particularly among the large orphan population.

In urban areas, children sold small items on the streets, were involved in the commercial sex industry, or begged for money (see Section 6.f.). Adults did most tea harvesting; however, some children were employed in this sector as well.

Smuggling was one of the larger informal industries and employed large numbers of child laborers at the borders with Kenya and Tanzania. Children walked back and forth across the unguarded borders, transporting small amounts of fuel, sugar, coffee, or other commodities.

The Government incorporated the provisions of ILO Convention 182 on the Worst Forms of Child Labor into the draft Employment Bill 2000; however, the law had not been passed by year's end. In February, the ILO registered the Government's ratification of Convention 138 on the Minimum Age for Admission to Employment. The draft Employment Bill, which contained provisions to fulfill Convention 138's requirements, had not been passed by year's end.

The law prohibits forced and bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively. There were reports the UPDF used ex-LRA child soldiers on reconnaissance and intelligence missions (see Section 5).

The LRA often forced abducted children into virtual slavery as guards, laborers, soldiers, and sex slaves (see Section 1.b.).

The Ministry of Gender, Labor, and Social Development enforced the law on child labor; however, financial constraints limited the ministry's efforts. The Government made efforts to decrease the incidence of child labor during the year. The Government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which brought together representatives of the Ministry of Gender, Labor, and Social Development; the Ministry of Education and Sports; the Ministry of Local Government; the Federation of Uganda Employers; the National Organization of Trade Unions; NGOs; journalists; and academicians. The Government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. Several human rights NGOs also continued programs during the year aimed at removing children from hazardous work.

The Government also cooperated with the ILO and foreign governments in several initiatives to combat child labor, including an ongoing 4-year International Program for the Elimination of Child Labor (IPEC) to withdraw 2,600 children from hazardous labor and a 4-year Education Initiative to reduce child labor in the north.

e. Acceptable Conditions of Work.—The minimum legal wage was \$3.00 (6,000 shillings) per month, a rate set in 1984; however, this wage was not enforced effectively in practice. The Government and the private sector negotiated a new rate during the year; however, no minimum wage legislation had been passed by year's end. The minimum wage was 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. Other benefits, such as housing and transport allowances, which often were equal to base wages, supplemented salaries. The Ministry of Public Service's salary scale for civil servants started support staff at approximately \$38 (76,000 shillings) per month, up to supervisors at \$666 (1,332,000

shillings) per month, plus modest increases for years worked. All included provisions for paid overtime. The higher end of this wage scale provided minimal standards of living for a worker and family; however, most civil servants had great difficulty earning enough money to pay their children's school costs. Many civil servants and their dependents worked second jobs, grew their own food, or sought other ways to supplement their incomes.

In industries that employed workers on an hourly basis, the normal work week was 40 hours. There was no legal maximum workweek; however, employers were supposed to pay a time-and-a-half rate for each additional hour worked beyond a 48-hour work week. Many industries paid workers incrementally to avoid overtime and circumvent the prohibition on child labor. Many companies employed workers as "casual laborers" or "contract workers" 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 were inadequate.

Building codes often were not enforced. Some structures tripled in height above the original foundations, which often compromised the structural integrity of these workplaces. Machinery in factories often lacked safeguards.

The law establishes some occupational health and safety standards. The Workers' Compensation Act provides compensation, based on monthly salaries, for workers injured or killed at work. The Ministry of Gender, Labor, and Social Development's Department of Occupational Health was responsible for enforcement of occupational safety regulations; however, in practice inspections were rare, primarily due to the 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 did not protect workers who refused to perform dangerous work from being fired; however, strong unions in certain dangerous industries protected such workers.

Foreign workers are protected under the Occupational Health and Safety Law. The law does not exclude illegal workers; however, any illegal worker that filed a claim had to prove they were working legally or face penalties.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, or within the country. The Criminal Code prohibits slavery with penalties of up to 10 years' imprisonment and requires the CID to combat trafficking. The CID did not keep records on the magnitude of the trafficking problem and it was unknown if its efforts were effective. There were no reports of trafficking-related arrests or convictions during the year.

In addition to trafficking related to LRA abductions, the Government acknowledged that internal trafficking of children for labor and commercial sexual exploitation was a growing problem. In urban areas, some children were involved in the commercial sex industry, particularly in border towns and in Kampala.

There continued to be unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in the north for service in their forces (see Section 2.d.).

The LRA abducted civilians for training as guerrillas; most victims were children and young adults whom the LRA forced into virtual slavery as guards, laborers, soldiers, and sex slaves (see Section 1.b.).

The Government, through the military, continued efforts to combat LRA trafficking in persons despite severe resource constraints. The Government began Operation Iron Fist in 2002 to eradicate the LRA threat. It continued to offer amnesty to ex-rebels, providing resettlement packages with educational benefits and vocational training. The Government also established protected camps garrisoned by the UPDF that have helped to prevent abductions (see Sections 1.b. and 2.d.).

ZAMBIA

Zambia is a republic governed by a president and a unicameral national assembly. Since 1991, multiparty elections have resulted in the victory of the Movement for Multi-Party Democracy (MMD). MMD candidate Levy Mwanawasa was elected President in 2001, and the MMD won 69 out of 150 elected seats in the National Assembly. Domestic and international observer groups noted general transparency during the voting; however, they criticized several irregularities. Opposition parties challenged the election results in court, and court proceedings were ongoing at year's end. The anti-corruption campaign launched in 2002 continued during the year and resulted in the removal of Vice President Kavindele and the arrest of former President Chiluba and many of his supporters. The Constitution mandates an independent judiciary, and the Government generally respected this provision;

however, the judicial system was hampered by lack of resources, inefficiency, and reports of possible corruption.

The police, divided into regular and paramilitary units under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Security and Intelligence Service (ZSIS), under the Office of the President, is responsible for intelligence and internal security. Civilian authorities maintained effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

Approximately 60 percent of the labor force worked in agriculture, although agriculture contributed only 15 percent to the gross domestic product. Economic growth increased to 4 percent for the year. A severe budget shortfall precipitated by the Government's agreement to a wage and benefit increase for government employees resulted in the suspension of balance of payment support from donors and the postponement of debt forgiveness. The Government's failure to pay housing allowance increases for civil servants prompted nationwide strikes during the year. Approximately 73 percent of the country's estimated 10 million population lived below the poverty line.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police officers committed several unlawful killings and tortured, beat, and otherwise abused criminal suspects and detainees. Some police officers who committed these abuses were disciplined or remained in detention pending trial; however, most did so with impunity. The lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. The Government launched the Police Public Complaints Authority (PPCA) during the year to combat police misconduct. Prison conditions were harsh and life threatening. Arbitrary arrests, prolonged detention, and long delays in trials were problems. The police infringed on citizens' privacy rights. The Government at times sought to restrict press freedom. Police forcibly dispersed demonstrations and obstructed rallies of the political opposition, labor unions, and civil society groups. Violence and discrimination against women remained widespread. Child abuse, child labor, and discrimination against persons with disabilities were problems. Workers' rights were limited. 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 political killings; however, security forces committed numerous unlawful killings during the year. The Legal Resources Foundation (LRF), an independent human rights organization that counseled victims' families and represented them in actions against the Government, consistently investigated and publicized such incidents.

On May 27, police in the Lusaka neighborhood of Kabwata shot and killed Tombozгани Chirambo, head coach of a local basketball team, as he returned home following an evening practice session. Following complaints by Chirambo's family and the Law Association of Zambia (LAZ), the Government arrested and charged two officers with murder. The court ordered the two officers held without bail; however, there was no trial by year's end.

Police killed several suspects during apprehension and in custody. For example, on January 29, Lusaka police arrested Chomba Mulamba, a Congolese national, on suspicion of illegal possession of a firearm. Police transported Mulamba to nearby detention cells, where they severely beat him, breaking his ribs and both of his legs. Mulamba remained in the cell for several days with no medical care. Following protests from his uncle, police transported Mulamba to the hospital, where he died following the amputation of one of his legs. No action was taken against those responsible by year's end. On May 6, LRF reported that Tobias Kapenda Tembo died after two police officers beat him in Livingstone. No action was taken against the perpetrators by year's end.

On November 14, police in Kabwe arrested and beat Chisenga Chisenga on suspicion of theft. When his father visited him in the police cell shortly after his arrest, Chisenga was unable to stand, had several contusions, and was bleeding from the mouth and ears; he was pronounced dead 4 hours after his arrest. The police claimed Chisenga committed suicide; however, Chisenga's father charged that police refused to provide medical care for his son. The police promised to investigate Chisenga's death; however, no action had been taken by year's end.

Police forcibly dispersed demonstrations during the year; at least one person was killed (see Section 2.b.).

On February 17, former State House Permanent Secretary Gibson Zimba and his accomplices were sentenced to death for the 2001 murder of three teachers; LRF initiated a civil suit in the case during the year.

On February 19, the Lusaka High Court sentenced police officer Patson Mwale to 20 years in prison for the 1999 murder of Ben Shatuka.

On May 1, the police officer who killed Joe Mpembeni in 2002 over an unpaid beer debt was convicted of murder. No action was taken on the civil suit filed by LRF.

On July 25, the state sentenced Moses Mulenga and Amon Banda to death for the 1999 murder of Major Wezi Kaunda, the son of former president Kenneth Kaunda.

The results of the inquest into the 2002 killing by police of Alison Phiri and David Nkwambwa were not released by year's end.

There was no known action taken in the 2002 killings by police officers of Fackson Kafumukache, Henry Simwinga, and Mukata Sifu.

There was no known action taken in the 2001 police killings of Eddie Muonga and Lemeck Siamapande.

In July and August, Mai Mai rebels from the Democratic Republic of the Congo (DRC) killed numerous civilians during raids on villages near Kaputa.

b. Disappearance.—There were no reports of politically motivated disappearances. Unlike in the previous year, there were no reports of abductions by Angolan government forces or National Union for the Total Independence of Angola rebels.

There was no information on the whereabouts of seven citizens detained by Angolan government forces in 2002 after they crossed the border into Angola.

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. Authorities detained, interrogated, and physically abused family members or associates of criminal suspects in attempts to identify or locate suspects. Officers who tortured, beat, or otherwise abused suspects generally were not disciplined or arrested for such acts, although local human rights organizations, particularly LRF, were active in pressing for such action.

On March 26, police in Lusaka arrested and tortured Kalengo Kalowani, whom they suspected of involvement in vehicle theft; Kalowani was later hospitalized from his injuries. Police promised an internal investigation; however, no action was taken against the responsible officers by year's end.

On April 5, police in Lusaka arrested Shebo Silumelume on suspicion of attempted sexual assault. While interrogating Silumelume, police severely beat him and shot him in the back of the head, causing permanent brain damage. Police launched an internal investigation; however, no known action was taken against the responsible officers by year's end.

In May, police in Lusaka tortured for 3 days Webster Mfula, whom they had arrested on suspicion of aggravated robbery. Interrogators reportedly stretched Mfula's legs atop a metal bar, crushed his feet, and subsequently denied him medical treatment; two of Mfula's toes were amputated as a result of his injuries. LRF pursued the matter in the courts; however, no further action was taken by year's end.

On October 10, the Government charged two Kabwe police officers with assault for torturing a suspect on October 4. The suspect, who was arrested on suspicion of theft, was hospitalized from the injuries he sustained during torture.

During the year, in response to recommendations made in the 2000 Torture Commission report, the Government announced that alleged victims of state-sanctioned torture following the 1997 coup attempt may file individual claims for compensation in the local courts.

Police also sexually abused detainees during the year. For example, on May 7, police in Livingston sexually assaulted Mary Goma, who had been arrested in connection with a theft at her place of business. Goma, who was pregnant, lost so much blood as a result of the assault that doctors were forced to induce an abortion. On June 19, police announced an investigation into the case; however, no known action was taken against the responsible officers by year's end.

On July 14, a police officer physically and sexually assaulted Linda Zulu in the presence of hundreds of witnesses near Lusaka's City Market. At least one other police officer stood by while her attacker and local youths assaulted Zulu. The police Victims Support Unit (VSU) investigated the case; however, no known action was taken against the responsible officers by year's end.

In February, the Government agreed to pay \$1,600 (8 million kwacha) in compensation to police officer Likomba Simunji, who 20 senior police officers unlawfully detained and tortured in 2000; the award followed a successful LRF lawsuit. On May 22, police arrested Joseph Chitambo, a senior police official, who extorted

money from a local couple in his capacity as a public servant; Chitambo was charged with theft and extortion by a public servant.

No action was taken against the responsible police officer in the 2002 beating of Leonard Zimba, who filed a civil suit against the State; the suit was pending at year's end.

There were no known developments in the 2002 cases of Joe Shapi Mulenga and Wilbrod Chewe. The results of the 2002 internal investigation into rapes by police officers were not known by year's end.

There was no known action during the year, nor was any action likely to be taken, against police officers responsible for numerous 2001 cases of torturing, beating, or abusing persons.

In July, Choma-area village Headman Victor Muzimo and his two messengers were sentenced to 1-year imprisonment with hard labor for whipping a village resident accused of theft. In handing down the sentence, the presiding judge noted that the law did not permit chiefs or village headmen to inflict corporal punishment on their subjects.

Prison conditions were harsh and life threatening. According to official December statistics, prisons designed to hold 5,500 inmates held more than 13,200 prisoners, 5,100 of whom were pre-trial detainees. The Lusaka Central Prison, built to hold 400 inmates, reportedly held 1,396 prisoners at year's end; some prisoners slept sitting upright. 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. Between January and September, 149 convicted prisoners and 107 detainees died in custody, primarily from tuberculosis and malaria. During the year, the Government released \$120,000 (600 million kwacha) to improve prison sanitation and access to potable water. Unlike in the previous year, there were no reports of starvation in the prisons; however, the nongovernmental organization (NGO) Boy Empowerment International, which began donating food during the year to inmates from families too poor to deliver food, noted that such inmates were frequently deprived of food.

On May 3, the Government announced the presidential pardon and immediate release of 16 prisoners whose crimes had been committed with the mitigating factor of mental illness or defect; none still suffered from mental illness when released.

Women and men were held separately; however, juveniles often were not held separately from adults. For example, on January 5, a 6-year-old boy was transferred from Mumbwa State Prison to the Mukobeko Maximum Security Prison to await trial for the 2002 killing of a 3-year-old. During his stay in the two prisons, the first grader shared the same cells and daily routines as the adult inmates. On February 20, following a petition by LRF, the court reduced the charge to manslaughter and released the boy on bail; on March 4, the Kabwe High Court dismissed the charges against the boy.

Pretrial detainees were not held separately from convicted prisoners.

There were reports of prison deaths due to neglect during the year.

The Government permitted prison visits by both domestic and international NGOs and by resident foreign diplomats during the year. Provincial human rights committees periodically inspected prison conditions; LRF continued its prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. Criminal suspects were arrested on the basis of insubstantial evidence or uncorroborated accusations.

Police posts in towns throughout the country reported to one of nine provincial police stations, which in turn reported to the central police command in Lusaka. Lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. Human rights training during the year raised police awareness of human rights; however, the use of excessive force continued, and corruption was widespread. Police released prisoners in exchange for bribes, detained citizens in private debt disputes for a portion of the payment owed, extorted at roadblocks, and required document processing "fees" or "gas money" to commence investigations. Some of those police officers arrested were convicted and sentenced to prisons; however, most went unpunished unless an NGO took up the case on behalf of the victim. Punishment, if any, usually came years after the abuse was committed, and the accused officers often remained on duty in the interim.

During the year, the Government took some steps to address these problems. On May 7, the Government officially launched the PPCA, to which members of the public could direct complaints of police harassment and abuse. On May 18, following the submission of a complaint to the PPCA by a local businessman, the Inspector General (IG) of Police, who has 60 days to carry out the PPCA's instructions, per-

sonally arrested two police officers for theft of a motor vehicle. On June 16, the police department announced that it had arrested 148 police officers engaged in criminal activities since the 2002 inception of the Police Professional Standards Unit. On August 18, President Mwanawasa and the Minister of Home Affairs publicly criticized the police for continued human rights violations. On September 19, the PPCA directed the IG of Police to dismiss four police officers for unlawfully detaining suspects in May 2002. The recently-appointed IG, who claimed that the PPCA lacked the statutory authority to direct him to take action, refused to carry out the directive. Government officials were trying to resolve the jurisdictional dispute between the PPCA and the IG at year's end.

There was a functioning bail system; however, prisons were overcrowded in part because of the numerous offenses for which bail is not granted, including treason, murder, aggravated robbery, and violations of narcotics laws, as well as lesser offenses such as motor vehicle theft. During the year, there were public calls for the addition of child sexual abuse to the list of nonbailable crimes (see Section 5).

Indigent detainees and defendants rarely had the means to post bail. The Government's legal aid office was responsible for providing representation for indigent detainees and defendants in criminal or civil cases; however, in practice, few received assistance. The office had nine attorneys during the year.

Police arbitrarily arrested family members of criminal suspects (see Section 1.f.).

Police frequently arrested individuals as a pretext for stealing their property or extorting bribes. For example, on February 3, Mansa police reportedly arrested Mackson Chapwe on charges of disorderly conduct and took his money and wristwatch. Upon his release 2 days later, police informed Chapwe that his possessions were missing, and returned the items only after the intervention of LRF.

On April 2, according to LRF, a police officer arrested and detained Mulenga Mumbi and his wife on suspicion of theft. After 7 days, during which the officer occasionally beat the couple, the officer offered to release them for \$30 (150,000 kwacha). The couple refused to pay the officer, who later denied ever having made the offer to release them from custody. Police stations frequently became "debt collection centers," where police officers acting on unofficial complaints detained debtors without charge until they paid the complainants; in return, the police received a percentage of the payments. Officers found engaging in this practice reportedly were disciplined.

Authorities detained three journalists during the year (see Section 2.a.).

On January 28, the court dismissed for insufficient evidence the charges against three United Party for National Development (UPND) activists who were arrested in December 2002 for the murder of freelance journalist Charles Lwiindi; some observers believed the arrests were politically motivated.

Pre-trial detention often was prolonged. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours; in practice, the authorities held most detainees for more than 1 month from the time of detention to the first appearance before a magistrate. In some cases, defendants were awaiting trial for as long as 2 to 3 years. In past years, some defendants had waited as long as 10 years for completion of appeals processes that reached the Supreme Court. 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 (see Section 1.e.). Such delays resulted in a May 14 brawl at the Lusaka Magistrate's Court between police and 20 detainees, who refused to board a prison bus to protest a court adjournment that further delayed the adjudication of pending cases; one detainee was injured in the brawl. Attorneys and family members were permitted access to pre-trial detainees.

The law prohibits forced exile, and the Government did not use it. Unlike in previous years, the Government did not deport persons; however, in July, the President publicly suggested that NGO leaders critical of the Government might be deported (see Section 4).

On March 4, Liberal Progressive Front President Roger Chongwe returned to the country from self-imposed exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected 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.

Courts continued to act independently and at times made judgments and rulings critical of the Government (see Section 3). For example, on September 24, the Supreme Court nullified the 2001 electoral victory of MMD parliamentarian and Minister of Defense Michael Mabenga and stripped him of his parliamentary seat and ministerial portfolio. The court further recommended that Mabenga, who diverted

money from the local Constituency Development Fund to finance his campaign, be charged criminally for theft of public funds during the 2001 campaign; however, no charges had been filed against Mabenga by year's end.

On February 25, the judiciary charged former President Chiluba with 59 counts of corruption, and in early August, the court added another 96 charges; other officials from the previous and current Government faced similar charges. On December 9, Chiluba, former intelligence chief Xavier Chungu, and five other former government officials went on trial for "plundering the national economy"; the trial was ongoing at year's end.

On December 18, the Supreme Court upheld the treason convictions and death sentences of 44 of the 59 soldiers arrested following the October 1997 attempted coup. The Court ruled that the Government had failed to prove the substantive involvement in the coup of 10 prisoners, who were immediately freed; 5 soldiers died awaiting their appeal.

The Supreme Court had appellate jurisdiction for all legal and constitutional disputes. The High Court, which held regular sessions in all nine provincial capitals, had authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts had original jurisdiction in some criminal and civil cases; local, or customary, courts handled most civil and petty criminal cases in rural areas.

Local courts employed the principles of customary law, which varied widely throughout the country. Lawyers were barred from participating in proceedings in such courts, and there were few formal rules of procedure. Presiding judges, who usually were prominent local citizens, had substantial power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters. Judgments often were not in accordance with the Penal Code; for example, they tended to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts were public, and defendants had the opportunity to confront their accusers and present witnesses; however, many defendants lacked the resources to retain a lawyer, and the limited resources of the Government's legal aid department meant that legal aid was unavailable for many citizens. Courts were congested, and there were significant delays in trials while the accused remained in custody (see Section 1.d.). In many cases, at least 6 months elapsed before a magistrate committed the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court took months, or, in some cases, as long as a year. Once a case reached the High Court for trial, court proceedings lasted an average of 6 months. Approximately 30 of 72 magistrate positions were filled by fully qualified attorneys; the rest were filled by lay magistrates.

On March 30, magistrates and local court justices went on strike for nearly 2 weeks to demand better pay and conditions of service. On July 9, judiciary workers again walked off the job in cities throughout the country, demanding government payment of housing allowances; operations in the judiciary slowed to a halt during the 2-week strike. On August 27, judicial workers joined other civil servants in a nationwide strike to protest the non-payment of housing allowances to government workers, slowing down judicial operations in September (see Section 6.b.).

On October 13, High Court Chief Justice Ernest Sakala announced that the courts would rely increasingly on mediators to reduce case backlogs, particularly in the Industrial Relations Court; mediators were not bound by strict rules of evidence or procedure. No information was available on the initiative by 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 did 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 an arrest warrant.

The Constitution grants the Drug Enforcement Commission and the ZSIS authority to wiretap telephones for probable cause. Authorities sometimes detained, interrogated, and physically abused family members of criminal suspects to obtain their cooperation in identifying or locating suspects. For example, on February 10, police arrested two children, aged 13 and 18, and charged them with obstruction of justice for failing to disclose the whereabouts of their father, Joshua Chinyama. With the assistance of LRF, Chinyama sued the police in court; however, no decision had been reached in the case 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; however, the Government at times restricted these rights in practice. The law includes provisions that may be interpreted broadly to restrict these freedoms. Journalists in the government-owned media generally practiced self-censorship; however, the private print media routinely criticized the Government.

A number of privately owned newspapers questioned government actions and policies, and these circulated without government interference. The government-controlled Times of Zambia and Zambia Daily Mail were two of the most widely circulated newspapers.

In addition to the government-controlled radio station, there were several church-related radio stations, six private commercial radio stations, and three community radio stations in the country. Radio Phoenix rebroadcast programs from Voice of America, British Broadcasting Corporation (BBC), and South African Broadcasting Corporation. A Catholic radio network, Radio Yatsani, continued broadcast operations; however, its radio license limited the station to three newscasts of 3 minutes each per day, and the Government still had not approved its application for a television station by year's end. Yatsani officially had permission to rebroadcast programs from Vatican Radio and news clips from the BBC; however, it first had to have excerpts approved by the Ministry of Information, a process that effectively eliminated timely rebroadcasts. On May 5, Radio France International began broadcasting to Lusaka and Kitwe in French and English.

The Government-owned ZNBC was the sole local-content television station, and opposition political parties complained that government control of the station and of two major newspapers limited their access to mass communication. TV Africa, based in South Africa, provided free broadcasts of local and BBC programming. Multichoice, a telecommunications company based in South Africa, and CASAT provided satellite and analog wireless subscribers with television services, which included broadcasts of foreign news sources. None of the services included local news coverage.

The police harassed and arrested journalists during the year. On January 21, police detained without charge Monitor newspaper journalists Arthur Simuchoba, Calvin Kaley, and Chali Nondo; the three were questioned for several hours about an October 2002 article that charged the President's brother with corruption; the International Secretariat of Reporters Without Borders criticized their detainment. On February 5, Nondo was arrested and questioned about an article regarding magical charms used by former Minister of Foreign Affairs Katele Kaluma; he was released the same day.

During the year, the Government interfered with radio and television stations. For example, on February 27, Information Minister Newstead Zimba threatened to revoke the operating license of Radio Icengelo, a private religious station, for granting air time to opposition politician Michael Sata. Zimba further cautioned community radio stations and the Trinity Broadcasting Network not to criticize the Government or use sarcasm; however, the Government took no further action during the year.

On September 19, the country's only private television station, Omega, was granted a stay of execution to the High Court's order to cease operations; the Government claimed that Omega had failed to comply with aspects of its regulatory agreement. On November 1, police officers raided Omega and ordered the staff to cease test broadcasts immediately. Observers noted that the Government's action may have been in response to the involvement of former Press Secretary Richard Sakala, who was a major investor in Omega and a leading defendant in the Government's ongoing anti-corruption trials. The Government took no further action during the year; however, the station remained closed. The Government exercised considerable influence over the government-owned media, including reviewing articles prior to publication and censuring individuals responsible for published articles or programs deemed offensive by the Government. As a result, journalists in the government media generally practiced self-censorship, and the media continued to be supportive of the Government.

In response to headlines and stories alleging official corruption, those accused and others brought numerous libel suits against the Post, an independent daily newspaper, and the bi-weekly Monitor newspaper.

On May 12, the Lusaka High Court instructed the Sheriff of the country to seize assets from the Monitor newspaper, the Inter-African Network for Human Rights and Development (AFRONET), and former Monitor reporter Calvin Kaley to pay for over \$18,000 (90 million kwacha) in damages and \$12,000 (60 million kwacha) in interest owed by Kaley, the Monitor, and AFRONET to three human rights commissioners; in 2000, the commissioners had won a libel suit against Kaley, the

Monitor, and AFRONET following the Monitor's publication of an article accusing the commissioners of corruption. AFRONET and the Monitor sold all of their vehicles to pay the judgement.

On June 30, Peter Mumba, Permanent Secretary of the Ministry of Home Affairs, sued the Monitor for libel in response to allegations in an April edition that Mumba had been implicated in a corruption investigation; the lawsuit was pending at year's end.

The law provides that investigative tribunals can call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal can result in charges of contempt punishable by up to 6 months in jail. The media criticized these provisions as clear infringements of freedom of the press and as a means for parliamentarians to bypass the court system.

The Government did not restrict access to the Internet. Many newspapers, both private and government owned, had websites.

The Government did not restrict academic freedom. Although the law gives the University Council a mandate to address faculty concerns, the Minister of Education was empowered to appoint the members of the Council; some academics 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 occasionally interfered with this right in practice.

During the year, government officials, opposition leaders, and NGOs criticized the Public Order Act (POA), which requires rally organizers to notify the police 7 days in advance of a rally, and which the police often used to deny demonstration permits. On January 21, Acting Home Affairs Minister Ludwig Sondashi criticized the POA for its failure to conform to democratic standards; the same day, Francis Musonda, the IG criticized the POA as an anachronism from the authoritarian years of colonial rule. On June 25, Amnesty International accused police of using the POA to arbitrarily obstruct opposition parties and NGOs in their efforts to hold public demonstrations; police denied the accusation.

On March 6, Kitwe police obstructed the planned rally of Michael Sata, the President of the opposition Patriotic Front Party, citing a presidential visit to the city the same day. On March 20, Lusaka police again obstructed a Sata rally, citing the unfavorable security situation in Lusaka.

On March 8, the Government closed the University of Zambia (UNZA) following a month-long strike by lecturers and researchers over unpaid leave benefits and long service bonuses (see Section 6.b.). Lusaka police subsequently obstructed a demonstration scheduled for March 14 by the Zambian Independent Monitoring Team (ZIMT), which had called for demonstrations to demand the reopening of UNZA. The police commanding officer reportedly vowed never to allow a ZIMT rally. On March 27, police forcibly dispersed a student demonstration to end the ongoing strike; one student was shot and killed. Police promised an investigation into the killing; however, the results were not released by year's end. University classes resumed in June.

On August 9, police officers threatened opposition members of Parliament and their supporters with violence before allowing a rally to continue in Lusaka; the rally organizers had a valid permit for the gathering. Lusaka's commanding officer, Chendela Musonda, attributed police actions to a breakdown in internal police communication.

On November 18, police fired live ammunition during a demonstration to protest the death in custody of Chisenga Chisenga (see Section 1.a.).

No known action was taken against security forces who used excessive force when dispersing a spontaneous demonstration in 2002.

The Constitution provides for freedom of association; however, the Government placed some limits on this right in practice. All organizations must formally apply for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications. There were 45 political parties and dozens of NGOs registered. The Government threatened to take action against those organizations that did not submit annual reports to the Registrar of Societies; however, no action has ever been taken. During the year, the Government deregistered two associations following clashes between them (see Section 6.b.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Although the Constitution declared the country a Christian nation, the Government in practice generally respected the right of all faiths to worship freely.

The Government required the registration of religious groups, and the Government approved all applications for registration from religious groups without discrimination.

On July 2, police in Lusaka raided an Islamic school and arrested the operators for unlawful confinement and child abuse; boys between the ages of 4 and 10 endured harsh conditions while studying Arabic and Islam at the school. The following week, police raided two similar Islamic schools in the Lusaka area. On November 10, the Director of Public Prosecutions dropped the charges without explanation. The High Court subsequently ordered the deportation of the operators, who were not citizens of the country; an appeal to the deportation order was pending at year's end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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 continued to man numerous roadblocks around the country to control criminal activity, enforce customs and immigration regulations, check drivers licenses, and inspect vehicles for safety compliance. Police at times extorted money and goods from motorists at these roadblocks. To reduce opportunities for corruption, signs were erected at some roadblocks serving notice that payment of fees was prohibited; however, these signs were not notably effective.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol. In May, the Government provided temporary protection to more than 500 Congolese who fled the DRC following the April 25 pullout of Uganda troops. The UNHCR estimated that there were approximately 225,000 refugees in the country at year's end, most of whom were Angolans and Congolese; 125,000 of the refugees were in formal camps.

Voluntary repatriation of Angolan refugees began during the year, and more than 18,000, primarily from the Meheba and Mayukwayukwa camps, were repatriated by year's end.

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

The Constitution provides citizens with the right to change their government, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage. Under the Constitution, the President exercises broad authority. The National Assembly ratifies major appointments and theoretically has broad powers.

In December 2001, 11 political parties contested the presidential elections. Levy Mwanawasa, the MMD presidential candidate, was elected with 29 percent of the vote; runner-up Anderson Mazoka, the 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 elected parliamentary seats, leaving it slightly short of a majority; the remaining 81 elected seats were divided among several opposition parties and 1 independent member. Approximately 55 percent of eligible voters registered, and approximately 70 percent of registered voters cast ballots. President Mwanawasa was 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 election results. The MMD's use of government resources during campaigns, including the government-owned media, called into question the fairness of the elections. Opposition parties further alleged that significant rigging took place during the elections.

Anderson Mazoka, the UPND runner-up in the 2001 presidential election, Christon Tembo of the Forum for Democracy and Development, and Godfrey Miyanda of the Heritage Party challenged the election results. In July 2002, the court banned public comments on this matter after the three petitioners claimed that they were intimidated by President Mwanawasa's warning in a media interview that his accusers should "be prepared to accept as a reward for their evidence that they should be prosecuted and possibly convicted of theft or corrupt practices."

On May 16, the Supreme Court found Mazoka and Vice-President Enoch Kavindele in contempt for having discussed the presidential election petition in the

media. The court ordered Mazoka and Kavindele to pay a fine of \$600 (3 million kwacha) and \$200 (1 million kwacha), respectively; the election petition was still pending before the Court at year's end.

Since the 2001 general election, the Government has convened 15 parliamentary by-elections in the constituencies of Mwandi, Keembe, Kabwe Central, Bwacha, Lukulu East, Kantanshi, Kaoma, Nangoma, Lufwanyama, Mwansabombwe, Solwezi Central, Msanzala, Mulobezi, Mpika, and Mwinilunga East; 4 resulted from expulsions by opposition parties of incumbents who had accepted ministerial jobs in the Government; 3 were a result of resignations by incumbents to join the ruling party; 4 were a result of incumbent deaths; and 4 were as a result of court decisions that overturned election results. The ruling MMD won 14 of the 15 by-elections, further consolidating majority control of Parliament.

There were numerous irregularities in the by-elections. On July 11, UPND and Zambian Republican Party (ZRP) activists seized voter registration cards and equipment to stop what they contended was illegal voter registration for the July 15 by-elections in Nangoma and Mwansabombwe. On July 18, police arrested ZRP president B. Y. Mwila in connection with the confiscated registration materials; Mwila was released shortly after his arrest on a \$200 (1 million kwacha) bond. On August 6, police arrested UPND elections committee member Andrew Banda on charges of obstructing the chief registrar; Banda was released on a \$160 (800,000 kwacha) bond. On September 15, police in Lukulu arrested UPND M.P. Crispin Sibetta for "conduct likely to cause a breach of peace." Sibetta, who was subsequently released on bail, maintained that he had organized a legal demonstration at a local high school; police contended that he had instigated a riot. On November 14, Mpika police issued a "warn and caution" statement to opposition politician Michael Sata for allegedly defaming President Mwanawasa.

In its report on the September by-elections in Lukulu East, Kaoma Central, Solwezi Central, and Kantanshi constituencies, the Foundation for Democratic Process (FODEP) expressed concern about the MMD's use of government resources in electioneering, vote buying, intimidation, and violence; however, FODEP noted the improved conduct of the police and the general preparedness of the Electoral Commission.

On February 19, the Supreme Court affirmed Parliament's lifting of immunity granted to former President Frederick Chiluba. On February 25, the Government charged the former president with 59 counts of corruption, and in early August, the Government added another 96 charges against Chiluba. Other officials from the previous and current governments faced similar charges of corruption. On December 9, Chiluba and former intelligence chief Xavier Chungu went on trial along with five other co-defendants for "plundering the national economy"; the trial was ongoing at year's end.

On May 28, President Mwanawasa removed Vice President Kavindele from office, citing allegations of corruption; the MMD Executive Committee suspended Kavindele from his position as vice-president of the party. Kavindele and two other members of the MMD subsequently supported an opposition motion to impeach President Mwanawasa, which failed on August 14; on August 18, the MMD expelled the three dissenting members from the party. Kavindele petitioned the court to block his expulsion. On December 17, the Lusaka High Court dismissed Kavindele's injunction petition; on December 18, Kavindele appealed his case to the Supreme Court.

Constitutional amendments barring citizens of partial or full foreign ancestry from the presidency violated the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who were accorded authority and privileges as chiefs, from running for political office unless they resigned their chieftainships.

On August 11, the Constitutional Review Commission (CRC) began traveling around the country, accepting submissions from the public concerning the formulation of a new Constitution. Members of civil society and the political opposition criticized the CRC, demanding that a Constituent Assembly be convened instead.

There were 18 women in the 158-seat Parliament (150 members were elected, while 8 others were appointed by the President). There were 2 elected ethnic Asians in the 158-seat Parliament.

Section 4. Governmental Attitudes 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; however, in July, the President publicly suggested that NGO leaders

critical of the Government might be deported. The threat, which the Government later recanted, was believed to be directed at Emily Sikazwe, president of the NGO Women for Change, who had criticized the Government's procedures in adopting a new constitution. The Government reportedly seized Sikazwe's passport in April and had not returned it by year's end; however, the Government took no further steps to deport Sikazwe.

The Government threatened to arrest NGO activists. For example, on May 25, Lusaka Police Chief Chendela Musonda threatened to arrest members of the Oasis Forum, who had called on motorists across the country to express their opposition to the CRC (see Section 3) by honking their horns. Few motorists participated in the protest, and police made no arrests.

Some domestic human rights organizations, including LAZ, Women for Change, the Catholic Commission for Justice and Peace, the Southern African Commission for Conflict Resolution and Disputes, and the Zambia Civic Education Association, continued to press for a more transparent democratic electoral system. Human rights, development, and election NGOs monitored the by-elections during the year and organized civic education activities to improve voter participation and information.

Government representatives cooperated with the international NGO Transparency International, which mounted a campaign to adopt a national strategy against corruption.

A Supreme Court justice chairs the Permanent Human Rights Commission (PHRC); other members were drawn from throughout society and included the former head of the Foundation for Democratic Processes and an UNZA lecturer on human rights. The Commission oversaw human rights committees in all provincial capitals, interceded on behalf of persons whose rights it believed were denied by the Government, and spoke on behalf of detainees and prisoners. Independent human rights groups complained that the PHRC was understaffed, underfinanced, and lacked sufficient authority to enforce its recommendations. On May 1, the terms of the PHRC chair and some of its members lapsed; although former members were not precluded from re-appointment, the Government had not filled the vacancies by year's end.

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

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed; the Government generally enforced these provisions effectively. The Government actively discouraged societal discrimination against those living with HIV/AIDS. However, there was strong societal discrimination against such individuals, and more than 60 percent of the population believed that persons infected with HIV/AIDS should not be allowed to work, according to a study conducted during the year by the Central Statistics Office.

Women.—Domestic violence against women was a serious problem. Wife beating and rape were widespread. Domestic assault is a criminal offense. The police VSU was responsible for handling problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing"; however, the police in practice often were reluctant to pursue reports of domestic violence and preferred to encourage reconciliation. The Government and NGOs expressed continued concern about violence against women. The courts normally sentenced rapists to hard labor, and an average of 30 percent of the cases that came before the courts resulted in conviction.

Prostitution was illegal, and police routinely arrested street prostitutes for loitering; however, there were no reliable statistics on the number of prostitutes in the country.

Trafficking in women was a problem (see Section 6.f.).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice, women were severely disadvantaged in formal employment and education. Married women who were employed often suffered from discriminatory conditions of service. Women had little independent access to credit facilities; in most cases, they remained dependent on their husbands, who were required to cosign for loans. As a result, few women owned their own homes. Some small financial institutions allowed 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 was permitted if the first wife agreed to it at the time of her wedding. Under the law, the children of the deceased man equally shared 50 percent of an estate; the widow received 20 percent; the man's parents received 20 percent; and other relatives received 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. How-

ever, under the traditional customs prevalent in most ethnic groups, all rights to inherit property rested with the deceased man's family. In practice, property grabbing by the relatives of the deceased man remained widespread, although increased training of local court officials may have resulted in a slight decrease in the practice. Many widows were ignorant of the law, and as a result, received little or nothing from the estate. The fines that the law mandates for property grabbing were extremely low. The police, through its VSU, treated instances of property grabbing as criminal offenses.

During the year, representatives of civil society campaigned against the common traditional practice of "sexual cleansing," under which a widow had sex with her late husband's relatives as part of a cleansing ritual. On June 8, a spokesman for the country's traditional leaders, Senior Chief Ishindi of Northwestern Province, said the chiefs had resolved to stop forcing widows to marry their brothers-in-law and sexual cleansing due to concern over the spread of HIV/AIDS.

NGOs that predominantly represented women's interests were particularly active as lobbying organizations. The NGO Coordinating Committee, an umbrella organization for women's NGOs, was influential in the Oasis Forum, which continued to conduct civic education programs on the issue of constitutional reform.

Children.—The Government sought to improve the welfare of children, but scarce resources and ineffective implementation of social programs continued to adversely affect 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 had responsibility for improving child welfare.

Government policy provided for compulsory basic education for the first 9 years of elementary school; however, this policy was not enforced, and many children did not attend school. In 2002, the Government eliminated school fees and mandatory uniforms for primary education students to increase school attendance by children of impoverished families, which has reversed the decline in primary school attendance. The Government continued its collaboration with UNICEF on the Program for the Advancement of Girls' Education to work with families and community leaders to keep girls in school and to bring back those that have left. A school feeding program initiated during the year by the World Food Program and UNICEF also has raised school attendance. The net enrollment ratio for children of primary school age increased from 66 percent in 1999 to 72 percent by year's end. Inadequate educational facilities and a scarcity of educational materials were problems. Some areas have established community schools; however, these schools had fewer resources than public schools and required contributions from parents. The number of girls and boys in primary school was approximately equal; however, fewer girls attended secondary school.

The Government estimated during the year that there were 800,000 orphans under the age of 15 in the country; these children faced greater risks of child abuse, sexual abuse, and child labor. Approximately 75 percent of all households were caring for at least one orphan, and approximately 7 percent of households were headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS.

Child abuse was a problem. Approximately 1,500 cases of child sexual abuse were reported annually, according to police statistics. A January Human Rights Watch report indicated that due to widespread sexual abuse, girls were five times more likely to be infected with HIV/AIDS than boys.

Several high-profile cases of child sexual abuses resulted in public calls for stiffer penalties and the inclusion of child sexual abuse on the list of nonbailable offenses. On September 12, an 11-year-old girl who had been sexually abused by her stepbrother for 3 years was admitted to the hospital; on September 14, the girl, who suffered from a sexually transmitted disease, died. Police charged the 32-year-old stepbrother, Thomson Seke of Lusaka, with murder; he was awaiting trial at year's end.

On September 22, police announced that a 14-year-old girl had accused Chief Mpezeni, the paramount chief of the Ngoni people of Eastern Province, of sexual assault. On August 25, the girl's father fled with her to Lusaka to avoid reprisals by the Chief's loyalists. On November 10, in the Chipata magistrate's court, the girl unexpectedly refused to testify against Mpezeni; the Government subsequently dropped the charges, but pledged to investigate the possibility of witness tampering; the results of the investigation were unknown at year's end.

During the year, traditional leaders and representatives of NGOs severely criticized the myth that having sex with a virgin was a cure for HIV/AIDS. On September 11, Rodwell Vongo, the president of the Traditional Healers and Practitioners Association of Zambia, said any traditional healer found prescribing such

practices would be expelled from the association; however, there were no reported expulsions by year's end.

There are laws that criminalize child prostitution; however, child prostitution was widespread, and the law was not enforced effectively. The presence of an estimated 30,000 street children in Lusaka contributed to the proliferation of street begging and prostitution. The laws against pornography and the sexual exploitation of children under the age of 21 were enforced.

Trafficking for sexual exploitation occurred (see Section 6.f.).

Child labor was a problem (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 recognizes the right of workers to form and belong to trade unions, and workers exercised these rights in practice. The Industrial and Labor Relations Act (IRA) establishes the procedures for registration, which were somewhat burdensome. For example, no organization can be registered unless it had at least 100 members, and with some exceptions, no trade union may be registered if it claimed to represent a class or classes of employees already represented by an existing trade union or eligible for membership in an existing trade union. Unions may be deregistered under certain circumstances; however, the IRA provides for notice, reconsideration, and right of appeal to an Industrial Relations Court. The IRA provides for a 180-day period during which written objections to registration may be filed and a 90-day period during which written objections to deregistration may be submitted.

The law provides the right of unions and their leaders to conduct their union activities without outside interference, and adequate enforcement mechanisms existed to protect this right. Unions acted independently of government, political parties, and other institutions in practice.

Only 11 percent of the eligible workforce was employed in the formal sector; approximately 60 percent of the country's labor force was engaged in agriculture. Approximately 60 percent of the 300,000 formal sector workers were unionized. Of the country's 19 large national unions, 17 were affiliated with the Zambia Congress of Trade Unions (ZCTU). The Zambia Union of Financial and Allied Workers and the Primary Teachers Union of Zambia were independent of the ZCTU.

The law codifies the "one union, one industry" principle; however, the law was amended to allow the division of broad industrial categories into subcategories. For example, the teachers' union was divided into separate unions for primary and secondary teachers under the amended law, which 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 employers recognized the Zambia Union of Financial and Allied Workers. The Secondary School Teachers Union of Zambia and the Zambia National Teachers Union (ZNUT) continued to operate; however, most teachers still belonged to the ZNUT. The ZNUT lost bargaining power when some members switched to separate unions for primary and secondary school teachers; these unions experienced difficulty gaining the attention of the Government.

In July, in response to reported Government plans to deregister the United Transport and Taxis Association (UTTA), UTTA members called on members of the Bus Driver and Motor Taxis Association (BDMTA) to join UTTA in a labor action designed to disrupt normal transport in Lusaka. BDMTA members refused to comply, and on July 21, UTTA members attacked BDMTA members with knives and clubs, resulting in one death and numerous injuries. On August 1, the Government deregistered the two associations as well as the Passengers Transport Association for allegedly promoting anarchy and directed local city councils to assume the responsibility for managing bus stops and collecting levies. Representatives of the associations claimed that the deregistration was illegal and vowed to reregister their groups; however, the associations were still deregistered at year's end.

The Government did not act on its 2002 pledge to inspect every business in the country to ensure labor law compliance; however, labor inspectors continued their routine inspections of businesses. During the year, the Government harshly criticized foreign investors for failing to respect workers' rights.

The law prohibits discrimination by employers against union members and organizers. Employees who believe they have been penalized for union activities may,

after exhausting existing administrative channels for relief, file a complaint with the Industrial Relations Court (IRC), which had the authority to order appropriate redress for the aggrieved workers and operated independently of the Government. Complainants may appeal an IRC judgment to the Supreme Court. The IRC often ordered employers to reinstate workers found to have been victims of discrimination; however, it had inadequate resources to handle the majority of the cases.

Under the IRA, a trade union is authorized to affiliate with a trade union organization or federation outside the country by a simple majority decision of members present and voting at a general conference of the union, provided the Commissioner of Labor is notified within 21 days. The ZCTU was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The right to collective bargaining, without government interference, is protected in law and freely practiced. Employers and unions in each industry negotiated collective bargaining agreements through joint councils in which there was no government involvement. Civil servants and teachers, as public officials, negotiated directly with the Government. Collective disputes were referred first to conciliation. If conciliation failed to resolve the dispute, the parties may refer the case to the IRC or, in the case of employees, vote to strike. In practice, the industry joint councils functioned effectively as collective bargaining units.

All workers have the legal 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 Security and Intelligence Service, the law defines as essential services any activity relating to the generation, supply, or distribution of electricity; to the supply and distribution of water; to sewerage; to fire departments; and to the maintenance of safe and sound conditions in underground working environments such as shafts and machinery in the mining sector. The law permits strikes only after all other legal recourse has been exhausted. Those procedures were sufficiently cumbersome 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 did not enjoy this protection.

On February 4, nurses and support staff at Ndola Central and Arthur Davison hospitals in Copperbelt Province went on strike, demanding a 300 percent wage increase. The Government considered the strike illegal because the Civil Servants and Allied Workers Union of Zambia (CSAWUZ) had not declared a dispute. On February 10, the Government fired 150 striking workers and deployed police in riot gear to keep the dismissed employees out of the hospitals. ZCTU severely criticized the firings and called on the Government to reinstate 84 dismissed non-medical support staff; following negotiations, the Government reinstated most of the dismissed workers.

In response to the Government's failure to pay workers the housing allowance agreed to in a collective bargaining agreement concluded on March 21, more than 120,000 civil servants went on a nationwide strike from August 11 to August 13 and again from August 27 to September 8. The Government characterized the strikes as illegal because the CSAWUZ and the National Union of Public Workers had failed to file a grievance as required under the ILO. President Mwanawasa and other officials threatened to fire the strikers and to arrest those who continued with the illegal strike. On September 8, union leaders called off the strike and initiated legal action to compel the Government to pay the housing allowance. On December 3, the IRC dismissed the case on the grounds that it was outside the Court's jurisdiction.

During the year, the Government suspended implementation of legislation creating Export Processing Zones (EPZs), citing insufficient resources and planning to make EPZs effective.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. However, the law authorizes the Government to call upon citizens to perform labor in specific instances, such as during national emergencies or disasters. The Government also may require citizens to perform labor that was associated with traditional civil or communal obligations, as when all members of a village were called upon to assist in preparing for a visit by a traditional leader or other dignitary; however, there were no reports of such activities during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The legal minimum age for employment of children is 16 years. The Labor Commissioner effectively enforced this law in the industrial sector, where there was little demand for child labor because of high adult unemployment. However, 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 were employed. Child labor was most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. Acute family poverty levels and economic factors contributed to child labor, and the problem was compounded by the HIV/AIDS epidemic, which produced a growing number of orphans.

The International Labor Organization estimated that approximately 564,000 children were in the work force during the year; a Child Labor Survey conducted by the Central Statistical Office placed the number at 595,000. While approximately 87 percent of working children worked in the agricultural sector, children continued migrating to urban areas and living as street children due to growing numbers of orphans resulting from the death of both parents due to HIV/AIDS. In urban areas, children commonly engaged in street vending.

As of September, more than 1,600 children were prevented from entering the labor market, and more than 2,400 children were withdrawn from hazardous work and provided with educational opportunities by direct action programs carried out by NGOs under the National Program on the Elimination of Child Labor and other programs designed to combat child labor. The National Steering Committee of the National Country Program on Child Labor coordinated efforts at addressing the root causes of child labor.

e. Acceptable Conditions of Work.—The minimum wage for nongovernment workers, whose wages and conditions of employment were not regulated through collective bargaining, was determined by category of employment. Based on a 48-hour workweek, the legal maximum for nonunionized workers, a general worker earning the minimum wage would receive \$15.36 (76,800 kwacha) per month. The minimum wage was insufficient to provide a worker and family with a decent standard of living; most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits were established through collective bargaining. In practice, almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment was 40 hours, which was the normal workweek. The law requires 2 days of annual leave per month of service. The Government effectively enforced these standards.

The law also regulates minimum health standards in industry, and city and district councils were responsible for enforcement. The Inspector of Factories under the Minister of Labor handled factory safety; however, staffing shortages limited enforcement effectiveness. There were provisions in the law to protect the right of workers to remove themselves from work situations that endangered health or safety without jeopardy to their continued employment; however, workers did not exercise this right in practice. The Government has acted when well-known occupational health problems existed, such as by requiring underground mine workers to receive annual medical examinations. The LRF reported at least two cases during the year in which employers assaulted their workers, represented workers seeking compensation for on-the-job injuries, and urged the Government to enact stiffer penalties governing violent employer-employee incidents.

Foreign workers were protected under the law and were not treated by specific legislation.

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, the country is a point of origin, transit, and destination for international trafficking in persons.

Child prostitution was a problem (see Section 5). There were reports of small-scale trafficking of Zambian women to South Africa for prostitution and the use of the country as a transit point for regional trafficking of women to South Africa for prostitution.

In November 2002, Congolese nationals Bangu Kasenge, Kasongo Cheche, and Delphine Bakuna Chibwabwa trafficked two girls, aged 13 and 14, to Ireland, where the girls were repeatedly sexually abused until they escaped from their captors and notified the Irish police. On February 27, the suspects were arrested and subsequently denied bail. In March, the Government facilitated the return of the abducted girls. There were no further developments in the case at year's end.

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. President Mugabe was reelected in March 2002 in elections that were deemed not free and fair, and which were preceded and followed by a government-sanctioned campaign of violence. Although the Constitution allows for multiple parties, opposition parties and their supporters were subjected to significant intimidation and violence by the ruling party and security forces, especially after successful opposition sponsored general strikes. In 1999, the Movement for Democratic Change (MDC) emerged as the country's only viable opposition party and holds 53 out of 120 parliamentary seats. During local and parliamentary by-elections held during the year the voting process itself generally was peaceful; however, there were reports of violence in the pre-election periods and other irregularities, and the election processes overall had serious flaws. Political corruption was systemic. The Constitution provides for an independent judiciary; however, the Government installed judges sympathetic to government policies, sanctioned intimidation against sitting judges, and ignored or overturned judgments with which it did not agree.

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 some roles and missions were controlled by the President's Office. The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security; however, they occasionally 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 and has powers of arrest. While supposedly a youth service training program, National Youth Service (youth militia) graduates were used for many security-related activities. Senior government and ruling party members tightly controlled the security forces and the youth militias. Members of the security forces and youth militias committed numerous, serious human rights abuses.

An estimated 60 percent of the population of approximately 12 million survived on subsistence agriculture, and approximately 75 percent relied directly or indirectly on agriculture for their livelihood; however, there were significant mining, manufacturing, and service sectors. The political crisis, a drought, excessive government spending, manipulation of interest rates, money supply growth in excess of 100 percent, and government-sanctioned land occupations led to inflation; diminished agricultural harvests; reduced foreign investment and tourism; acute foreign exchange, fuel, and food shortages; accelerating unemployment; and shrinking real incomes. During the year, the country's gross domestic product (GDP) dropped 14 percent from \$4.2 billion to an estimated \$3.6 billion. Wages continually lagged behind the hyperinflation, which fluctuated during the year but was 599 percent at year's end. According to authoritative estimates, more than 70 percent of the population lived below the poverty line. International experts estimated that half the population required food assistance by year's end to avert starvation.

The Government's human rights record remained very poor, and it continued to commit numerous, serious abuses. President Mugabe and his ZANU-PF party used intimidation and violence to maintain political power. A systematic government-sanctioned, campaign of violence targeting supporters and potential supporters of the opposition continued during the year. Security forces committed extrajudicial killings. Ruling party supporters and war veterans (an extralegal militia), 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 and government youth militias tortured, beat, raped, and otherwise abused persons; some persons died from their injuries. Prison conditions remained harsh and life threatening. Official impunity for ruling party supporters who committed abuses was a problem. Arbitrary arrest and detention and lengthy pre-trial detention remained problems. Infringements on citizens' privacy continued. The Government continued its far-reaching "fast-track" resettlement program under which nearly all large-scale commercial farms owned by whites were designated for seizure without fair compensation.

The Government continued to restrict freedom of speech and of the press; closed down the only independent daily newspaper; beat, intimidated, arrested, and prosecuted journalists who published antigovernment articles. Many journalists also practiced self-censorship. The Government continued to restrict academic freedom.

The Government restricted freedom of assembly and used force on numerous occasions to disperse nonviolent public meetings and demonstrations. The Government restricted the right of association for political organizations. The Government at times restricted freedom of movement. Hundreds of thousands of farm workers were displaced internally due to the ongoing land resettlement policies, and opposition supporters were displaced by threats of violence. The Government's Grain Marketing Board (GMB) routinely and publicly denied handouts of maize meal to suspected MDC supporters and provided it only to ruling party supporters. The Government attacked and arrested members of civil society and human rights nongovernmental organizations (NGOs) and accused the NGOs of sponsoring opposition political activity. Societal violence against women remained widespread, and discrimination against women and persons with disabilities, abuse of children, and child prostitution remained problems. The President and his Government promoted widespread resentment against the white minority. The Government violated worker rights. Child labor, and impressment into the National Youth Service were problems. There were occasional 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 reports of political killings by security forces during the year. Security forces and pro-government militias committed several 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.

The Zimbabwe Human Rights NGO Forum, reported that nine persons were confirmed killed as a result of political violence during the year, mostly perpetrated by supporters of the ruling party. The majority of those killed in political violence were MDC activists or supporters. Unlike in the previous year, there were no reports that farm workers were killed in political violence.

In response to the MDC organized stayaway in March, the Government arrested, beat, raped, and tortured MDC supporters. For example, on March 18, suspected CIO officers abducted Steven Toner and two other workers from MDC Chimanimani M.P. Roy Bennet's farm in Epworth. The officers beat Toner severely with batons, sjamboks, and wire, and accused him of burning a Zimbabwe United Passenger Company Bus in Hatfield. Toner died outside the police station in Epworth. No official action was taken by year's end.

On March 18, police assaulted Richard Tonderayi Machiridza, an MDC supporter from Chitungwiza, during the MDC-led stayaways. On April 18, he died from the injuries sustained. No official action was taken by year's end.

In May, four ZANU–PF youths reportedly raided the home of David Matinyarare, MDC Secretary for Information and Publicity for Mufakose, beat him with iron bars, and stabbed him in the stomach. Matinyarare was admitted to Parirenyatwa Hospital, where he died of his injuries 3 days later. No official action was taken by year's end.

On June 3, MDC member Tichaona Kaguru died at Chikurubi Police Camp hospital near Harare from wounds inflicted by ruling party supporters in army and police uniforms. Earlier that day, the uniformed personnel abducted and severely assaulted Sydney Mazaranhanga, an MDC Harare City councilor, and Kaguru with sjamboks and batons, and forced them to roll in sewage, allegedly for attempting to organize MDC demonstrations. At the Chikurubi Police Camp hospital, an ambulance crew pronounced Kaguru dead. No official action was taken by year's end.

During the year, several persons died as a result of injuries sustained in previous years' attacks. For example, on January 20, Samson Shawano Kombo, the MDC Chairman for Makoni East (Manicaland) died of injuries after suspected war veterans and ZANU–PF supporters abducted and tortured Kombo with 15 other MDC supporters in November 2002 following the alleged MDC gasoline-bombing of war veterans' offices and the homes of ZANU–PF activists in Rusape. Results of an autopsy were not made public, and there were no reports of an investigation into the abduction or death. Edison Mukwasi, an MDC activist, died on February 2 because of injuries sustained during police torture in January 2001 and November 2002.

There were no further developments in the following 2002 killings by security forces or pro-government militias: The January killing of MDC member Tichaona Katsamudangu in Harare; the February abduction, torture, and killing of MDC activist Tembendi Ndebele; the March killing of Amos Museva in Masvingo; the September killing of MDC supporter Nikoniari Chibvamudeve in Hurungwe West.

There were no new developments in the reported 2001 cases of killings by security forces or pro-government militias.

In March 2002, police arrested several suspects in the killing of commercial farmer Terrence Ford during that same month in Norton; however, there was no further action by year's end.

The trial of eight MDC members, including MDC M.P. and Treasurer Fletcher Dulini-Ncube, accused in the 2001 killing of Bulawayo War Veterans Chairman, Cain Nkala, was ongoing at year's end. Several of the accused and other witnesses alleged in court that the police used torture to extract confessions and desired testimonies.

Harsh prison conditions and a high incidence of HIV/AIDS were acknowledged widely to have contributed to a large number of deaths in prison; however, some deaths in custody and prison may have been due to abuse or other causes (see Section 1.c.).

There were several reports of inter-party violence during the year. On January 20, Tonderai Mangwiro, a ZANU-PF member, died from burns and severe head injuries he sustained when suspected MDC supporters gasoline-bombed a ZANU-PF base in Kuwadzana (near Harare) in the run-up to parliamentary by-elections. Police and CIO officials arrested 16 MDC activists, and abducted, detained and tortured approximately 30 MDC members in connection with the bombing. No trial dates had been set by year's end.

There were no new developments into the May 2002 killing of MDC polling agent Tipason Madhobha in Gokwe by unknown persons.

There were no new developments in the following 2001 killings by government supporters: The killing of 72-year-old commercial farmer Gloria Olds, and the killing of Kwekwe farmer Ralph Fenwick Corbett.

b. Disappearance.—During the year, there were 4 reports of politically motivated disappearances mostly committed by ZANU-PF supporters. Domestic human rights organizations believed that there were disappearances in rural areas that were not reported due to fear of retribution by pro-government factions. Abductees often were beaten or tortured.

On March 8, several men abducted Mthulisi Mloyi, an MDC member, while he was putting up posters in the Nkayi area (Matabeleland North) for an MDC rally. He was released later that day and reported that war veterans assaulted him, forced him to chew MDC regalia, and stripped him naked. Although Mloyi reported the incident to police, no official action was taken by year's end.

There was no action taken in the following 2002 cases of disappearance: the March abduction of Thomas Manyika, the MDC polling agent for Mt. Darwin; the July abduction of Musande Matsveta, the MDC treasurer for Buhera South, and Kudzai Magama, a MDC member. Their whereabouts were unknown at year's end.

There was no action taken in disappearances during the pre-election period prior to the September 2002 rural district council elections, including the abduction of Meynard Mashapa.

There were no further developments or action taken in the reported 2001 cases of disappearance.

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 that police used excessive force in apprehending and detaining criminal suspects. Government supporters continued to beat and torture suspected opposition members and farm laborers, and some persons died from torture during the year (see Section 1.a.). Unlike in the previous year, there were no reports that government supporters beat commercial farmers during the year.

Security forces were involved in incidents of political violence, including instances of soldiers and persons in military uniforms beating civilians, particularly in areas where persons voted for the opposition (see Section 3).

Human rights groups reported systematic mass physical and psychological torture perpetrated by government supporters throughout the country, and that war veterans and other ruling party supporters set up torture chambers in government-funded offices, police stations, and schools, to brutalize opposition supporters primarily during election periods. National youth training camps were the source of government youth militia forces, which were deployed to harass, intimidate, and torture suspected MDC supporters. There were reports that the camps were used to teach paramilitary skills and expertise in political oppression and torture (see Section 6.d.). The Zimbabwe Human Rights NGO Forum reported 391 cases of torture during the year as part of a campaign of political violence.

On January 14, riot police arrested MDC M.P. for St. Mary's (near Harare) Job Sikhala, Gabriel Shumba, a human rights lawyer, and three other MDC members at Nyamutamba Hotel. The five were blindfolded and taken individually to undisclosed locations and tortured for 3 days by suspected CIO agents. The agents attached live electrodes to their fingers, toes, tongue and genitals; beat them with planks; strangled them with wire; and urinated on them. Charged with burning a Zimbabwe United Passenger Company (ZUPCO) bus and violating the Public Order and Security Act (POSA), the victims recounted their ordeal in the High Court. A court-ordered medical exam revealed that the five were tortured while in police custody. After the three were released on bail, there has been no further action on the charges against them. A police investigation of the torture had not made any progress by year's end.

On March 21, at 2 a.m. soldiers abducted Raphinos Madzokere, the MDC district secretary for Mashonaland East from his home and beat him with batons, wires, and sticks at an undisclosed location. The assailants put wires on his toes, tongue, and penis and shocked him until he lost consciousness. He was released by the roadside and subsequently taken to hospital with fractured vertebrae, head injuries, and wounds all over his body. No official action was taken by year's end.

On March 22, at 1 a.m. soldiers invaded the home of Margaret Kulinji, secretary of the MDC's women's league, beat Kulinji with their fists and rifle butts, and kicked and whipped her. They also beat her mother. Kulinji reported that they sexually abused her mother with the barrel of an AK-47 rifle. The men carried a list of MDC officials who were their targets. No official action was taken by year's end.

On June 6, during the funeral wake of Tichaona Kaguru—an MDC official killed by government security agents (see Section 1.a.)—in Harare's Mbare suburb, suspected ruling ZANU-PF supporters attacked the mourners with bricks, stones, and sticks. No official action was taken by year's end.

On October 17, hundreds of MDC supporters assaulted a senior ZANU-PF local official in Redcliff ostensibly in response to ZANU-PF attacks on the homes of four MDC supporters the previous day. ZANU-PF youths responded with attacks on four more MDC houses on October 18. Eleven MDC youths and two ZANU-PF youths were arrested and detained for several days before posting bail. The ZANU-PF official who was assaulted was hospitalized for a few days and released. There was no further action on the case by year's end.

Many persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers, were singled out for assault or intimidation by ruling party supporters (see Sections 1.e. and 6.a.). After the March and June MDC-led stayaways, suspected youth militia members in military uniforms arrived at MDC members' houses at night with lists of names, singling out, assaulting, and intimidating specific persons perceived to be threatening to the Government. In most cases, the national police did not halt acts of political intimidation or violence, arrest the perpetrators, or investigate political crimes.

There was no action in the following 2002 cases: The February riot police beating of MDC polling agents, including Philip Jani, in Harare; the February abduction and torture by war veterans and a suspected CIO officer of MDC activists Venny Dube and Newman Bhebhe; the March attack on 50 polling agents in Mount Darwin; the April abduction and beating by suspected CIO officers of Robbie Siyanai, MDC Provincial Secretary for Information and Publicity for Midlands; the August arrest and torture of MDC security officer Solomon Chikowero and Harare councilor Linos Mushonga; the August assault and beating of Tapera Dzingai, opposition Chairman for Mbare East, by suspected ZANU-PF youths; the police torture of MDC youth activist Tom Spicer; the December arrest and torture by police of Wellington Chibebe, the Secretary General of the Zimbabwe Confederation of Trade Unions (ZCTU).

During the year, youth militias tortured, beat, raped, and otherwise abused persons. On January 14, youth militia members abducted Combined Harare Residents Association (CHRA) committee members Barnabas Mangodza, Jameson Gadzirai, and Joseph Rose, together with Richard Mudekwe, a Kuwadzana resident, and severely beat them for 4 hours. Police subsequently arrested and detained them overnight on allegations of engaging in conduct "likely to cause a breach of the peace." No further official action was taken by year's end.

No action was taken against the ruling party supporters responsible for the abuses committed in an organized campaign of intimidation preceding and following the 2002 nationwide elections. In 2002, government militias also abducted more than 100 MDC supporters and took them to Gunduza School in Gunduza, 1 of the 3 sites ZANU-PF set up in Mashonaland Province, where the MDC supporters were pressured to defect to ZANU-PF, beaten or raped if they refused, and subsequently

released. Unlike in the previous year, there were no reports that government militias abducted MDC supporters and took them sites in Mashonaland Province.

Unlike in previous years, there were no reports that torture camps at Kitsiyatota, Chiveso, Murembe, Mupandira, Maizeland, Foothill Farms, and Nyawa in Bindura established in 2001 were used during the year.

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.). There was no action in the November 2002 detention of a foreign diplomat, a U.N. employee, local embassy employee, and a local citizen by war veterans.

Unlike in the previous year, there were no reports that ruling party supporters attacked teachers suspected of supporting the opposition.

Unlike in the previous year, there were no reports that war veterans and other ZANU–PF supporters conducted “pungwes” (forced nightly political gatherings) in rural areas.

No further action was taken in the reported 2001 cases of torture and beatings by security forces, ZANU–PF supporters, and war veterans.

The Amani Trust and Musasa Project reported that at least six politically motivated rapes were committed during the year but noted that the figure likely was grossly underreported due to cultural taboos. The attacks targeted MDC supporters, their daughters, and their wives (see Section 5).

There continued to be reports that young girls were raped at national youth service training camps (see Section 5).

Security forces repeatedly used force, including tear gas, to disperse nonviolent gatherings, and demonstrations; security forces also beat participants and demonstrators, which resulted in injuries (see Section 2.b.).

Prison conditions remained harsh and life threatening. The Government’s 42 prisons were designed for a capacity of 16,000 prisoners; however, they held approximately 20,000 at year’s end. Overcrowding continued to be a problem, and shortages of clothing and poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhea, and HIV/AIDS-related illnesses. Researchers reported that the HIV prevalence rate among prisoners is estimated to be 60 percent and that exposure to HIV/AIDS was a major cause of deaths in detention.

In January, overcrowding was alleviated slightly when President Mugabe issued an amnesty and released about 5,000 prisoners. The amnesty covered females sentenced before 1985; prisoners with unweaned children; women convicted of infanticide, abortion, or concealment of birth; and prisoners aged 60 and above with 1 year or less left of their sentence. Prisoners medically certified to be terminally ill or have physical disabilities who have 1 year or less to serve also qualified. Habitual criminals serving extended sentences, those awaiting death sentences, those serving sentences imposed by a court martial and escapees were among those who did not qualify. Unlike in previous years, there were no reports that prisoners were denied medication, although some detainees were denied medical attention (see Section 2.b.).

The estimated 2,000 female prisoners were held in separate cellblocks from male prisoners. Juveniles generally were held separately from adults; however, a local NGO reported that occasionally juveniles, particularly juveniles between the ages of 16 and 18 years, were held with adult prisoners for brief periods of time.

Pre-trial detainees generally were held in group cells until their bail hearings. If detainees were charged and held in custody, they routinely were held with the general prison population until trial.

The Government permitted international human rights monitors to visit prisons; however, government procedures and requirements made it very difficult to do so. Permission was required from the Commissioner of Prisons and the Minister of Justice, which sometimes took 1 month or longer to obtain or was not 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 weakened this prohibition, and security forces arbitrarily arrested and detained persons repeatedly, including foreign diplomats.

The police are centrally controlled, with the command center in Harare. The police are further divided with provincial headquarters overseeing two to three district headquarters, each of which supervise up to seven stations. Police effectiveness was reduced over the year because of an increase in crime and a decrease in resources, both human and material. It has also become more difficult for police to remain impartial due to increased politicization within the force’s upper echelons. Corruption, particularly within the traffic branch, has increased due, in part, to low salaries.

Musasa Project conducted training for police academy graduates in gender sensitivity. The police academy does not include a course on gender sensitivity in their regular curriculum.

The Government generally has not pursued actively past allegations of torture and has not prosecuted CIO or ZRP officers for such abuses. The 2000 amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them.

There was a continuing problem, particularly in rural areas, in which victims or witnesses of crimes who report to the police were charged themselves with the crimes of the perpetrators.

The law requires that police inform an arrested person of the charges before being taken into custody. Warrants of arrest issued by the courts were required except in cases of serious crimes or where there was the risk of evidence disappearing. Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law often was disregarded if a person did not have legal representation. Police typically arrested individuals accused of political crimes on Fridays, presumably so that they could detain them legally until Monday. In several cases, police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release.

Detainees often were not allowed prompt or regular access to their lawyers. Authorities often informed lawyers who attempted to visit their clients that detainees were “not available.” Family members generally were denied access unless accompanied by an attorney. Detainees, particularly those from rural areas without legal representation, routinely were held incommunicado. Family members and attorneys often were not able to verify that a person had been detained until the detainee appeared in court.

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 lessened the negative effect of the law. High Court judges granted bail independently.

The Official Secrets Act and POSA grant the Government a wide range of legal powers, and give 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.

During the year, police arrested 17 out of the MDC’s 53 Members of Parliament (M.P.s): Abedinico Bhebhe, Tendai Biti, Gabriel Chaibva, Milford Gwetu, Silas Mangono, Austin Mupandawana, Giles Mutsekwa, Paul Madzore, Paurina Mpariwa, David Mpala, Tichaona Munyanyi, Jealous Sansole, Gibson Sibanda, Job Sikhala, Bennie Tumbare-Mutasa, Paul Themba-Nyathi, and Trudy Stevenson. Mangono, Sikhala, Madzore, Mpariwa, and Biti were arrested more than once. Paul Madzore, M.P. for Glenview (near Harare) was arrested four times during the year. Three M.P.s were released after paying a bail or a fine. Six M.P.s had charges dropped and were released. None of ZANU–PF’s 63 M.P.s were arrested during the year.

In June, police arrested MDC president Morgan Tsvangirai twice in connection with work stayaways engineered by MDC that same month. He was released the same day of his first arrest, and held for 2 weeks following the second arrest. At year’s end, he faced a charge of treason for his role in the stayaways, in addition to the treason charge for allegedly plotting the assassination of President Mugabe. Police arrested hundreds involved in the stayaways, including several other MDC leaders. All were released after brief detentions.

On February 17, police arrested Justice Benjamin Paradza, detained him overnight, and charged him with obstruction of justice. Paradza was accused of trying to influence a fellow judge to release the French passport of his friend and business partner, Russell Wayne Luschagne, who faced a murder charge. On September 16, the Supreme Court ruled that the arrest was unconstitutional—under the law investigations of judges are to be carried out by a tribunal of judges. In October, Paradza returned to work but had not been given any new cases. No tribunal of judges had been convened to investigate the case by year’s end.

On May 31, plainclothes police arrested four students at the Harare Polytechnic College, including Tutsirayi Jonga, Zimbabwe National Student Union (ZINASU) Secretary for Projects and Investment. Another student, who was not arrested initially, retained a lawyer and went to Harare Central Police Station to investigate the detention. He was then taken into custody; the students were charged under POSA on accusations of distributing prohibited material and inciting student unrest. No further official action was taken by year’s end.

Police continued to detain farmers in connection with seizing their land despite court orders confirming their title, although with redistribution under land reform largely complete by year's end, such incidents were less common.

There was no decision whether to try Law Society of Zimbabwe President Sternford Moyo and Executive Secretary Wilbert Mapombere on charges of planning mass action to overthrow the Government during the year.

There was no further action in the 2002 case of Roy Bennett, MDC M.P. for Chimanimani, along with bodyguard Menson Magwaza, and business partner Stuart Girvin, who were charged with violating the Electoral Act for videotaping food distribution to ZANU–PF supporters at a polling station during the rural district council elections, or the August 2002 arrest and detention of Mbare East M.P. Tichaona Jetter Munyanyi. Joshua Rusere, who was arrested in August 2002 in connection with the ZANU–PF activist Manjengwa, was released and in self-imposed exile at year's end.

Police arrested several journalists during the year (see Section 2.a.).

Police arrested persons holding meetings and during the forcible dispersal of gatherings (see Section 2.b.).

Police arrested religious leaders during the year (see Section 2.c.).

Prolonged pretrial detention remained a problem. Detainees who did not attract significant public attention could spend an average of 6 months incarcerated before their trials because of a critical shortage of magistrates and court interpreters.

The Constitution prohibits forced exile; however, on May 16, the government extrajudicially deported American-born, and 18-year Zimbabwe permanent resident Andrew Meldrum, an independent journalist. Meldrum was challenging the constitutionality of his deportation order in the Supreme Court and a High Court had barred his deportation when the government deported him. In June, Meldrum's wife and a permanent resident, Dolores Maria Cortes-Meldrum, fled the country after being told the Department of Immigration wanted to serve her with a deportation order. Both were still outside the country at year's end. A number of other persons, including former government officials, left the country to escape repression and remained in self-imposed exile at year's end.

On January 29, five visiting Lutheran church workers were deported for violating AIPPA by allegedly working as journalists without accreditation. The five were reporting for a Lutheran church newsletter.

Captain Ernest Chuma, who fled the country in 2002 after a violent interrogation by members of the army's counterintelligence branch, remained in Botswana at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, since 2001 the judiciary has been under intense pressure to conform to government policies, and the Government repeatedly refused to abide by judicial decisions. In a July 2002 speech, President Mugabe said, “if judges are not objective, don't blame us when we defy them.”

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, since 2002 the Government has arrested and coerced judges into resigning. For example, in February, Justice Benjamin Paradza was arrested after making an unfavorable ruling against the Government (see Section 1.d.). In July, the prosecutor withdrew charges of obstructing justice against Judge Fergus Blackie. Before he was pressured into retiring in July 2002, Blackie sentenced Justice Minister Patrick Chinamasa to a 3-month jail sentence for contempt of court.

Magistrates, who are part of the civil service rather than the judiciary, hear the vast majority of cases and continued to come under intense political pressure after some of their decisions were interpreted as running counter to government interests.

During the year, the Ministry of Justice, Legal, and Parliamentary Affairs and local police officers failed to take action against the militants who beat Walter Chikwanha, a presiding magistrate, in August 2002, despite the fact that Chikwanha had identified the perpetrators. Local attorneys have appealed to the Minister and to the Commissioner of Police, Augustine Chinhuri to take action. The Government did not take any action on the case by year's end.

Police arrested and subsequently released one of the assailants allegedly responsible the August 2002 stabbing of Zaka district resident magistrate, Godfrey Gwaka.

Observers intimated that Gwaka was attacked for judgments in favor of MDC supporters during and after the March 2002 election period.

Other judicial officers such as prosecutors and private attorneys also faced similar pressure. On April 8, war veterans attacked Levison Chikafu, a senior public prosecutor at the Magistrate's court in Mutare, after they forced their way into his office and demanded to know why "he had granted bail to MDC supporters."

Several attorneys were denied access to their clients during the course of the year. On February 14, Perpetua Dube, Ndabezinhle Mazibuko, Thembelani Mkhwananzi, and Kucaca Phulu were denied access to their detained clients at the Central police station in Bulawayo. They complained that the police officers were obstructive and verbally and physically abusive. The attorneys were physically pushed out of the police station by approximately 20 riot policemen.

In March, Gugulethu Moyo, a legal representative for Associated Newspapers of Zimbabwe, was denied access to her clients and subsequently arrested and detained for an afternoon while attempting to represent her client.

Military courts dealt with court-martials disciplinary proceedings for military personnel. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in these courts have the right to appeal to the Supreme Court.

On January 6 and August 27, a military court charged four army officers with participating in politics. The officers were represented by local attorneys during the proceedings. Two of these officers, Colonel Peter Shoko and Private Biggie Chikanya, were discharged from the army reportedly because they were judged politically unsuitable.

The Constitution provides for the right to a fair trial; however, this right was frequently not enforced due to political pressures. Every defendant has the right to a lawyer of his choosing; however, well over 90 percent of defendants in magistrates' courts did not have legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this was rarely granted. However, in capital cases, the Government provided 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 were represented in the High Court.

The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials were open to the public except in certain security cases. At the start of the treason trial of MDC President Morgan Tsvangirai, police officials denied members of the public entrance into the courtroom. The Presiding Judge, Justice Paddington Garwe, directed that the public be allowed access to the courtroom. Defendants enjoy a presumption of innocence, the right to present witnesses, and the right to question witnesses against them, and defendants and their attorneys generally had access to government-held evidence relevant to their cases; however, some defendants were denied the right to wear civilian attire to court. MDC President Morgan Tsvangirai was initially brought to court in a prison uniform and in shackles and leg irons in what appeared to be an attempt to humiliate him. The defendants in the Nkala trial were denied the right to wear warm clothing to court. The courts eventually recognized the rights of the defendants and permitted them to wear civilian attire.

The Zimbabwe Women's Lawyers Association (ZWLA) claimed that most magistrates in the country were not aware of some of the contents of the Sexual Offenses Act (SOA) or that the law was in effect. ZWLA's research illustrated that many magistrates continued to make judgments based on old laws. During the year, ZWLA conducted training courses for local magistrates.

The Government and police routinely failed to abide by court decisions ordering the removal of war veterans and other squatters residing on commercial farms, and the Government routinely continued to delay payment of court costs or judgments awarded against it.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, security forces searched homes and offices without warrants, and the Government was believed to monitor some private correspondence and telephones, particularly international communications.

During the year, soldiers, police, war veterans and other ruling party supporters led by a CIO officer repeatedly entered the Chimanimani farm of MDC M.P. Roy Bennett in violation of a High Court order against them doing so. The ruling party supporters beat and abducted farm workers, killed cattle and wildlife, and threatened and harassed Bennett himself.

Police periodically conducted house-to-house searches in the suburbs of Harare and Bulawayo during the year.

ZANU–PF supporters and war veterans attacked and damaged or destroyed the homes of more than a hundred opposition supporters and commercial farmers. On December 1, ZANU–PF supporters attacked the home of Solomon Jegedeshe in Rural Zaka. The perpetrators accused him of being an MDC supporter and destroyed his home and his crops. Jegedeshe was forced to seek refuge at a shelter in Harare.

There was no action taken, nor was any likely, in the reported 2002 or 2001 cases of arbitrary interference with citizens' homes.

The law permits the Government to monitor and intercept e-mails entering and leaving the country, and security services reportedly have used this authority to monitor e-mail communication, although the extent of this monitoring was unknown.

In 2001, President Mugabe amended the Land Act by decree to permit the immediate government seizure of all commercial farming land, and the ZANU–PF dominated Parliament formalized this decree. The law requires all farm owners who have received a Section 8, final compulsory acquisition, notice to halt farming activities within 45 days of receipt of the order and leave their homes within 90 days. In June 2002, the Government ordered all white commercial farmers who had received Section 8 notices to cease farming operations, despite widespread food shortages. By August 2002, approximately 97 percent of the 4,500 remaining commercial farmers had received Section 8 notices.

In August 2002, the Government began arresting farmers en masse after the time period expired for the first batch of Section 8 notices. Most farmers who were arrested were detained for a few days and released on bail; some were allowed to return to their farms, and some ordered to abandon their standing crops and livestock. Many farmers filed legal challenges, arguing that the acquisition orders were not legitimate since they did not follow the Government's own procedural laws. The new Section 8 orders issued in August superceded almost all of the legal challenges filed in 2002. At year's end, nearly all of the remaining 400 commercial farms owned by whites were designated for compulsory acquisition and few of the original farmers remained on the properties.

Even on farms that did not receive Section 8 orders or those that received reprieves from the High Court, farmers were evicted with as little as 2 hours notice. "Settlers," war veterans, or government youth militia members enforced evictions often in full view of police who declined to intervene stating that it was a "political matter." Hundreds had relocated themselves and their families to the soil-poor Dande area in the north and across the border into the neighboring Tete Province of Mozambique. Estimates were that more than 500,000 farm laborers and their families were left evicted or unemployed.

Although the Government's land reform program was supposed to have ended in 2002, the Government continued to designate farms and ranches for resettlement late in the year. There were numerous reports that government officials had acquired multiple farms and evicted previously resettled small-scale farmers from the land. The government-issued Utete Land Audit Report (the "Utete Report") recommended remedying situations where multiple new farms had been acquired and some cases were corrected; however, the Government continued taking additional land without regard to earlier commitments to allow farmers to keep one property.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression; however, 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. The Media and Information Commission (MIC) closed the only independent daily newspaper, the Daily News. Police, CIO agents, and ruling party supporters harassed, intimidated, and beat journalists. Security forces arbitrarily detained journalists and refused to investigate or punish security force members who tortured journalists. Journalists practiced self-censorship.

The Government continued to restrict freedom of speech, particularly by independent sources or those making or publicizing comments critical of President Mugabe. Foreign Embassies were not allowed to give speeches at celebrations of national days.

Several major daily newspapers and one local-language tabloid belonged to the Mass Media Trust (MMT), a holding company heavily influenced by the ZANU–PF. The Government, through the MMT, controlled 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 always portrayed President Mugabe and the Government favorably. The Minister for Information and Publicity controlled the Zimbabwe Inter-Africa News Agency wire service.

In addition to the Daily News, which had the nation's largest circulation until its Government closing, there were three independent major weeklies (the Financial Gazette, the Independent, and the Standard), and three monthlies that continued to operate despite threats and pressure from the Government. The major independent newspapers continued to monitor government policies and publish opposition critics, but most of them also continued to exercise self-censorship in reporting due to growing government intimidation and the continuing prospect of prosecution under criminal libel and security laws.

Radio remained the most important medium of public communication, particularly for the majority of the population living in rural areas. The Government continued to control all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Corporation (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. There were only two independent short wave radio broadcasts in the country during the year; however, it was unclear how many citizens could actually listen to short wave broadcasts. Voice of America (VOA) broadcast a 1-hour program five times a week on short wave and AM featuring interviews with local opinion makers on a range of topics in English, Shona, and Ndebele. Short Wave Radio Africa broadcast daily from the United Kingdom, using local sources and reporters.

The Government controlled all domestic television broadcasting stations, and the ZBC owned and operated television broadcasting facilities. During the year, ZBC aired fewer international programs. Regular broadcasts of CNN and call-in talk shows continued to be cancelled. Throughout the year, ruling party music videos were aired regularly during the day, promoting the fast-track land redistribution program.

At year's end, the Government continued to refuse to lease broadcast time to Joy TV, the only privately licensed television station, and it remained off the air.

International television broadcasts were available freely through private satellite firms; however, the requirement that payment must be made exclusively in foreign currency made it unavailable for most citizens.

During the year, security forces and pro-government militias harassed and abused journalists. The following journalists were detained and beaten during the year: On March 19, police detained for 5 days and beat Stanely Karombo, VOA correspondent. On June 3, war veterans and ruling party supporters detained and beat Shorai Katiwa, Martin Chimanya, and John Masuku, of Voice of the People (VOP). On June 30, police arrested and beat Gugulethu Moyo, the Daily News Legal Advisor. No official action on these cases was taken by year's end.

Numerous journalists were arrested during the year. The Government arrested and prosecuted editors and journalists who contributed to published stories critical of government policies or security force operations.

On January 28, police in Bulawayo arrested and detained briefly Tsvangirai Mukwazhi, Daily News chief photographer; Dina Kraft from the Associated Press; Jason Beaubien, African correspondent for National Public Radio; and Bulawayo MDC councilor Charles Mpofu while they were investigating the food crisis. They were reportedly denied access to a lawyer. No further official action was taken by year's end.

On September 22, police arrested and charged the Daily News parent company Associated Newspapers of Zimbabwe (ANZ) CEO Samuel Sipepa Nkomo, and ANZ Directors Brian Mutsawu, Michael Mattison, Pfungwa Kupara, and Washington Sansole for operating a media business without MIC registration. Sixteen Daily News reporters were also arrested and charged for allegedly breaching the AIPPA for practicing journalism without accreditation from the MIC. No further official action was taken by year's end, and the case had not been brought before the courts by year's end.

Other journalists were also arrested and released during the year, including: Moreblessings Mpofu, Daily News Chief Executive Officer and Advertising Executive; Ngobile Nyathi, Editor of the Daily News, and former Editor-in-Chief of The Financial Gazette; Francis Mdlongwa, then Editor-in-Chief of ANZ; Norma Edwards, Editor of The Mirror; Bill Saidi, Editor of the Daily News; Fanuel Jongwe, Daily News senior reporter; Jason Beaubien, National Public Radio; Brian Hungwe, SABC correspondent; Raymond Bouuman, Dutch journalist; Pim Hauinkels, Dutch TV Journal ITL5. Only some of those arrested were charged under the Access to

Information and Protection of Privacy Act (AIPPA) or POSA. No further official action was taken by year's end.

Peta Thornycroft, the Zimbabwean correspondent for Britain's Daily Telegraph and for South Africa's Mail and Guardian, in Chimanimani who was charged under the AIPPA, for "posing as a journalist" since she had not registered with the Media Commission was challenging in the Supreme Court the constitutionality of the charges against her at year's end.

Geoff Nyarota, the editor-in-chief of the Daily News, and Daily News reporters Lloyd Mudiwa and Collin Chiwanza successfully challenged charges under the AIPPA of abusing journalistic privilege for publishing a false story, and on May 7, the Supreme Court struck down that section of AIPPA as unconstitutional.

There was no action in the 2002 cases in which war veterans and government youth brigades regularly threatened the Daily News staff; at least once burned a Daily News delivery truck; frequently intimidated and assaulted the vendors of independent newspapers in Bindura, Masvingo, Kariba, and Karoi; and on numerous occasions, destroyed the sale copies of the Daily News, Financial Gazette, Zimbabwe Independent, and The Standard.

There were no new developments in the reported 2001 cases of harassment, abuse, and detention of journalists.

The Government was increasingly intolerant, especially of reports perceived to be critical of the security forces. Clause 15 of POSA, enacted in January 2002 makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the Constitution. Clause 16 of POSA also makes it an offense to make statements that will engender feelings of hostility towards the President. An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, anti-defamation laws criminalize libel of both public and private persons.

In March 2002, the Parliament enacted AIPPA, which was strongly criticized by journalists, media analysts, and human rights organizations. Section 81 of the Act also makes it an offense for journalists to submit a story that already was published by another mass media service without the permission of the owner of that service. Journalists also were prohibited from falsifying or fabricating information, publishing rumors or falsehoods, and collecting and disseminating information for another person without the permission of their employer. Under the AIPPA, mass media companies must pay prohibitively expensive application fees.

One of the AIPPA clauses prohibits foreign correspondents from applying for greater than 30-day accreditation. The MIC declared October 31, 2002 as the deadline for the submission of applications for the registration of media companies and accreditation of journalists. Many journalists applied for accreditation; however, some received letters from the Commission requiring them to pay the application fees in U.S. dollars, and provide proof of their qualifications and examples of their work. The MIC denied many journalists' applications.

On September 12, the Government closed the Daily News following a Supreme Court ruling dismissing a Daily News challenge to the AIPPA filed in January. The Supreme Court ruled that The Daily News must register with the government-controlled MIC before it could challenge the constitutionality of AIPPA. Also on September 12, riot police raided Daily News offices without a court order or warrant, seized computer equipment, and forcibly closed the paper. On September 18, a High Court ordered the police to vacate the premises immediately, to return the seized equipment, and to allow ANZ to publish while MIC considers its application; however, the Government ignored the court's orders and the MIC denied a subsequent Daily News application to register. Despite a December 19 ruling that authorized the Daily News to resume operations, police continued to prevent the Daily News from doing so at year's end.

The 2001 Broadcasting Services Act—passed despite the fact that Parliament's legal committee found the bill to be unconstitutional—gives the Minister of Information final authority in issuing and revoking broadcasting licenses. The Act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government-controlled signal carrier. Legal rights groups criticized the Act for limiting free speech.

In September, Radio Dialogue, a would-be broadcaster in Bulawayo, embarked on a public relations campaign to convince the Government to issue it a broadcast license; however, a broadcast license had not been approved by year's end.

In October, Capitol Radio won a Supreme Court case to have the exclusive power of the Minister of Information to grant broadcast licenses struck down. Since late 2002, the management and staff of Capitol Radio in the country have operated as Short Wave Radio Africa which was broadcast from the United Kingdom. Although

the Broadcasting Authority was made responsible for broadcast licenses, the Minister and MIC did not comply with the court's ruling; at year's end, Capitol Radio did not have a broadcasting license in the country.

No arrests were made in the August 2002 bombing of VOP's offices by year's end.

Several of the journalists reportedly banned from entering the country were citizens. The Government expelled a foreign journalist it perceived to be portraying the country negatively. Independent journalist Andrew Meldrum was deported during the year (see Section 2.d.). Foreign correspondents were regularly denied visas during the year.

Books and films were subject to review by the Zimbabwe Board of Censors. The Board banned at least 10 films and an unknown number of books in recent years.

The Government did not restrict access to the Internet, and there were many privately owned domestic Internet service providers (ISPs); however, the law permits the Government to monitor all international e-mail messages entering and leaving the country (see Section 1.f.). The 2002 arrests of journalist Andrew Meldrum and human rights activist Frances Lovemore (see Section 4) were because of articles published on the Internet.

The Government restricted academic freedom. The University of Zimbabwe (UZ) Amendment Act and the National Council for Higher Education Act restricted 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 controlled the UZ and appointed its Chancellor and Vice Chancellors; the Ministry also appoints the Dean of Faculty, and most members of the University Council.

Unlike in previous years, there were no reports that students were brought before a disciplinary committee for allegedly being MDC members, and faculty members reportedly were denied promotions allegedly for supporting the MDC.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice through laws such as the POSA. Many legal experts believed that the restrictions imposed by POSA on an individual's right to freedom of assembly were unconstitutional. The police repeatedly used force to break up nonviolent demonstrations by its critics and erect roadblocks in urban areas to prevent public gatherings from taking place. Although permits were not required for meetings or processions, the POSA requires organizers to notify the police of their intentions to hold a public gathering 7 days in advance. Failure to do so would result in criminal prosecution as well as civil liability. Although most groups that conducted meetings did not seek permits, some groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings, and they disrupted many events whether or not permission had been sought.

Police frequently refused to permit campaign rallies and meetings by the MDC during the periods preceding local and parliamentary by-elections, and during MDC-led work stoppages.

Police prevented a public meeting of religious members during the year (see Section 2.c.).

On March 2, after an MDC rally in Hatcliffe, presidential guard members forced 26 opposition members onto the grounds of State House, and kicked and beat them with rifle-butts and sticks. The guardsmen accused the MDC members of wearing MDC t-shirts and singing party songs while walking past State House. On the same day, police assaulted and arrested 70 MDC members after a rally in Mufakose. Police had authorized both the Hatcliffe and Mufakose rallies.

In June, during the MDC-led general strike, soldiers fired tear gas from a military helicopter at students who were gathering to march from the UZ campus. Riot police on the ground assisted in preventing a demonstration and confined students to their dormitories. At several prospective gathering locations in Harare and Bulawayo, police beat, threatened, and chased away would-be demonstrators and passers-by. Security forces patrolled parts of the city for several days ahead of the planned marches.

Police arrested numerous demonstrators during the year. In early March, police arrested, detained (some for up to 6 days), and charged 80 persons under POSA for displaying posters critical of President Mugabe during three World Cup cricket matches in Bulawayo. Those arrested included a 15-year-old girl. Many of those detained reported that police beat them with batons and kicked them. Some reported they were denied food, water, and medical attention. Among the 80 arrested, 32 said they were put in a cell measuring 9x12 feet, while a larger cell nearby was empty. No further action was taken by year's end.

On May 12, police arrested 46 female members of Women of Zimbabwe Arise! (WOZA) in Bulawayo alleging they had staged a public demonstration against a High Court order that barred them from doing so. They were reportedly denied access to lawyers, and relatives were prevented from seeing them. All 46 women were released; however, many were coerced to pay "admission of guilt" fines. No further official action was taken by year's end.

On October 22, police arrested up to 180 demonstrators from the National Constitution Assembly (NCA), a conglomerate of human rights organizations, including its Chairman Lovemore Madhuku. Approximately 200 NCA members were staging a protest in Harare calling for a new democratic constitution. Among those detained, approximately 100 were released the same day without charge, and approximately 70 were released on October 23 after paying an admission of guilt fine under the Miscellaneous Offenses Act. Although Madhuku refused to pay the admission of guilt fine, he was also released on October 23. Police reportedly beat some of the detainees.

On October 27 and 28, police used tear gas to disperse crowds of students at the University of Zimbabwe (UZ). After the Vice-Chancellor refused to meet with student leaders to discuss the non-payment of the students' stipends, an estimated 1,000 students attacked the Vice-Chancellor's car with sticks and rocks breaking all the windows. The students also damaged campus buildings before riot police arrived and dispersed them. Some students were injured and treated at the university clinic. On October 28, police arrested 18 student activists and held some of them in police custody for up to 2 days.

There was no action in the June 2002 police assault and arrest of approximately 70 MDC supporters and 3 independent journalists at the MDC's International Youth Day rally in Harare and the July 2002 arrest of MDC M.P. Austin Mupandawana and other senior members of the Kadoma branch of the MDC following clashes between ZANU-PF youth and MDC supporters. The MDC officials were detained for a few days and released without charges.

On June 10, a Harare magistrate cleared 14 NCA members and the MDC former M.P. for Highfield Munyaradzi Gwisai of POSA charges for having marched in February 2002 in support of a new constitution and to demand a free and fair presidential election. There were no new developments at year's end on Gwisai's constitutional challenge to his arrest.

There was no action taken, nor was any likely, against police who used excessive force to disperse a number of demonstrations or rallies in 2001.

The Constitution provides for freedom of association for political and nonpolitical organizations, including a broad spectrum of economic, social, and professional groups; however, the Government restricted this right in practice for political organizations. Organizations generally were free of governmental interference as long as their activities were viewed as nonpolitical. ZANU-PF supporters, supplied with government vehicles and money, killed, tortured, beat, and otherwise abused persons perceived to be associated with the opposition (see Sections 1.a., 1.c., 1.d., and 1.f.). Beginning in 2002, the Government required all NGOs, many of which were membership organizations, to register with the Ministry of Public Service, Labor and Social Welfare, and closed down, threatened, and arrested key officers of some NGOs it felt were opposed to government policies.

The formation of political parties and unions was not restricted; however, the Government interfered with activities of political parties and unions during the year (see Sections 6.a. and 6.b.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected 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.

Church leaders and members who criticized the Government continued to face intimidation, arrest, detention, and possible deportation, in the case of foreigners.

For example, on February 13, police prevented a public meeting at the Northside Community Church in Harare, which was supposed to address churches' role in the country's political crisis. Police arrested the president of the Evangelical Fellowship of Zimbabwe (EFZ), Bishop Trevor Manhanga, along with seven other persons and detained them for several hours.

On February 28, police harassed, arrested, and detained 21 pastors as they attempted to deliver a petition against the misuse of police power to Police Commissioner Augustine Chihuri.

During the year, Archbishop Pius Ncube of Bulawayo, an outspoken critic of the Government, reportedly received anonymous death threats, and intimidating visits by suspected officers from the CIO.

There was no new action in the February 2002 ZANU–PF supporters' beating of three Catholic priests, two Catholic nuns, and a Catholic brother in Zaka.

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.

In an August 14 letter to the Education Ministry permanent secretary, the Islamic Convent of the Strict Observance said that the Lord's Prayer in the school curriculum contravened section 19 of the Constitution, which protects freedom of conscience. The group gave the Government 60 days to rectify the issue before it files an application in the Supreme Court for an order declaring the Lord's Prayer at public schools unconstitutional. There were no further developments by year's end.

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 included or accommodated belief in the efficacy of witchcraft, they generally approved of harmful witchcraft only for defensive or retaliatory purposes and purported to offer protection against it.

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. 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 were strong.

There was some tension between the Government and some of the indigenous African churches, and between mainstream Christian churches and practitioners of traditional indigenous religions, because of the latter's preference for prayer over medical practices that resulted in the reduction of avoidable childhood diseases and deaths. Some members of the indigenous churches believed in healing through prayer only and refused to have their children vaccinated or treated. Human rights activists also criticized these indigenous churches for their sanctioning of marriages for underage girls.

Muslims complained of discrimination by private employers who refuse to allow them sufficient time to worship at their mosques on Fridays.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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 during election periods, and before opposition-planned work stoppages. 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 organizing. In November and again in December, police and the Zimbabwe Revenue Authority (ZIMRA) established roadblocks along the main highways from South Africa and Botswana to search for foreign currency. Police used the POSA to erect roadblocks in urban areas to prevent public gatherings from taking place.

Several individuals who were perceived to be opposition supporters had difficulty obtaining passports or were visited and questioned by immigration officials during the year. For example, Amos Phiri, an official with the local NGO *ZimRights*, is a citizen whose parents are Malawian; he encountered significant difficulty obtaining a passport. Immigration officials questioned prominent human rights lawyer Beatrice Mtetwa, who is originally from Swaziland but is married to a citizen, about her immigration status.

During the year, travel bans and visa requirements on a variety of persons remained in effect. Among those affected were British government officials, members of the British Parliament, an American human rights activist, and journalists. Several of the journalists reportedly banned from entering the country were citizens. The Government expelled a foreign journalist it perceived to be portraying the country negatively (see Section 2.a.). Foreign correspondents were regularly denied visas during the year.

Among the top four MDC leaders—President Morgan Tsvangirai, Secretary-General Welshman Ncube, Treasurer Fletcher Dulini-Ncube, and shadow agricultural minister and M.P. Renson Gasela—all of whom were charged with criminal offenses,

only two received their passports back by year's end. Ncube and Gasela were acquitted and their passports were returned to them in November.

The Citizenship Act requires all citizens with a claim to dual citizenship to renounce their claim to foreign citizenship under the laws of the foreign country to retain their citizenship. Citizens who failed to abide by the regulations by January 7, 2002, would cease to be citizens, would be removed from the voter rolls, and would be unable to vote. The 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. Conceding to regional pressure, during the year, Parliament amended the law to remove this requirement from citizens with origins in SADC countries.

According to the local U.N. Development Program office and other NGOs, up to 500,000 farm workers were internally displaced at year's end (see Section 1.f.). The majority of internally displaced persons (IDPs) were women and children. Some displaced farm workers reportedly were living on other farms or on previously unsettled land without reliable sources of food and water; others with relatives or friends in urban areas; some were arrested; and hundreds had moved into the Tete province of Mozambique. In most cases, ZANU-PF supporters who were farm squatters ordered the farm workers to leave so that they could plant their own crops on the property. Other IDPs were persons, often teachers and civil servants, forced to leave their homes by government supporters because of perceived support for the opposition.

According to the human rights NGOs, over 100 MDC supporters were displaced internally during the year; however, the number of unreported cases likely was higher. It was unknown how many of the approximately 70,000 displaced during the 2002 presidential elections remained displaced at year's end. Sometimes war veterans in local government positions applied pressure on local chiefs to order the expulsions of certain individuals. 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 Section 1.f.). In most cases, police did not intervene expeditiously. Unlike in the previous year, the Government did not harass IDPs living in NGO safe houses in the capital, and did not arrest workers and staff of humanitarian organizations attempting to house them at camps.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also generally provided temporary protection to certain individuals who did not qualify as refugees or asylees.

The Government generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. According to UNHCR, approximately 100 asylum-seekers arrived each month during 2002, and there were 12,271 refugees and 556 asylum seekers in the country at year's end. Asylum seekers from more than 20 countries were granted refugee status; the largest groups of refugees consisted of 6,122 Congolese (DRC), 3,551 Rwandans, and 1,484 Burundians.

In 2002, the Director of operations of the Geneva-based International Catholic Migration Commission investigated allegations of rampant sexual exploitation of female refugees at the Tongagara camp it supervised. He found the allegations to be substantiated; two perpetrators were dismissed, arrested and charged under the Sexual Offenses Act. At year's end, the case was still pending in a Mutare court. UNHCR subsequently cancelled its contract with the implementing organization and hired a new partner to run the camp.

Some employers reportedly took advantage of illegal refugees for inexpensive labor (see Section 6.e.).

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 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 manipulated the electoral proc-

ess to effectively disenfranchise voters and to skew elections in favor of ruling party candidates.

In the weeks leading up to March by-elections in the Harare high-density suburbs of Kuwadzana and Highfield, ruling party supporters and youth militia members undertook an aggressive campaign of violence and intimidation by arresting, beating, and detaining opposition campaign officials, opposition members, and members of civil society. In addition, according to MDC claims, approximately 19,000 names were added to the voters' rolls. Police also denied permission to the MDC to hold campaign rallies, prevented rallies for which permission had been granted, or disrupted with tear-gas campaign rallies in progress. Despite these tactics, the MDC retained both of these constituencies in the polls.

Leading up to August mayoral and urban council elections in about 20 cities across the country, ruling party supporters set up make-shift roadblocks and otherwise prevented approximately 30 MDC candidates from registering their candidacies through threats, harassment, and intimidation. For example, on July 21, ruling party supporters used intimidation to prevent at least 20 potential MDC candidates from registering their candidacies at nomination courts. Ruling party supporters harassed and intimidated opposition candidates and in some cases attacked or burnt the houses of opposition officials. During the week of August 11, ruling party members beat approximately 50 MDC supporters, including council and mayoral candidates in Mutare. The opposition nonetheless won six of seven contested mayoral contests and a majority of the contested urban council seats.

The Government failed to accredit, in an effective or timely fashion, international observers for elections during the year, preventing international observer teams from accessing selected polling areas. ZANU–PF youths and supporters threatened and harassed diplomatic observers at some polling stations.

In March 2002, President Mugabe was declared the winner of a presidential election after a campaign in which violence and intimidation were used nationwide against MDC supporters, and in which the electoral rules were manipulated to favor the ruling party. International observer missions from the Commonwealth, and the South African Development Community (SADC) Parliamentary Forum described the electoral process as fundamentally flawed, while a large mission from the European Union (EU) withdrew before the election when the Government refused to accredit the delegation leader.

In November, the trial began in the MDC lawsuit filed in April 2002 with the High Court, which calls for the nullification of the election results and a repeat of the election, claiming numerous electoral irregularities. The first phase of the trial was completed without decision, and the trial was ongoing at year's end.

During the year, the Government's GMB routinely and publicly denied handouts of maize meal to suspected MDC supporters and provided it only to ruling party supporters. A common ZANU–PF tactic was to announce the distribution of food in the vicinity of, and at the precise time of, an MDC rally. Persons chose to attend the food distribution event rather than the rally, but often were turned away empty-handed. In many instances, GMB sold food only to those who produced ZANU–PF membership cards.

The General Laws Amendment Act, passed in January 2002, places restrictions on local and international monitors and observers, gives the pro-government Registrar General the authority to amend the voters roll at will and to issue absentee ballot papers, and effectively prohibits placing political posters in public areas. The Act also mandates that only the ESC can conduct voter education or delegate that responsibility to organizations that were registered with it (see Section 4). Media and civil society groups widely criticized the Act.

The population directly elects the President. The President may unilaterally declare a state of public emergency for a period of up to 14 days; has sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister; and may 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 supporters.

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 was used to force debate and disclosure.

In 2001, the Supreme Court declared a 2000 President's decree prohibiting the nullification of the election of any M.P. unconstitutional, which allowed the High Court to hear parliamentary election challenges (see Section 1.e.). In 2002, the High Court nullified the results in four constituencies, but upheld the results in four oth-

ers. The respective parties appealed all eight cases to the Supreme Court, which had not heard the cases by year's end.

General parliamentary elections were held in 2000 amid widespread voter intimidation and violence by the Government and ZANU–PF supporters with reports of vote-rigging and other irregularities. Although the election day generally was peaceful, the process leading up to it was neither free nor fair. The MDC won 57 out of the 120 popularly elected seats. Thirty additional seats were reserved for presidential and tribal chief appointees, who were ZANU–PF supporters, which gave ZANU–PF a total of 92 seats; this total increased to 93 in 2001 after the ruling party won a parliamentary by-election for a seat previously held by the MDC.

There were institutional problems with the management and supervision of elections, and the ESC, the Elections Directorate, the Ministry of Justice, Legal and Parliamentary Affairs, and the Registrar-General's Office had overlapping mandates. Although the Ministry of Justice technically administered the Electoral Act, the Registrar General's Office fell under the Ministry of Home Affairs. With an insufficient budget and an overburdened staff seconded from the Ministry of Justice, the ESC lacked the independence, institutional capacity, and resources to oversee all of the country's polling stations. Commissioners also lacked authority to order the correction of irregularities. The voters' roll was computerized, but it contained a large number of redundancies and errors, including misspellings, multiple entries at single addresses, and names of deceased persons. The Government invested immense powers in the presidency through the Electoral Act, including full control of voters' rolls and registration, and the ability to change district lines without notice on the eve of an election. Electoral officers often did not operate in a fully open and transparent manner.

Although the Registrar General was required by law to provide a copy of the voters rolls used in the March presidential election, the MDC still was unable to obtain one by year's end.

During the year, the NCA, an umbrella organization encompassing most of the country's important civil society groups, continued to press for consideration of a new constitution that would reduce the power of the presidency and offer greater protection for civil liberties.

The ruling party's candidates continued to benefit from the ZANU–PF's control of the state-owned firms that dominated the country's economy, from its control of the state-monopolized broadcast media (see Section 2.a.), and from its control over state funds granted to political parties. Under the Political Parties Finance Act (PPFA), the Government is required to allocate \$15,300 (Z\$100 million) among political parties in proportion to the parties' seats in the Parliament, provided the party has at least 15 seats. The PPFA prohibits foreign funding for political parties. Political rights groups declared that the act was designed to cut off funding for the opposition; ZANU–PF routinely ignored the PPFA's prohibitions without consequences. However, MDC received funding under the Act.

Many persons who were perceived by the Government as opposition supporters, were removed from the civil service and the military.

There were 17 women in the 150-seat Parliament, including the Deputy Speaker of Parliament, and there were 4 female ministers and 1 female deputy minister in the Cabinet. In addition, there was one woman governor. Women participated in politics without legal restriction; however, according to local women's groups, husbands, particularly in rural areas, commonly directed their wives to vote for the husband's preferred candidates. The ZANU–PF congress allotted women 1 out of every 3 party positions and reserved 50 positions for women on the party's 180-member Central Committee, which was one of the party's most powerful organs.

All major ethnic groups were represented in Parliament and in the Government. Most members of the Government and the Parliament, as well as most ZANU–PF officials, belong to the Shona ethnic group, which composed 82 percent of the population (see Section 5).

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

A number of domestic and international human rights groups operated in the country with government restrictions, investigating and publishing their findings on human rights cases. The Government monitored their activities closely, but was generally unresponsive to their concerns and rarely consulted with them during the year. National groups that promoted human rights included: The Amani Trust; the Catholic Commission for Justice and Peace (CCJP); the Legal Resources Foundation; the Media Institute of Southern Africa; the Musasa Project; National Alliance of Nongovernmental Organizations; the NCA; the; Transparency International-Zimbabwe; Women and Law in Southern Africa; Women in Law and Development

in Africa; the Zimbabwe Elections Support Network; the Zimbabwe Human Rights NGO Forum; Zimbabwe Lawyers for Human Rights; the Zimbabwe Liberators Platform; the Zimbabwe Union of Journalists; the Zimbabwe Women Lawyers Association; Zimcet; and ZimRights.

Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of the POSA and AIPPA, increasing poor women's access to the courts, raising awareness of the abuse of children, 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 continued to take the lead in coordinating reports on human rights violations and abuses.

During the year, suspected CIO officers targeted employees of ZimRights, a local NGO that investigates human rights abuses. In March, armed men searched and ransacked the home of one employee. In March and April, suspected CIO officers followed, threatened, and attempted to break into the home of another employee in Mutare. Fearing for his safety, he camped out for a few months without electricity or running water outside of town.

In September 2002, the Government ordered all nonregistered Private Voluntary Organizations (PVOs) to cease operations until they registered, a process that generally takes approximately 8 months, in accordance with a previously unenforced law. In July, the Amani Trust resumed operations after the Government declared it in breach of the PVO laws in November 2002. The Government did not take any further action to enforce the PVO Act during the year.

In February, police arrested and detained 15 members of WOZA in Bulawayo and 38 in Harare. WOZA had organized a march to protest against violence on St. Valentine's Day. Riot police arrested and beat Father Nigel Johnson, who marched with the group. The detainees were released after 6 hours without charge.

Unlike in the previous year, problems encountered by international donors and NGOs in food distribution were corrected expeditiously.

Amnesty International, Transparency International, and the International Committee of the Red Cross operated in the country. The Government hindered representatives of international human rights groups from visiting the country before, during, and immediately after the 2002 presidential elections. Representatives of some international human rights groups reportedly stopped issuing reports and statements critical of government in part to avoid problems with members of their organizations entering the country.

In December, the Commonwealth, during its heads of government meeting, decided to continue the country's suspension, whereupon the Government withdrew from the Commonwealth. The Government was suspended in March 2002 because of the government-sponsored violence and fraud during the nationwide elections.

Section 5. Discrimination Based on Race, Sex, 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, the Constitution allows for discrimination, primarily against women, on the grounds of "customary law." Domestic violence and discrimination against women, abuse of children, and discrimination against persons with disabilities were problems. The Government and ruling party discriminated against the white minority in areas of due process, foreign travel, and property ownership.

The Government has a national HIV/AIDS policy that prohibits discrimination against persons living with HIV/AIDS and the law aims to protect against discrimination of workers in the private sector and parastatals; however, societal discrimination against persons affected by HIV/AIDS remained a problem. Despite an active information campaign by international and local NGOs and the Government through its Ministry of Health and the National AIDS Council to destigmatize HIV/AIDS, ostracism and condemnation of those affected by HIV/AIDS continued. Children who lost their parents as a result of AIDS were often ill treated by their guardians and other members of the community. The Ministry of Public Service, Labor, and Social Welfare operated a program called Basic Education Assistance Module (BEAM) to assist needy orphans and children affected by HIV/AIDS by paying their school fees.

Women.—Domestic violence against women, especially wife beating, continued to be a serious problem and crossed all racial, ethnic, and economic lines. It occurred throughout the country and sometimes resulted in death. SOA makes nonconsensual sex among married partners a crime. The Act provides penalties for up to 10 years in prison for sexual crimes. It also defines sexual offenses as rape, sodomy, incest,

indecent assault, or an immoral or indecent act with a child or person with mental disabilities. There was no legislation that specifically addresses domestic abuse.

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 counseled 1,823 cases during the year. In 2002, Musasa reported that 54 percent of the women counseled for domestic violence had sexually transmitted diseases, and 29 percent had HIV/AIDS. Musasa Project and the Women's Coalition reported that wife killings remained a problem during the year.

There continued to be reports of rape, incest, and sexual abuse of women. Musasa handled 41 cases of rape or incest during 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 1,100 rapes were reported in Harare in 2002. Although the Government refused to supply figures for the year, the rate reportedly was higher than in 2002. Musasa and Amani Trust reported 6 cases of politically motivated rape during the year; human rights groups estimated that the actual number of politically motivated rapes may be much higher (see Section 1.c.). As reported by the Solidarity Peace Trust, growing evidence suggests the existence of systematic rape at National Youth Service Camps, where an estimated 1,000 women were interned as sexual servants for cadets and instructors. Musasa Project ran a shelter and a support group for abused women.

Women faced many obstacles in filing reports of rape; for example, many police stations were not prepared to properly handle the investigation of such cases. When cases go to court, lengthy sentences for rape and wife beating generally were imposed; however, a "binding over" order (an order to appear in court to respond to an accusation of violent behavior) was issued based only on actual physical abuse and not on threats of violence. Courts also did not have the power to oust an abusive spouse from a couple's home. Systemic problems and lack of education often meant that police did not respond to women's reports or requests for assistance.

There were reports of sexual abuse of female refugees (see Section 2.d.).

Unlike in previous years, there were no reports that female genital mutilation (FGM) was performed in the country.

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

There are laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women; however, women remained disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women still were 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 were not allowed to own property jointly with their husbands. The Administration of Estates Amendment Act makes inheritance laws more favorable to widows; however, the Constitution allows discrimination against women under customary law and provides that a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family. For example, in the event of a man's death, the brother's claim to the inheritance takes precedence over the deceased's wife. Divorce and maintenance laws were favorable to women, but women generally lacked awareness of their rights under the law.

Although labor legislation prohibits sexual harassment and discrimination in employment on the basis of gender, women were concentrated in the lower echelons of the work force and commonly faced sexual harassment in the workplace.

By July, according to a government land audit, approximately 17.2 percent of resettled land was allocated to women, although they comprised nearly 80 percent of the rural population. Married women who were allocated land were asked to register the land in their husband's names.

There is a Ministry of Youth Development, Gender, and Employment, but it did little to advance the cause of women. The Government gave qualified women access to training in the military and national service. Although there have been advances for women within the armed forces, they continued to occupy primarily administrative positions.

Several active women's rights groups, concentrated on improving women's knowledge of their legal rights, increasing their economic power, combating domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS.

Children.—The Government's commitment to children's rights and welfare continued to deteriorate during the year. The Government focused primarily on political issues, to the detriment of pressing social needs, and the deteriorating economic situation eroded financial allocations to programs affecting children. Consequently, children, especially those in the rural areas, but also an increasing number of urban dwellers, suffered greatly. Although legislation was in place to protect children's rights, it was difficult to administer and enforce.

There was no compulsory education and schooling was not free; 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. According to the 2002 census data and age-specific population distributions, roughly 72 percent of school-age children attended school. The highest level achieved by most students was primary level education. The Government established a program of social welfare grants for needy children, including funds to assist them with their education; however, it was underfunded and corruption undermined the beneficiary selection process. The members of selection committees in some communities gave grants to their relatives and friends and denied them to the children of opposition supporters.

In most regions of the country, fewer girls than boys attend secondary schools. If a family was unable to pay tuition costs, it most often was female children who left school. The literacy rate for women and girls over the age of 15 was estimated to be 80 percent, while the male rate was approximately 90 percent.

The Government ordered that students entering college, teacher training schools, or the civil service must present a diploma from one of the National Youth Service training camps (see Sections 1.c. and 6.d.).

Unlike in the previous year, there were no reports that schools were shut down as a result of the torture of teachers who supported the MDC. Unlike in the previous year, there were no reports that schools were used as torture centers.

The SOA makes it a crime to infect anyone knowingly, including children, with HIV/AIDS. International experts estimated that HIV/AIDS infected one-quarter of the adult population and killed approximately 2,000 persons every week. According to an international NGO working with AIDS orphans, deaths from HIV/AIDS created 960,000 orphans during the year, up from 780,000 in 2002. Government-funded and private orphanages were filled to capacity, and the number of street children or those living in adoptive homes continued to rise dramatically and visibly during the year and was expected to put a tremendous strain on both formal and traditional social systems. At the household level, there was an increased burden on the extended family, which had traditional responsibility for caring for orphans. Many grandparents were left to care for the young, and in some cases, children or adolescents were heading families. Many orphans were sent to foster homes, where they often become victims of sexual abuse. At the provincial and national levels, the governments faced increasing demands for community orphan projects, orphanages, health care, and school fees. Monies from a universal AIDS levy automatically deducted from the paychecks of all formal-sector wage-earners have been allocated through the National Aids Council to District Action Committees for some specific programs, including: orphan assistance, support for costs of schools (including food, shelter and clothing), income generating projects for children or orphans of AIDS patients, and research for identifying orphan needs and problems.

Child abuse, including incest (long a taboo), infanticide, child abandonment, and rape continued to be problems during the year. The Parents and Family Support Network, a local NGO, reported that one in three children in the country was at risk of physical or emotional abuse. There was a large volume of rape cases in the Harare victim-friendly courts, which consisted of individual magistrates designated to try family cases. These courts were understaffed because many magistrates sought more lucrative employment outside the country. The large volume led to calls by children's rights' advocates to establish additional courts in surrounding areas. The criminal justice system has special provisions for dealing with juvenile offenders.

Musasa Project worked closely with the Ministry of Youth Development, Gender, and Employment Creation to investigate allegations that young girls were raped at the Government's national youth service training camps (see Section 6.d.). Musasa believed that the girls who were subjected to abuse remained silent out of fear of retribution. Many young girls came to the camps because of the economic suffering in the country. In addition, members of government militias gang-raped adolescent girls some as young as 12.

There were infrequent reports of child prostitution (see Section 6.f.). The SOA provides for a maximum fine of \$5 (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 \$8 (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.” The Act had little impact on the status of children.

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

The traditional practice of offering a young girl as compensatory payment in inter-family disputes continued during the year. Arranged marriage of young girls also continued during the year.

Several active children’s rights groups concentrated on promoting the well-being of children, including protection against child abuse, and advocating for children’s rights.

Persons with Disabilities.—The law specifically prohibits discrimination against persons with disabilities in employment, admission to public places, or provision of services; however, in practice the lack of resources for training and education severely hampered 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. Local NGOs worked on auditing and implementing the law during the year. NGOs 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 were considered bewitched, and reports of children with disabilities being hidden when visitors arrive were common.

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 low-level tensions between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

Racial tensions have subsided since independence and remained relatively 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. The Government’s far-reaching fast-track resettlement program designated 97 percent of large-scale, white-owned commercial farms for seizure with no clear means for providing compensation, and 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.). Ruling party supporters seldom were arrested or charged for infringing upon minority rights.

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 1980s Matabeleland killings of an estimated 10,000 to 20,000 Ndebele civilians.

Incitement to Acts of Discrimination.—Throughout the year, government-controlled newspapers, radio, and television stations continued to vilify selectively citizens of European ancestry and to blame them for the country’s problems. Ruling party officials sometimes called for dispossessing those of European ancestry of their property, forcibly if necessary. Materials used at National Youth Service Camps identified enemies of the state in racist terms and demonized whites. During the cash shortage, the government-controlled newspapers often accused Asians of hoarding millions of dollars to the detriment of the economy.

Section 6. Worker Rights

a. The Right of Association.—The new Labor Relations Amendment Act (LRAA), passed in December 2002, and brought into effect on March 7, 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 interests of labor, and form or join unions without prior authorization, and workers exercised these rights. There were serious objections to some of the bill’s language from labor unions, and the parliamentary legal committee called many of its provisions unconstitutional. The LRAA 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 Minister does not have the authority to suspend or deregister the national umbrella labor confederation, the ZCTU.

At the end of 2002, approximately 25 percent of the formal sector work force (approximately 400,000 workers) belonged to the 31 unions that form the ZCTU; however, labor unions have suffered dramatic losses in membership due to the contraction of the economy over the past 3 years. During the year, approximately 65 per-

cent of industries were unionized. ZCTU officers were elected by delegates of affiliated trade unions at congresses held every 5 years; the ZCTU elected a new leadership at its congress in 2001. According to the ZCTU leadership, approximately 30 percent of the ZCTU's constituency retains loyalty to ZANU–PF. Many MDC leaders began their public careers with the ZCTU and the Government and the ZCTU regularly clashed sharply over economic policy. The Government often did not consult either the ZCTU or employers before implementing policy decisions that affected the workplace, which disrupted labor relations.

The LRAA allows members of the Public Service, as well as other government employees (with the exception of members of the Disciplined Services) to form and join unions; however, the new Act also retains the prohibition of strikes by disciplined and “essential services” (see Section 6.b.).

The LRAA specifies that workers may establish independent worker committees side by side with unions in each plant. Worker committees also had to be registered with the MPSTLW, which may refuse registration. ZCTU officials believed that the formation of worker committees was an attempt to dilute union authority, because the worker committees comprised both union and nonunion workers.

There were multiple national labor federations. The ZCTU is the oldest and most powerful labor federation; however, during the year the Government openly targeted the ZCTU by announcing that the ZCTU was a political organization and declaring it aligned with the opposition MDC. The Government arrested and detained ZCTU leaders before and after ZCTU-called stayaways during the year.

There were no further developments in the February 2002 abduction, beating, and detention by government youth militia members of ZCTU council member Ephraim Tapa and his pregnant wife Faith.

The Zimbabwe Federation of Trade Unions (ZFTU) continued to disrupt relations between workers and their union leadership. However, unlike in the previous year, its leader and vice president, Joseph Chinotimba, kept a much lower profile after his defeat in the parliamentary elections. Overall ZFTU greatly toned down its pro-ZANU–PF and anti-ZCTU tactics during the year and used less coercive measures to enforce membership. The ZFTU continued to work closely with ZANU–PF. ZANU–PF/ZFTU again sponsored May Day commemorations during the year to overshadow the traditional ZCTU workers' day celebrations. The attendance at the ZCTU's event was much higher than the previous year, partially due to the organization's ability to gather in its traditional stadium.

Unlike in the previous year, the ZFTU did not instigate confrontations involving the agricultural sector. Under Statutory Instrument 6 (SI6), commercial farmers whose farms were acquired compulsorily were required to pay all of their farm laborers terminal benefits or “retrenchment packages”. Consistent with SI6, many farmers who did not have the funds could pay half immediately and postpone the remainder until, or if, he received compensation for the improvements on the land from the Government, but only with the consent of their labor force. However, the agricultural workers virtually never gave permission to delay payments. The ZFTU, instigated hostile confrontations with farmers in 2002, in some instances barricading farmers inside their homes and demanding liquidation of any available asset to fund immediate payout of the retrenchment package. In most cases, the ZFTU officials who orchestrated these confrontations collected between 30 and 40 percent from each retrenchment package as their “fee.”

The LRAA prohibits discrimination by employers against union members. Complaints of such discrimination were handled by a Labor Court under the mechanism for resolving cases involving “unfair labor practices.” The determining authority may direct that workers fired due to anti-union discrimination should be reinstated, although this was not utilized in practice. Although the High Court ruled in April 2002 that police could not monitor ZCTU meetings, the police did not respect that judgment and continued to monitor ZCTU meetings, despite complaints from ZCTU, during the year.

The ZCTU and its officials were free to associate with international labor organizations, and they did so actively. The ZCTU was formally affiliated with the International Labor Organization (ILO), the International Confederation of Free Trade Unions (ICFTU), and the Southern African Trade Union Coordinating Council. However, in December 2002, ICFTU–AFRO Director of Human and Trade Union Rights and Alfred Mudenda, Deputy Director Secretary of the Zambia Congress of Trade Unions, were denied entry to the country. In May, Anne Watson, a representative of the Commonwealth Trade Union Council, was also denied entry. The ZFTU had no known international affiliations.

The ILO continued to criticize the Government for ongoing interference with the unions' freedom of association, and included the country in an ILO negative report.

b. The Right to Organize and Bargain Collectively.—The LRAA provides workers with the right to organize and, as amended, permits unions to bargain collectively over wages and conditions of employment. Worker Councils, comprised of management and workers' committees, which by law were not organizationally part of the unions or the ZCTU, were empowered to negotiate with the management of a particular plant on the conditions of work, collective agreements, and codes of conduct in the workplace, except for wages. Unions, employers, and individual workers had the right to take their grievances to special labor forums for final adjudication. In the December 2002 amendment of the LRA, the Labor Court replaced the Labor Tribunal, supplemented by labor officers who were given the mandate to mediate cases before proceeding with formal litigation. The Labor Court was the only court empowered to hear any dispute arising under the LRA, or any other matter (claims of unfair labor practices, statutory instrument, other legislation) affecting labor relations. Despite the establishment of dedicated Labor Courts, the grievance procedure continued to maintain a 2-year backlog of cases. Many cases took years to resolve. Appeals against a decision of the Labor Court were lodged directly with the Supreme Court.

Collective bargaining and wage negotiations took place on an industry-wide basis between the relevant union and employer organizations sitting on joint employment boards or councils. Collective bargaining agreements applied to all workers in an industry, not just union members. Traditionally, between April and July each year, workers and employees negotiated salary increases and other benefits in their respective National Employment Councils. These bodies submit their agreements to the Registrar in the MPSSLW for approval. The Minister of Labor retained the power to veto agreements that he believed would harm the economy; however, he did not involve himself directly in labor negotiations unless requested to do so by one of the parties. When no trade union represented 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. Companies offered wage increases that did not keep up with inflation during the year, and most workers and unions accepted the increases offered because of the economic crisis, but some continued to press for higher wages. In practice, many employers moved to quarterly review of wages (and some to quarterly awards of "bonuses") to keep up with the hyper-inflationary environment.

Employees in positions designated as managerial were excluded from general union membership and thus from the collective bargaining process.

The Government is a participant in the ILO and a signatory to various ILO conventions; however, the ILO's COE stated that several pieces of labor legislation restricted workers' rights provided for by Convention 98. Although the 2002 changes in the LRAA have removed some of the contentious legislation, they have added others. The Government continues to use POSA as an excuse for limiting unions' abilities to meet with and consult their constituencies. For example, unions were prevented sometimes with heavy police presence and under threat of arrest from holding meetings with their memberships.

The 2002 amendments to the LRAA make it more difficult to conduct legal collective job action. There is no right to strike in the Constitution. Although the LRAA explicitly recognizes this right, it has been circumscribed with procedural hurdles including advance notice of 14 days, attempt for conciliation for 30 days, and possible mandatory referral to binding arbitration. The new Act continues to prohibit "essential services" employees from striking on the grounds that it "endangers immediately the life, personal safety or health of the whole or any part of the public". The law defines essential services broadly and includes: The fire personnel; employees engaged in the supply and distribution of water; employees providing some veterinary services; revenue agents at ports of entry; persons in the health care field; transport and communications employees; railway engineers; licensed electricians; and broadcast personnel during a state of emergency. Many of these groups went on strike during 2002. The law also allows that "Any non-essential service may be declared an essential service by the Minister if a strike in a sector, service industry or enterprise persists to the point that the lives, personal safety or health of the whole or part of the population is endangered," and labor groups were concerned this could negatively impact them.

The 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." Government officials stressed that the Government reserved the right to impose these bans at its discretion, and widely exercised this right during the year.

Managers also were prohibited from striking, and in some industries, the Government defined most employees as managers. For the remaining nonessential employ-

ees legally to conduct a strike, more than 50 percent of the company's employees must vote in favor of the action. If a majority voted to strike, the dispute was referred to a labor officer, who was given the mandate to attempt mediation for at least 30 days. If mediation was unsuccessful, the dispute could be unilaterally referred to a government-appointed arbitrator if the employees were engaged in an "essential service," and the dispute was a dispute of right (e.g., interpretation of the collective bargaining agreement, not wages or conditions of work). If the employees were not engaged in an essential service, the labor officer could refer the case to arbitration if he or she obtained the permission of both parties, or if the dispute was a dispute of right. Employees could only strike after the arbitration process was concluded unsuccessfully, and a subsequent 14-day notification process of the intent to strike was concluded.

These government-imposed delays prevented most employees and their unions from ever declaring legal strikes; however, during the year, illegal strikes or work stoppages have occurred within individual companies and in entire industries occasionally. There were a number of labor actions during the year, including strikes and at least three successful mass stayaways, two by the lead opposition party MDC, and one by the ZCTU.

In March, the MDC called for a mass stayaway, and for a second one in June. The June stayaway resulted in the closure of an estimated 80 to 95 percent of shops and businesses in the country's two largest urban centers.

In April, the ZCTU independently called for a mass stayaway in response to the heavily subsidized fuel price increasing 300 percent. The price for transport increased to the point that some workers were actually paying their full months' wages just for daily transport. The disproportionate pressure on the lowest-scale workers led to the call for the stayaway. Although the fuel prices were not reduced, the stayaway was successful; employers attempted to increase wages on a quarterly basis in order to counter the inflationary environment.

On October 8, police arrested more than 150 ZCTU members at protest gatherings in several cities throughout the country, including ZCTU Secretary General Wellington Chibebe, President Lovemore Matombo, and Progressive Teacher's Union of Zimbabwe President Raymond Majongwe. Most of those detained were released the same day; however, many were forced to sign admissions of guilt under POSA and fined \$.90 (Z\$5,000). At year's end, there was no further action on these cases.

There were several strikes during the year. For example, in January, the Government settled a strike of 140 Air Zimbabwe engineers, meeting most of their demands. Although Air Zimbabwe had suspended the 140 engineers without pay and benefits, the terms of the new agreement indicate that the Government acceded to or exceeded all of the engineers' demands: increases of the basic salary to \$135 to \$289 (Z\$200,000 to Z\$430,000) monthly, a 15 percent "critical allowance," and full back-pay of all wages and benefits while the engineers were on strike.

On May 20, public school teachers, on strike since May 8, lost a court ruling and, on instruction from the Zimbabwe Teachers' Association (ZIMTA), returned to work. They had demanded a salary increase from \$29 (Z\$60,000) to \$128 (Z\$268,000) per month.

On May 26, the Government ordered the workers at electricity parastatal Zimbabwe Electricity Supply Authority (ZESA), on strike since May 20 and asking for a 50 percent across-the-board salary increase, to return to work and declared the strike illegal.

On October 23, doctors in public hospitals went on strike demanding a significant increase in their salaries. This was reportedly at least the third strike by doctors during the year. On October 27, nurses joined the strike and demanded a review of their salaries. At the strike's outset, doctors earned less than \$100 (Z\$565,000) and nurses less than \$40 (Z\$226,000) per month. Although the nurses returned to work a few days later, many struck again in early December after the Government did not follow-through on its assurances that their grievances would be considered and their salaries would increase. On November 6, the labor court declared the strike in violation of the LRAA and ordered the medical professionals to return to work. When they refused to return to work within a week, the Public Services Commission ordered the police to arrest the doctors. On November 15, seven doctors were arrested, held in police custody briefly, and charged for violating the LRAA. There was no further action on the arrested doctors by year's end. Most public hospital doctors and nurses remained technically on strike at year's end; however, during the strike many left the country or found jobs in the private sector. As a result, public hospitals routinely turned away patients.

Stagnating wages, hyperinflation, and eroding value of income were the major concerns for all sectors of the labor force, and some sectors resorted to strikes to pressure their employers into raising wages.

Youth militias attempted to keep some stores open during the mass stayaways. No action was taken against security forces who tortured the Secretary General of the ZCTU in 2002, or against ZFTU members who beat persons during a strike in May 2002.

There were no further developments in the 2001 killing of 3 strikers and injury of 10 others during a strike at the Zimbabwe Iron and Steel Company (ZISCO) plant in Redcliff.

The Export Processing Zones Act states the LRA shall not apply to workers in export processing zones (EPZs). The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remained low.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued in rural areas (see Section 5).

The Government, war veterans, and the ZFTU have the power to force workers to perform labor, which they might not otherwise choose.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was common. Under the amended LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of (or in conjunction with) “a course of training or technical or vocational education.” The law further states that no person under 18 shall perform any work “likely to jeopardize that person’s health, safety or morals.” The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age is still the minimum for light work, work other than apprenticeship, or work associated with vocational education.

According to the 2000 National Child Labor Survey (the most recent available), approximately 25 percent of children between the ages of 5 and 17 were involved in some form of labor. The unemployment rate continued to grow, with some estimates as high as 75 percent, decreasing the number of children employed in the formal sector; however, the incidence of children working in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, or deceased relatives. Children worked in the agricultural sector, and there were reports that children worked as domestics and as car-watchers. As a result of the land redistribution program, there were fewer instances of child labor on commercial farms. Many children sold simple wares on the streets; others worked in the booming illegal gold panning industry. In addition, there were reports of an increasing number of girls under 17 years of age engaged in prostitution. Although child labor in the agricultural, domestic, and informal sectors increasingly was discussed, the Government and NGOs have been unable to gather concrete data on the number of cases.

The Child Adoption and Protection Amendment Act incorporates ILO Convention 182 on the Worst Forms of Child Labor; however, enforcement of the law was not effective during the year. Under the LRAA, child labor is punishable by a maximum fine of \$5 (Z\$30,000), 2 years imprisonment, or both. Forced labor is punishable by an undefined fine, 2 years imprisonment, or both.

Few new social initiatives to prevent child labor were implemented; however, with the imposition of a universal AIDS levy on all formal sector wage-earners, some programs to ease the burdens of HIV/AIDS affected children or child-headed households were created.

Forced child labor and child prostitution were a problem (see Section 6.f.). The Government enforced a youth service requirement under which young citizens were forced to undertake training at government-sponsored training camps such as the Border Gezi Youth Training Camp. The stated purpose of the training camps was to instill a sense of pride in the youths, highlight the history of the struggle for independence, and develop employment skills; however, they were reported to be training camps to instill ZANU–PF allegiance, paramilitary skills, and expertise in political oppression and torture, and were the source of the youth militia forces, popularly known as “Green Bombers.” Conditions during training were poor, and there were many reports of youth deserting the camps.

e. Acceptable Conditions of Work.—There is no national minimum wage, except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. Due to an ineffective monitoring system, many agricultural and domestic workers were remunerated below the minimum wage.

Representatives of the Government, labor and employers met during the first quarter of the year in an attempt to negotiate increased minimum wages and other

workable strategies under the New Economic Revitalization Program (NERP). The Tripartite Negotiation Forum (TNF) partners agreed on a broad range of necessary steps, including an 18-month wage freeze after new minimum wages were agreed, and freezes on prices. In May, the Government ignored these agreements, allowing companies to raise prices without securing an increase in the minimum wage. The ZCTU pulled out of the TNF, organized a mass stayaway in April in response to the Government's actions.

Minimum wages in the formal sector changed continuously as a result of multiple increases in salaries to offset the high inflation rate. Domestic worker minimum wages were specifically separated from others; in July, the following monthly minimum wages were published: gardener, \$1.85 (Z\$12,000); cook/housekeeper, \$2.01 (Z\$13,060); child- or disabled-minder, \$2.43 (Z\$15,800); child- or disabled-minder with Red Cross certification, \$2.92 (Z\$18,960); and agricultural worker, \$3.55 (Z\$23,070). The minimum wage did not provide a decent standard of living for a worker and family, and at least 70 to 80 percent of the population lived below the Government's poverty line.

The Salary Service Department of the MPSSLW determined public sector wages, subject to the approval of an independent Public Service Commission (PSC). Each year PSC officials meet with PSA representatives to review wages and benefits, and issue a recommendation to the MPSSLW. The Minister is not required by law to accept the recommendation and usually proposed a wages and benefits package that was less than the recommendation, resulting in yearly industrial protest actions by civil servants.

The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. The Constitution provides the PSC with the authority to set conditions of employment in the public sector.

Many of the basic legal protections did not apply to the vast majority of farm, mine, and domestic workers. Health and safety standards were determined on an industry-specific basis. There were 112 persons killed in industrial accidents during the year. The National Social Security Authority (NSSA) reported an increase in the number of fatal accidents in the construction, electrical, and telecommunications industries and cited unskilled contract personnel performing jobs formerly done by professionals. In theory labor relations officers from the MPSSLW were assigned to monitor developments in each plant to ensure that government minimum wage policy and occupational health and safety regulations were observed; however, in practice these offices were understaffed, could not afford to inspect routinely workplaces, and relied on voluntary compliance and reporting by employers.

The Government designated the Zimbabwe Occupational Safety Council (ZOSHC) to regulate safe work conditions. The ZOSHC was a quasi-governmental, advisory body comprised of six representatives each from the Government, employers, and trade unions. The National Director of the ZOSHC was responsible for enforcing worker safety regulations, and the director reported weekly to the MPSSLW on actions taken. Budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The NSSA continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued 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 continued to risk the loss of their livelihood if they did so during the year.

Legal foreign workers, including those who were born in Zimbabwe but do not possess a residency document, were covered by ZOSHC's safety standards, but domestic workers were excluded because of the impracticality of enforcing standards in private homes. Government workers also were excluded.

According to the ZCTU, some employers took advantage of illegal refugees for inexpensive labor. Because the job market traditionally was worse in neighboring countries such as Malawi and Mozambique, refugees were willing to risk arrest and work for wages below the legal minimums. However, there was a continuing tendency during the year for economic refugees to flee the country and seek work in countries such as South Africa and Botswana.

f. Trafficking in Persons.—No laws specifically address trafficking in persons, and there continued to be infrequent reports that persons were trafficked, particularly women and children, from and through the country to South Africa for prostitution and forced labor. Common law prohibits abduction and forced labor, and the Sexual Offenses Act (SOA) makes it a crime to transport persons across the border for sex (see Section 5). Traffickers also can be prosecuted under other legislation, such as immigration and abduction laws. The primary government authority to combat trafficking was the ZRP; however, they relied on NGOs to alert them to any cases.

No NGO or law enforcement agency had any direct evidence of or statistics on either trafficking or child prostitution by year's end. A few NGOs, including South Africa-based Molo Songololo, Harare-based Save the Children Norway, and Connect had some reports of both trafficking and child prostitution. An international NGO compiled a qualitative report on the commercial sex industry in the country, and news reports suggested that minors were engaged in commercial sex work; however, no specific cases were identified and no report suggested the scope of the problem. After an initial investigation, the International Organization of Migration (IOM) cancelled a planned report on trafficking in Zimbabwe reportedly due to a lack of case evidence.

In February, an international NGO compiled approximately 20 reports, most of which were of Zimbabwean female teenagers whose families, in the economic decline, had accepted some form of payment in exchange for allowing them to work in brothels, notably in the border town of Beitbridge. Molo Songololo claimed that Zimbabwe was a transit point for children being trafficked from countries such as those in Asia and Malawi to South Africa; however, they could provide no specific examples or numbers of cases.

While it commonly was known that many Zimbabwean women worked in the hotel industry in South Africa, sometimes a euphemism for commercial sex work, and many Zimbabweans were low-wage agricultural workers in South Africa, there was no evidence of coercion or force in these areas.

A trafficked person had the option to take his or her case before the victim-friendly courts; however, no cases were filed during the year.